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Jamaica

Caribbean Law and Jurisprudence

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1847

## The Laws of Jamaica, 1846-47

Jamaica

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THE  
LAWS OF JAMAICA.  
ANNO 10 VICTORIÆ  
1846-47.

OCT 17 1911



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THE

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# LAWS OF JAMAICA,

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PASSED IN THE TENTH YEAR OF THE REIGN OF

# QUEEN VICTORIA.

OCT 17 1911

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*Published under the Direction of the Commissioners appointed by  
59 GEO. III. CAP. XXIV.*

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JAMAICA:

PRINTED FOR WILLIAM J. PEARSON, SPANISH-TOWN.

M.DCCC.XLVII.

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1885

# T A B L E

OF

## THE PUBLIC AND PRIVATE ACTS;

CONTAINING

*The TITLES of those passed in the Tenth Year of  
the Reign of Queen Victoria.*

### PUBLIC ACTS.

ANNO 10 VICTORIÆ, 1846—47.

[*Passed 14th December, 1846.*]

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*Chang*  
*get both end of the year*  
*only you*

TABLE OF THE ACTS.

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THE

# LAWS OF JAMAICA.

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ANNO REGNI DECIMO VICTORIÆ.

C A P. I.

*An act to continue in force, for a limited period, an act, entitled "An ANNUAL act for establishing and declaring rules and articles of war."*

C A P. II.

*An act appointing certain commissioners to inspect the books of the ANNUAL receiver-general, and to settle and adjust the public accounts, and for other purposes.*

C A P. III.

*An act to revive and continue in force, for a limited period, an act, ANNUAL entitled "An act for the further regulation of the service and execution of process, and the returns thereof, and rendering the duty of jurors more equal; for empowering the supreme court of judicature to grant special juries; for granting a daily subsistence to crown witnesses confined in gaol for want of security, and for other purposes; and to amend the twenty-second clause of the said act, and to legalize the fees of the clerk of the crown."*

C A P. IV.

*An act to encourage the breed of horses, neat cattle, and mules.*

**W**HEREAS breeding of good, strong, and useful horses, neat Preamble, cattle, and mules, within this island, tends to the great benefit of the same, and will also be of great convenience and profit to the inhabitants thereof: *And whereas* the present breed of horses may be diminished,

diminished, by reason that in pastures, commons, savannas, and waste grounds within this island, very small horses, and of little value, are not only suffered to pasture and feed thereon, but to cover mares: For remedy whereof, and for the increase of better, more useful, and stronger horses in this island, *We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, do most humbly beseech your majesty that it may be enacted: Be it therefore enacted by the lieutenant-governor, council, and assembly of the said island, and it is hereby enacted and ordained by the authority of the same,* That from and after the passing of this act, no person or persons, upon any pretence whatsoever, shall put to pasture, or suffer to run at large, upon commons, savannas, or waste grounds within this island, any stoned horse or horses, not being of the height of fourteen hands and a half, and three years old and upwards, to be measured from the lowest part of the hoof of either of the fore feet to the highest part of the withers, and every hand to contain four inches of the standard, upon pain of forfeiture of the said horse or horses, which shall be so put to pasture, or suffered to run at large, upon any commons, savannas, or waste grounds.

Stoned horses under  
14 hands high, and  
three years old,  
found at large forfeited.

Persons finding  
such to take them  
before a magistrate,  
who, upon measure-  
ment, shall declare  
them forfeited, except  
owner pays £6.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for any person or persons, who shall find any such stoned horse or horses at pasture, or running at large, in or upon the said commons, savannas, or waste grounds, contrary to the true intent and meaning of this act, to seize and take the said horse or horses so found, and carry the same before any one of her majesty's justices of the peace for the parish or precinct wherein the offence shall be committed, in order to have the said horse or horses measured in the presence and view of the said justice, and if the said horse or horses shall be found not of the height aforesaid, then the said horse or horses shall be forfeited to, and the property thereof immediately vested in, the person or persons taking up the same (on his making oath to the time and place where the said horse or horses was or were taken up), unless the owner or proprietor of such horse or horses, or some person on his or her behalf, shall tender to the party seizing or taking such horse or horses the sum of six pounds for each horse so taken, in which case such horse or horses shall (being first castrated, and the owner paying the expence of such castration,) be restored to the proprietor thereof, or to any person on his or her behalf, any law, custom, or usage to the contrary notwithstanding.

Infected horses not to  
be allowed to go at  
large, under penalty of  
£6.

III. *And be it further enacted,* That no person or persons shall, after the passing of this act, put to pasture, or suffer to run at large, any horse, mare, or gelding, or any mule or ass infected with scab, mange, farcy, or glanders, in or upon the said commons, pastures, savannas, or waste grounds, or in or upon any highway, or in any street or lane, upon pain of forfeiting, for every such offence, a sum not exceeding six pounds, to be recovered in a summary manner before two or more justices of the peace of the parish or precinct in which the offence shall be committed.

IV. *And*

IV. *And be it further enacted by the authority aforesaid,* That any person or persons who shall, after the passing of this act, knowingly put in or turn into or upon any of the pastures, commons, savannas, or waste grounds, or in or upon any highway, or in any street or lane, any horse, mare, or gelding, or any mule or ass, having the farcy, glanders, or other infectious diseases, shall, for every such offence, forfeit the sum of twelve pounds, to be recovered in a summary manner as aforesaid: *Provided,* That nothing herein contained shall extend to prevent any person injured by any such act from bringing his action in any court of record in this island for the damage sustained.

Persons knowingly turning out such horses forfeit £12.

Provided.

V. *And be it further enacted by the authority aforesaid,* That on due proof, by competent witnesses, that such horse, mare, gelding, mule, or ass is infected as aforesaid, being made before a magistrate, he shall order the beast to be destroyed.

Infected horses may be destroyed.

VI. *And be it further enacted by the authority aforesaid,* That the receiver-general for the time being shall, and he is hereby required and directed to, pay on each thirty-first day of December during the continuance of this act (out of any monies in his hands unappropriated,) the sum of twenty guineas to the breeder of the heaviest steer, cow, or heifer, whose four quarters, when slaughtered, shall exceed thirteen hundred pounds weight, exclusive of all offals, which shall be killed previous to the thirty-first day of December in each year, on his producing a certificate, sworn to by the slaughterer thereof.

Receiver-general to pay twenty guineas for heaviest steer, etc.

VII. *And whereas* it is necessary to encourage the importation into this island of entire horses and mares for the purpose of breeding stock suitable for agricultural purposes: *Be it therefore enacted by the authority aforesaid,* That the receiver-general for the time being shall, and he is hereby required and directed to, pay on each thirty-first day of December during the continuance of this act (out of any monies in his hands unappropriated,) the sum of thirty pounds as a premium to the importer or importers of each of the first five entire horses of either of the Cleveland-Bay, Clydesdale, or Suffolk punch breeds, not less than three nor above six years of age, not under fifteen and a half hands in height, imported in each and every year during the continuance of this act, and that the receiver-general for the time being shall also pay as aforesaid the sum of twenty pounds to the importer or importers of each of the first five mares, not less than three years, nor above five years of age, and not under fifteen hands in height of either of the above mentioned breeds imported in each and every year during the continuance of this act, the breed of the said horse or horses, mare or mares, so imported, to be certified by competent persons in Britain, which certificate or certificates shall accompany the said horses or mares on their importation into this island, and that the importer or importers shall produce the horse or

Premium on importation of entire horses of certain breeds.

On importation of mares.

horses, mare or mares, so imported, to the custos, members of the parish, and any two other magistrates of the parish in which the horse or horses, mare or mares, may be imported; any three of whom, on being satisfied that the horse or horses, mare or mares, are such as are contemplated by this act, shall certify the same to the receiver-general for the time being, who shall pay the premium to the importer or importers, or to his, her, or their agent or representative.

Penalties, how applicable.

VIII. *And be it further enacted by the authority aforesaid,* That all fines and penalties mentioned and contained in this act, and not declared how they shall be applied, shall be applied, one moiety to her majesty, her heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him, her, or them, who shall sue for the same.

Act to continue in force till 31st December, 1849.

IX. *And be it enacted by the authority aforesaid,* That this act shall continue and be in force from the thirty-first day of December, in the present year, until the thirty-first day of December, one thousand eight hundred and forty-nine.

## C A P. V.

### *An act for regulating the sale of gunpowder and fire-arms.*

Preamble.

WHEREAS by the importation and sale of gunpowder and fire-arms without restriction, they may often fall into the hands of improper persons, which may prove of the most pernicious consequence to the inhabitants of this island, if not prevented: *Be it therefore enacted by the lieutenant-governor, council, and assembly, and it is hereby enacted by the authority of the same,* That every master of every ship or other vessel, arriving in any of the ports in this island, having gunpowder or fire-arms on board, and every master of every drogger, having gunpowder or fire-arms on board, shall, and he is hereby required at the time of entry of such ship or other vessel, to become bound to our sovereign lady the queen in a bond, with two or more sureties, in the secretary's office of this island, and in the penal sum of two hundred pounds, that he will not, under any pretence whatsoever, land, or permit or suffer to be landed, any such gunpowder or fire-arms without a licence for that purpose first had and obtained under the hand of the custos, mayor, or senior magistrate, or commanding officer of the militia of the parish or precinct in which such port of entry shall be, under the penalty or forfeiture of his said ship or vessel, her guns, tackle, ammunition, and apparel; and the said custos, mayor, or senior magistrate, or commanding officer of the militia, is hereby required to direct the gunpowder or fire-arms, when so landed, to be lodged in the fort or magazine nearest to such port where such ship or vessel shall arrive, or some proper place of security,

Master of vessel to enter into bond not to land gunpowder or fire-arms without a licence, under forfeiture of vessel, &c.

Custos, mayor, or senior magistrate to direct gunpowder to be lodged in a place of security.

ity, such as may be approved of by the said custos, mayor, or senior magistrate.

II. *And be it further enacted*, That no person or persons whomsoever within this island shall, after the passing of this act, deal in, sell, or barter, under any pretext or means whatsoever, and under a penalty of one hundred pounds for every offence, any gunpowder or fire-arms of any description before such person or persons shall have first obtained a licence for that purpose under the hand and seal of the governor, or person exercising the functions of governor for the time being, which licence shall not be granted but upon a certificate from the justices and vestry of the parish in which such person resides, and in which such gunpowder and fire-arms are to be sold; which certificate must specify that he, she, or they, is or are of good reputation, and fit to be entrusted with the sale of gunpowder and fire-arms.

Persons disqualified from selling gunpowder or fire-arms before first obtaining a licence for that purpose.

III. *And be it further enacted by the authority aforesaid*, That before any such certificate shall be granted by the justices and vestry as aforesaid, the person applying for such certificate shall pay to the churchwardens of the parish in which such gunpowder or fire-arms are to be sold the sum of ten pounds for the use of the said parish, and shall also take the following oath before any one of her majesty's justices of the peace of the parish in which he, she, or they reside, and in which such gunpowder or fire-arms are to be sold :

Before justices and vestry grant certificate, 10*l.* is to be paid by the person applying therefor.

“ I, A. B. do swear, that I will not, with an evil intent, sell, barter, give, or otherwise dispose of, under any pretext or means whatsoever, any gunpowder or fire-arms, or suffer any person or persons in my service or employ, or under my direction or authority, to sell, or barter, or give, or otherwise dispose of, under any pretext or means whatsoever, any gunpowder or fire arms; and that I will, once in each and every year, at the quarterly vestry to be held on or after the twenty-eighth day of March (and if in the parish of Kingston to the corporation,) return to the vestry or corporation a general account, on oath, of all such gunpowder or fire-arms as shall have been sold or bartered by me during the said year. —So help me God.”

Who is to take this oath.

And no person shall have a licence granted to him for the sale of gunpowder or fire-arms as aforesaid, until he shall have become bound to our sovereign lady the queen in a bond, with two good and sufficient securities, in the sum of one hundred pounds, for the due performance of the said trust, agreeably to the said oath and this act; and the parties so entering into bond shall pay to the clerk of the peace of the parish in which he resides the sum of fifteen shillings and no more for drawing up and keeping the said bond.

Bond to be entered into before licence granted.

And 15*s.* paid to the clerk of the peace.

IV. *And be it further enacted*, That when any justice of the peace shall

Justices empowered to issue warrant to search for gunpowder and fire-



arms suspected to be lodged in improper places,

which shall be forfeited,

and offenders to be fined, not exceeding 6*l*. or three months' imprisonment.

shall receive information on oath that gunpowder or fire-arms are deposited, or suspected to be deposited, in any vessel, house, store, or improper place, and in any quantity contrary to the meaning of this act, he shall forthwith issue his warrant to cause search to be made in the suspected vessel, house, store, or other place; and if any gunpowder or fire arms shall be there found, contrary to the meaning of this act, such gunpowder shall be forfeited for the use of the parish in which the same shall be found; and the master of the vessel, or the occupier of the house or premises in which such gunpowder or fire-arms shall be found, shall, in a summary manner, before two justices of the peace, forfeit and pay a sum not exceeding sixty pounds, to be also applied to the use of the parish where the offence shall be heard and determined, or the offender, in such case convicted, shall be imprisoned for a space of time not exceeding three months, as to the justices shall seem fit and proper.

Persons licenced to sell gunpowder and fire-arms to keep same in proper places of security, except one barrel.

Persons having custody thereof not to deliver it without an order of custos, mayor, &c. under penalty.

V. *And be it further enacted by the authority aforesaid,* That any person or persons, so licenced to sell gunpowder or fire-arms, shall, in order to prevent any danger that may happen, be obliged to put and keep all his, her, or their gunpowder, except the quantity of one barrel at a time, in the fort or magazine, or some proper place of security, such as may be approved of by the custos, mayor, or senior magistrate, or commanding officer of the militia nearest or most contiguous to the place of residence of such person so licenced to sell gunpowder as aforesaid; and the captain of the fort, and all others that have the custody of the said magazines, or the persons having charge of such gunpowder, or any of them, are hereby obliged and required to receive and keep the said powder, and deliver out the same only under an order of the custos, mayor, or senior magistrate, or commanding officer of the militia of the parish or precinct where such persons shall reside, as occasion shall require, under the penalty of sixty pounds, for which he shall have and receive from the owner thereof at and after the rate of six shillings per barrel, containing not more than one hundred pounds weight, three shillings for every half barrel containing not more than fifty pounds weight, and one shilling and six pence for every quarter barrel containing not more than twenty-five pounds weight.

Persons in possession of more than 10lbs. of gunpowder, or any quantity of fire-arms to give in an account of same, under penalty of 30*l*.

VI. *And be it further enacted by the authority aforesaid,* That all and every person or persons whomsoever who shall, at the time of the passing of this act, have in his, her, or their power, custody, or possession, any quantity of gunpowder or fire-arms for sale or otherwise, exceeding ten pounds weight, shall, and they are hereby required, under the penalty of thirty pounds, to give an exact account of the same, and also of the number of fire-arms, upon oath, within forty-eight days after the passing of this act, to the custos, mayor, or senior magistrate, or commanding officer of the militia respectively of the parish where such person or persons reside.

VII. *And*

VII. *And be it further enacted*, That all and every such person or persons who shall, at the time of the passing of this act, have any gunpowder or fire-arms in his or their possession for sale or otherwise, shall, at the first vestry to be held on or after the twenty-eighth day of March in every year during the continuance of this act, for the parish or precinct in which such persons shall reside, and at the first meeting of the common council in Kingston, on or after the twenty-eighth day of March in every year, give in, upon oath, an account of all such gunpowder or fire-arms as may have been expended, sold, or otherwise disposed of by them, from the time of the passing of this act until the said vestry day, or meeting of the court of common council, and the purposes for which the same shall have been expended or sold, under the like penalty of thirty pounds.

Returns of expenditures of gunpowder and fire-arms in possession of persons, at the time of the passing of this act, to be given in.

VIII. *And be it further enacted by the authority aforesaid*, That at all times hereafter all persons importing, or otherwise receiving any quantity of gunpowder exceeding fourteen pounds weight, or any number of fire-arms for sale or otherwise, shall give in upon oath, at the said vestry to be held for the parish or precinct where such person shall reside, and to the corporation of Kingston at their said meeting, under a penalty not exceeding sixty pounds, an account of all such gunpowder or fire arms as may be then in the custody, power, or possession of such person or persons, and an account of what may have been sold, expended, or otherwise disposed of during such year, and the purposes for which the same shall have been sold, expended, or otherwise disposed of.

Returns to be made of all gunpowder and fire-arms in possession, and what have been sold or expended, under penalty of 60*l*.

IX. *And be it enacted by the authority aforesaid*, That all penalties under this act shall be determined upon in a summary manner before any three justices of the peace for the parish or precinct in which the offence shall be committed; and, in any cases where the justices shall fine, one half shall be to the informer, and the other half to the poor of the parish in which the person or persons shall be convicted: *Provided*, That nothing in this act contained shall in any manner tend to alter, diminish, or abridge the power and authority of the governor, or person exercising the functions of governor, to entrust any person with gunpowder and fire-arms, as he shall see fit, for public purposes.

Penalties to be determined on before any three justices of the peace in the precinct where offence is committed.

Proviso.

X. *And be it enacted*, That this act shall continue in force from the thirty-first day of December, in the present year, until the thirty-first day of December, one thousand eight hundred and forty-nine.

This act to be in force till 31st December, 1849.

## C A P. VI.

*An act for compensating the families of persons killed by accidents.*

Preamble.

**W**HEREAS no action at law is now maintainable against a person who, by his wrongful act, neglect, or default, may have caused the death of another person; and it is oftentimes right and expedient that the wrong doer, in such case, should be answerable in damages for the injury so caused by him: *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same,* That whensoever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued,) have entitled the party injured to maintain an action, and recover damages in respect thereof, then, and in every such case, the person who would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

An action to be maintainable against any person causing death through neglect, &c. notwithstanding the death of the person injured.

Action to be for the benefit of certain relations, and shall be brought in the name of the executor or administrator of the deceased.

II. *And be it further enacted,* That every such action shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and shall be brought by, and in the name of the executor or administrator of the person deceased; and, in every such action, the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively, for whom, and for whose benefit such action shall be brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties in such shares as the jury, by their verdict, shall find and direct.

Only one action shall lie, and to be commenced within twelve months.

III. *Provided always, and be it enacted,* That not more than one action shall lie for and in respect of the same subject matter of complaint; and that every such action shall be commenced within twelve calendar months after the death of such deceased person.

Plaintiff to deliver a full particular of the person for whom damages shall be claimed.

IV. *And be it further enacted,* That in every such action the plaintiff on the record shall be required, together with the declaration, to deliver to the defendant, or his attorney, a full particular of the person or persons for whom, and on whose behalf, such action shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

Construction of act.

V. *And be it further enacted,* That the following words and expressions are intended to have the meanings hereby assigned to them

them respectively, so far as such meanings are not excluded by the context, or by the nature of the subject matter; that is to say,

Words denoting the singular number, are to be understood to apply also to a plurality of persons or things:

And words denoting the masculine gender, are to be understood to apply also to persons of the feminine gender:

And the word "person" shall apply to bodies politic and corporate:

And the word "parent" shall include father and mother, and grandfather and grandmother, and step-father and step-mother:

And the word "child," shall include son and daughter, and grandson and grand-daughter, and step-son and step-daughter.

VI. *And be it enacted*, That this act shall come into operation from and immediately after the passing thereof. Act to come into operation after its passing.

VII. *And be it enacted*, That this act may be amended or repealed by any act to be passed this session. Act may be amended or repealed.

#### C A P. VII.

##### *An act to abolish deadlands.*

**W**HEREAS the law respecting the forfeiture of chattels, which have moved to or caused the death of man, and respecting deadlands, is unreasonable, and inconvenient: *Be it enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, there shall be no forfeiture of any chattel for or in respect of the same having moved to or caused the death of man, and no coroner's jury, sworn to inquire, upon the sight of any dead body, how the deceased came by his death, shall find any forfeiture of any chattel which may have moved to or caused the death of the deceased, or any deadland whatsoever; and it shall not be necessary, in any indictment or inquisition for homicide, to allege the value of the instrument which caused the death of the deceased, or to allege that the same was of no value. Preamble.

Deadlands abolished, and the value of the instrument by which death is caused need not be stated in indictments or inquisitions for homicide.

#### C A P. VIII.

*An act to continue in force, for a limited time, the duties on rum, brandy, gin, and other distilled spirits, retailed or consumed in this island.* ANNUAL.

## C A P. IX.

ANNUAL.

*An act for laying a duty on tonnage, for regulating how the duty of gunpowder, payable on tonnage, is to be received, and to enable the receiver-general to import and purchase gunpowder, under certain regulations.*

## C A P. X.

ANNUAL.

*An act to organize a general police and constabulary forces.*

## C A P. XI.

*An act to amend an act, entitled "An act to regulate wharves, and the rates of wharfage and storage, throughout the island."*

Preamble.

Charge for receiving, weighing, and shipping coffee in bags to be at 3d. per 112lbs. but former charges for receiving, weighing, turning into tierces, and shipping to continue.

WHEREAS, by the act seventh Victoria, chapter fifty-seven, entitled "*An act to regulate wharves, and the rates of wharfage and storage throughout the island,*" and under the schedule A, referred to in the said act, an inequality and overrating of the charge has arisen for wharfage on coffee received and shipped in bags: *Be it enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same,* That from and after the passing of this act, the charge for receiving, weighing, and shipping coffee in bags, at any public wharf in this island, shall be made at and after the rate of three pence per one hundred and twelve pounds, but the charge authorized by the said schedule, for receiving, weighing, turning over into tierces, and shipping, shall continue to be made at and after the rate of nine pence per one hundred and twelve pounds.

## C A P. XII.

*An act to continue in force, for a limited period, an act, entitled "An act to amend and consolidate the several laws of this island relating to the office of coroner, and to provide for the attendance and remuneration of medical witnesses at coroners' inquests, and for other purposes."*

Preamble.

WHEREAS an act, passed in the fifth year of her present majesty's reign, entitled "*An act to amend and consolidate the several laws of this island relating to the office of coroner, and to provide*

*vide for the attendance and remuneration of medical witnesses at coroners' inquests,*" will shortly expire: *And whereas,* by the twenty-seventh clause of the said recited act, it was enacted that the said act shall continue and be in force until the thirty-first day of December, in the present year, one thousand eight hundred and forty-six: *And whereas* it is expedient to continue the said act in force for a longer period than is therein enacted: *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same,* That the said act, entitled, "*An act to amend and consolidate the several laws of this island relating to the office of coroner, and to provide for the attendance and remuneration of medical witnesses at coroners' inquests,*" and every article, clause, matter, and thing in the said recited act contained, be continued in force, from the first day of January next, and be and stand in as full force and effect as if the same were herein and hereby re-enacted, until the thirtieth day of April, one thousand eight hundred and forty-seven.

Former act continued  
in force till 30th April,  
1847.

II. *And be it further enacted,* That from and immediately after the passing of this act, it shall not be lawful for any person, being a coroner of any city or parish of this island, to sit or vote at any meeting of, or be a member, either as a magistrate or otherwise, of the corporate body of Kingston, or of any vestry of this island; and that every election of any person, being such coroner, as a member of the corporation of Kingston, or as a vestryman, or churchwarden of any parish of this island, shall be, and the same is hereby declared to be, *ipso facto* void.

No person being a coroner, to sit or vote in corporation of Kingston, or in any vestry of the island.

III. *And be it enacted,* That this act may be amended, altered, or repealed during the present session of assembly.

Act may be amended  
or repealed.

### C A P. XIII.

*An act to continue in force, for a limited period, an act, entitled "An act for the encouragement of immigration."*

ANNUAL.

### C A P. XIV.

*An act to continue in force, for a limited period, an act, entitled "An act to regulate the fees of the masters of the high court of chancery of this island, and for other purposes."*

**W**HEREAS an act passed in the fifth year of her present majesty's reign, entitled "*An act to regulate the fees of the masters of the high court of chancery of this island, and for other purposes:*" *And whereas,* by the twentieth clause of the said recited act, it is

Preamble.

enacted, that the said act shall continue and be in force until the thirty-first day of December, one thousand eight hundred and forty-six: *And whereas* it is expedient to continue the said act in force for a longer period than is therein enacted: *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same,* That the said act, entitled “*An act to regulate the fees of the masters of the high court of chancery of this island, and for other purposes,*” and every article, clause, matter, and thing in the said recited act contained, be continued in force, from the first day of January next, and be and stand in as full force and effect as if the same were herein and hereby re-enacted, until the thirty-first day of March, one thousand eight hundred and forty-seven.

Former act continued in force till 31st March, 1847.

Act may be amended or repealed.

H. *And be it enacted,* That this act may be amended, altered, or repealed, during the present session of assembly.

#### C A P. XV.

ANNUAL.

*An act to continue in force, for a limited period, an act, entitled “An act appointing commissioners for superintending the buildings belonging to the public, and for appropriating the grants allotted thereto.”*

#### C A P. XVI.

*An act to repeal the seventh Victoria, chapter fifty-four, entitled “An act for registering births and deaths in this island,” and the eighth Victoria, chapter forty-seven, entitled “An act in aid of the seventh Victoria, chapter fifty-four, entitled ‘An act to register births and deaths in this island.’”*

Preamble.

**W**HEREAS it is expedient to repeal two several acts of the legislature of this island, passed in the seventh year of the reign of her present majesty, chapter fifty-four, entitled “*An act for registering births and deaths in this island,*” and in the eighth year of the reign of her present majesty, chapter forty-seven, entitled “*An act in aid of the seventh Victoria, chapter fifty-four, entitled ‘An act to register births and deaths in this island:’*” *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same,* That from and after the passing of this act, every matter, clause, and thing, contained in the said two above-mentioned acts, shall be repealed, and the same are hereby repealed accordingly.

7th Vic. cap. 54, and 8th Vic. cap. 47, repealed.

C A P.

## C A P. XVII.

*An act to amend an act, passed in the ninth year of the reign of her majesty queen Victoria, chapter thirty-two, entitled "An act for making and maintaining a tramway from Old-Harbour Bay, in the parish of Saint Dorothy; by Retreat, in the parish of Saint John, to Worthy-Park, in the said parish, and to Mickleton pen, in the parish of Saint Thomas in the Vale, and to Lucky-Valley, in the parish of Clarendon, and for other purposes."*

**W**HEREAS, for the better protection of the public against accidents, it is expedient to repeal the sixty-second section of the said act, called Price's tramway act, and to re-enact the same with amendments: *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same,* That from and immediately after the passing of this act, the sixty-second section of an act, passed in the ninth year of the reign of her majesty queen Victoria, chapter thirty-two, entitled "*An act for making and maintaining a tramway from Old-Harbour Bay, in the parish of Saint Dorothy, by Retreat, in the parish of Saint John, to Worthy-Park, in the said parish, and to Mickleton pen, in the parish of Saint Thomas in the Vale, and to Lucky-Valley, in the parish of Clarendon, and for other purposes,*" shall be, and stand, and the same is hereby repealed accordingly.

Preamble.

62d sec. of 9th Vic. cap. 32, repealed.

II. *And be it further enacted,* That if the said tramway cross any railroad on a level, George Price, in the said act named, his heirs, or assigns, shall erect, and at all times maintain, good and sufficient gates across such tramway, on each side of the said railroad, where the same shall communicate therewith, and shall employ proper persons to open and shut such gates, and such gates shall be kept constantly closed across such tramway, on both sides of the said railroad, except during the time when carriages, persons, or horses, passing along the said tramway, shall have to cross such railroad; and such gates shall be of such dimensions, and so constructed, as, when closed, to fence in the tramway, and prevent cattle or horses passing along, or being upon the tramway, from entering upon the railroad; and the persons entrusted with the care of such gates shall cause the same to be closed as soon as such carriage, persons, cattle, or horses shall have passed through the same, under a penalty of forty shillings for every default therein, to be recovered as in the said act particularly mentioned.

If tramway cross railroad on a level, gates to be erected on each side of road, and persons to be employed to open and shut same, &amp;c. under penalty.



## C A P. XVIII.

*An act to repeal the eighteenth and nineteenth sections of the act, entitled "An act to establish savings' banks in this island," and to amend the same.*

Preamble.  
18th and 19th sections of 7th William 4th, cap. 14, repealed.

**W**HEREAS it is expedient to repeal the eighteenth and nineteenth sections of the act, passed on the seventeenth day of December, one thousand eight hundred and thirty-six, entitled "*An act to establish savings' banks in this island,*" and to amend the same: *Be it therefore enacted by the governor, council, and assembly, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the eighteenth and nineteenth sections of the said act, passed in the seventh year of the reign of William the fourth, chapter fourteen, entitled "*An act to establish savings' banks in this island,*" shall be, and the same are hereby, repealed.

Trustees shall not receive from one person more than £200 in one year.

II. *And be it enacted,* That it shall not be lawful for the trustees of any savings' bank to receive, from any one depositor, any sum exceeding two hundred pounds in the whole, in any one year ending on the first day of May, nor to receive or hold from any one depositor any sum of money which may, with principal and interest, in the whole exceed the sum of four hundred pounds: *Provided also,* That whenever the sum standing in the name of any one depositor shall exceed the sum of four hundred pounds, all interest thereon shall cease.

Proviso.

Depositor dying, deposits may be paid under certain regulations.

III. *And be it further enacted,* That in case any depositor shall die, leaving any sum of money deposited by him in any savings' bank exceeding the sum of fifty pounds, the same shall only be paid to the representative or representatives of such depositor, on probate of the will, or letters of administration of the estate and effects of the depositor: *Provided always,* That if the whole amount of the principal and interest of any depositor who shall die, shall not exceed the sum of fifty pounds, and it shall satisfactorily appear to the trustees and managers of any savings' bank, that no will was left by such depositor, and that no letters of administration are likely to be taken out of the goods and chattels of such depositor, it shall be lawful for the trustees and managers of such savings' bank to pay the same according to the rules and regulations of the institution, or to pay and divide the same to, and amongst the person or persons appearing to them to be entitled to the effects of the deceased, according to the statute of distributions; which payment, as well as any payments made by the trustees and managers to the representative of a deceased depositor, shall be a valid discharge to the institution: *Provided always,* That any person or persons claiming a superior right to such monies shall have legal remedy against the person or persons who shall have received the same from such savings' bank.

Proviso.

Proviso.

## C A P. XIX.

*An act to alter, explain, and amend an act, passed in the ninth year of the reign of her majesty queen Victoria, entitled "An act for incorporating a company for the cultivation and improvement of lands in the island of Jamaica."*

**W**HEREAS it is expedient to repeal, limit, alter, or amend, some of the powers and provisions conferred and contained in and by the act, entitled "*An act for incorporating a company for the cultivation and improvement of lands in the island of Jamaica:*" *May it therefore please your majesty that it may be enacted by the governor, council, and assembly of this your majesty's island of Jamaica, and it is hereby enacted by the authority of the same,* That so much of the said recited act, as enacts and declares that it should be lawful for the said company, if they should deem it expedient, out of any surplus of monies, or otherwise, to buy up any share in the said undertaking which should be offered for sale, and that in such case, it should be lawful for them, either to direct that any share, so bought, should merge in the said undertaking, or that the same should be transferred to the secretary of the said company, in trust, for the said company, and that any such share might, in such last-mentioned case, at any time thereafter, be sold for the benefit of the said company, and for the raising of any sum of money, which might be wanted for or towards the carrying on or supporting of the said undertaking, or any other purpose necessary for carrying on the same, be, and the same is hereby, repealed.

Preamble.

So much of act as permits the company to purchase its own stock, repealed.

II. *Be it also enacted,* That so much of the said recited act as authorizes and empowers the said company to search for, and work mines of metal, or smelt ores, or minerals, or to produce or manufacture, prepare, refine, or make, for the purposes of sale and traffic, or to purchase of other persons, for purposes of sale and traffic, any article or thing, either of natural growth, or produce, or of manufacture, other than besides and except sugar, molasses, coffee, cotton, cocoa, pimento, rum, dyewoods, and other woods, and indigo, and other produce and products of the soil, be, and the same is hereby, repealed; also that so much of the said recited act as authorizes and empowers the said company to purchase and own, and to hire and charter ships and vessels, shall extend, and be construed to extend, only so far as, but no further, than to enable and empower the said company to purchase and own, and to hire and charter such and so many ships and vessels only, and of and to the extent of such tonnage only, as shall be equal to, but not greater than, the number of tons in weight of produce, which the plantations, estates, and property, owned or purchased, or occupied and managed by the said company, shall, at any time, and from time

Permission to work mines, smelt minerals, own ships, except for carriage of company's produce, revoked.

to

to time, yield or produce, and of which the said company may, at any time, and from time to time, become and be the purchasers and owners.

Amount of loans to persons, limited.

III. *And whereas*, by the said recited act, the said company are empowered to lend money, being the assets and capital of the company, to the owners, possessors, farmers, or planters of lands, tenements, and hereditaments in this island: *Be it further enacted*, That nothing in the said recited act contained shall authorize, nor shall it be lawful for the said company to lend out, and have owing to them, from such persons, and in such manner as in the said recited act set forth, any greater amount of money, in the whole, at any one time, than the principal sum of twenty thousand pounds of British sterling money, exclusive of the interest due, owing, or accruing thereon; and that it shall not be lawful for the said company to lend or advance to any one person, or partnership firm, any greater amount of money, in the whole, at any one time, than the sum of one thousand pounds, British sterling money, exclusive of such interest as aforesaid.

#### C A P. XX.

*An act to extend, alter, and amend an act of the legislature of this island, passed in the ninth year of the reign of her majesty queen Victoria, entitled "An act for making and maintaining a railway from a certain point at or near lands belonging to Cherry-Garden estate, in the parish of Saint Dorothy, thence through the parishes of Saint Dorothy, Vere, Clarendon, and Manchester, to a certain point at or near a certain estate, called Clarendon-Park, in the parish of Clarendon, with liberty to construct branch railways, not exceeding seven miles from the principal line of railway, and for other purposes."*

Preamble.

So much of recited act as empowers the purchase of shares out of surplus monies, and to dispose of same, repealed.

**W**HEREAS it is expedient to repeal, or to limit, extend, or enlarge, or otherwise alter and amend some of the powers and provisions conferred and contained by and in the said recited act: *May it therefore please your majesty that it may be enacted by the governor, council, and assembly of this your majesty's island of Jamaica, and by the authority of the same*, That so much of the said recited act as enacts and declares that it shall be lawful for the said company, if they shall deem it expedient, out of any surplus of monies, or otherwise, to buy up and hold any shares in the said undertaking which shall be offered for sale, and afterwards to dispose of the same in manner in the said act provided, be, and the same is hereby, repealed.

II. *And*

II. *And be it enacted*, That so much of the said recited act as enacts and provides that it shall be lawful for the respective owners and occupiers of any lands, through which the said railway shall be made, and their servants and workmen, at all times to pass and re-pass directly over and across, or under such part of the said railway as shall be made in and upon the said lands, and also along and upon the same, and to ride, lead, or drive, any horse, mule, or ass, or any neat cattle, sheep, swine, or any other beast across the said railway, be, and the same is hereby, repealed.

So much of act as permits parties to pass over railway, repealed.

III. *Provided always, nevertheless, and it is hereby declared and enacted*, That in the mean time, and until the said company shall have made and completed the necessary gates, bridges, arches, hollows, culverts, fences, ditches, drains, and passages, or other proper communications which they are in and by the said recited act required to make, between lands intersected by the said railway, and in manner in the said act provided and required, but no longer or otherwise, it shall be lawful for the owners and occupiers of such lands, and their servants and workmen, and any other persons whose right of way shall be affected by the want of such communication, at all times freely to pass and re-pass, either with or without any carriages, horses, live stock, and other animals, directly (but not otherwise,) across that part of the railway made in or through, or which may adjoin or intersect their respective lands, in the manner and under and subject to the terms and stipulations contained in the said recited act, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the said railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have, in his or their arrangements with the said company, received, or agreed to receive, compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him or them, shall not be entitled so to cross the said railway.

Until bridges, &c. are completed, persons may cross railway,

except they have been compensated.

IV. *And be it also enacted*, That it shall be lawful for the directors of the company, until the railway shall be completed and opened to the public, to pay interest at any rate not exceeding five per centum per annum in respect of the deposits and calls paid on every share, from the day on which such deposits and calls shall have been so paid; such interest to accrue and be paid at such times and places as the directors for the time being shall appoint for that purpose: *Provided always*, That no interest shall accrue to the proprietor of any share upon which any call shall be in arrear in respect of such share, or of any other share held by the same proprietor during the period while such call shall remain unpaid.

Directors may pay interest on calls,

Proviso,

V. *And be it enacted*, That the said company shall not be permitted to exercise any of the rights and privileges of exacting tolls or  
4 H  
payment

No payment for traffic to be demanded, until the line reaches Old-Harbour,

Salt River.

The Alley.

Deeside, or

Clarendon Park.  
Proviso.

payment for traffic on the said railway, until the same shall have been completed and open for traffic to the point on the said line of railway nearest to Old-Harbour; and that in like manner they shall not be permitted to exercise the rights and privileges aforesaid on that portion of the line beyond Old-Harbour, until the same shall be completed to the point on the said line of railway nearest to Salt-River; and that in like manner they shall not be permitted to exercise the rights and privileges aforesaid on that portion of the line beyond Salt-River, until the same shall be completed to the point on the said line of railway nearest the Alley, in the parish of Vere; and that in like manner they shall not be permitted to exercise the rights and privileges aforesaid on that portion of the line beyond the Alley, until the same shall be completed to the point of the line nearest the Milk-River, at Deeside; and that in like manner they shall not be permitted to exercise the rights and privileges aforesaid on that portion of the line beyond the Milk-River, at Deeside, until the same shall be completed to the intended terminus at Clarendon-Park: *Provided always*, That in regard to all those portions of the said line, which may have been completed and opened for traffic within the time specified in this act, the said company shall be at liberty to exercise all the rights, privileges, and immunities conferred by the said act on the entire line of railway, notwithstanding the entire length of railway may not have been completed by the said company.

Railway to be completed by 31st December, 1852.

VI. *And whereas* it is by the recited act enacted, that the said company should, and they were thereby required to, commence the said line of railroad on or before the day therein named, and to complete the same so as to commence operations thereon in the carrying of passengers, produce, and goods, in a safe and proper manner, on or before the thirty-first day of December, one thousand eight hundred and fifty: *Be it also enacted*, That the said period for so making and completing the said line of railway, as above recited, shall be, and is hereby altered and extended to the thirty-first day of December, one thousand eight hundred and fifty-two; and in the event of failure of such completion thereof, the said recited act, and this act, and all advantage to accrue therefrom to the said company, shall cease and determine, without remedy on their part; save only and except as to so much of the said railway and works as shall be declared and certified to have been completed within the said extended term, by the justices of the peace of the parish or precinct, in whose jurisdiction any such completed portion of the railway and works shall happen to be, or any two of them, assembled at the usual place of parochial meetings, to be held at any time before the said thirty-first day of December, one thousand eight hundred and fifty-two, or within six calendar months then next following, upon the evidence of two or more witnesses to be produced, sworn and examined before and by such justices for that purpose; or unless by such sanction or consent as to time or otherwise, as in the said recited act is provided.

VII. *Be*

VII. *Be it also enacted*, That where, in this act, any words shall be used importing the singular number or the masculine gender only, the same shall be understood to include several matters as well as one matter, several persons as well as one person, and females as well as males, and bodies politic, corporate, and collegiate, aggregate or sole, ecclesiastical, and lay, as well as individuals, unless in any of the cases aforesaid it be otherwise specially provided, or there is something in the subject or context repugnant to such construction.

Interpretation of  
this act.

VIII. *Be it also enacted*, That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others in any of the courts of the said island, without being specially pleaded.

Public act.

### C A P. XXI.

*An act to raise a revenue by duty on all articles imported into this island for internal consumption, and to grant a drawback of such duties on certain articles when exported from this island, and on which the import duties have been paid.*

ANNUAL.

### C A P. XXII.

*An act to repeal certain duties of customs, levied under an act of the imperial parliament, entitled "An act to regulate the trade of the British possessions abroad."*

**W**HEREAS, by an act of the imperial parliament, passed in the ninth and tenth years of her present majesty, entitled "*An act to enable the legislatures of certain British possessions to reduce or repeal certain duties of customs*," it is enacted, that if the legislature, or other proper legislative authority of any of the British possessions in America, or the Mauritius, make or pass any act or ordinance, reducing or repealing all or any of the duties of customs imposed under and by virtue of an act of the said imperial parliament, passed in the eighth and ninth years of her present majesty, entitled "*An act to regulate the trade of the British possessions abroad*," upon any articles imported into such possession; and if her majesty, by and with the advice of her privy council, assent to such act or ordinance, such duties of customs shall, upon a proclamation of such assent in the colony, or at any time thereafter which may be fixed by such act or ordinance, be so reduced or repealed in such possession as if such reduction or repeal had been effected by an act or acts of the imperial legislature: *And whereas* it is expedient that the duties levied on imports into this island, under the provisions of the aforesaid act, should be repealed: *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted*

Preamble.

After 1st August, duties of customs levied under British possessions act repealed.

and ordained by the authority of the same, That from and after the first day of August, one thousand eight hundred and forty-seven, the said duties of customs, heretofore levied under the provisions of the act of the imperial legislature, entitled "*An act to regulate the trade of the British possessions abroad,*" shall be, and the same are hereby, repealed.

### C A P. XXIII.

*An act to continue in force, for a limited time, and to amend an act, entitled "An act to consolidate and amend the several acts for the regulation and collection of the public taxes, and to make further and other provisions for the same.*

Preamble.

WHEREAS an act, passed in the seventh year of her present majesty, entitled "*An act to consolidate and amend the several acts for the regulation and collection of the public taxes, and to make further and other provisions for the same,*" will expire at the close of the present session of the legislature, and it is expedient to continue the same for a limited period: *Be it enacted by the governor, council, and assembly of this island, and it is hereby enacted by the authority of the same,* That an act, entitled "*An act to consolidate and amend the several acts for the regulation and collection of the public taxes, and to make further and other provisions for the same,*" shall, except in so far as the same is hereinafter altered or amended, continue and be in force until the thirty first day of December, one thousand eight hundred and forty-seven, as fully, in all respects, as if the provisions therein contained were hereby re-enacted.

Act for the regulation and collection of the public taxes, revived, and continued in force till 31st December, 1847.

58th and 59th clauses of same, repealed.

II. *And whereas* it is expedient to amend the above recited act: *Be it further enacted,* That the fifty eighth and fifty-ninth sections thereof be, and the same are hereby, repealed.

Salaries of collecting constables fixed.

III. *And be it further enacted,* That the several collecting constables shall receive, over and above the commissions to be paid to them under this act, the following salaries, to be paid by the receiver-general on the day by this act appointed for the first payment of taxes to the receiver-general, *videlicet,* to each of the collecting constables of Saint Ann, Saint James, Hanover, Saint Thomas in the East, Clarendon, Manchester, Saint Elizabeth, Westmoreland, and Trelawny, the sum of one hundred and fifty pounds; to each of the collecting constables of Saint Andrew, Saint Mary, Saint Catherine, Saint Thomas in the Vale, and Metcalfe, the sum of one hundred and twenty-five pounds; to each of the collecting constables of Saint John,

John, Vere, Saint Dorothy, Saint David, Portland, Saint George, and Port-Royal, the sum of one hundred pounds; and to each of the collecting constables of Kingston, the sum of one hundred pounds, which several sums shall be in full of all parochial as well as public salary.

IV. *And be it further enacted*, That the several clerks of the vestry, and the clerk of the common council of Kingston, shall be entitled to receive, on the delivery of the duplicate rolls of assessment required under the hereinbefore recited act, to the receiver-general, at any time before the tenth day of July, in the year of assessment, the following salaries, *videlicet*, to the clerk of the common council of Kingston, and to each of the clerks of the vestry of the parishes of Manchester, Saint Ann, Saint Thomas in the East, Trelawny, Saint James, Hanover, Westmoreland, and Saint Elizabeth, ninety pounds; to each of the clerks of the vestry of the parishes of Saint Catherine, Saint Thomas in the Vale, Clarendon, Saint Mary, Saint Andrew, and Metcalfe, seventy-five pounds; to each of the clerks of the vestry of the parishes of Port-Royal, Saint John, Saint Dorothy, Saint David, Portland, Saint George, and Vere, sixty pounds; which several sums shall be paid to them by the receiver-general, and which payment shall be in full of all other emoluments given by any act or to the clerk of the vestry, or clerk of the common council for the performance of his duties, in relation to the taxes under the said act, or any of them: *Provided always*, That for creating uniformity in the several rolls required under the said hereinbefore recited act, the said duplicate rolls shall be made out alphabetically, and in such form as the receiver-general shall direct, in conformity with the said hereinbefore recited act.

Clerks of the vestries and corporation to receive remuneration for duplicate rolls.

Proviso.

V. *And be it further enacted*, That in future no member of either branch of the legislature, not now holding the office, shall be eligible to be appointed collecting constable.

No member of the legislature eligible to be appointed collecting constable.

#### C A P. XXIV.

*An act to continue in force, for a limited time, and to amend an act, entitled "An act to consolidate and amend the several acts for the regulation and collection of the parochial taxes, and to make further and other provisions for the same."*

WHEREAS an act, passed in the seventh year of her present majesty, entitled "*An act to consolidate and amend the several acts for the regulation and collection of the parochial taxes, and to make further and other provisions for the same,*" will expire at the close of the present session of the legislature, and it is expedient to continue the

Preamble.



The 7th Vic. chap. 39, except as hereafter altered, continued in force till 31st December, 1847.

the same for a limited period: *Be it enacted by the governor, council, and assembly of this island, and it is hereby enacted by the authority of the same, That an act, entitled "An act to consolidate and amend the several acts for the regulation and collection of the parochial taxes, and to make further and other provisions for the same," shall, except in so far as the same is hereinafter altered, or amended, continue and be in force until the thirty-first day of December, one thousand eight hundred and forty-seven, as fully in all respects, as if the provisions therein contained were hereby re-enacted.*

The 24th section repealed.

II. *And whereas it is expedient to amend the above recited act: Be it further enacted, That the twenty-fourth section thereof be, and the same is hereby, repealed.*

#### C A P. XXV.

ANNUAL.

*An act for laying a duty on all rum, brandy, gin, and other distilled spirits retailed or consumed within this island, and for laying a further tax on licences to be granted for the retailing of brandy, gin, rum, and other distilled spirits.*

#### C A P. XXVI.

*An act to amend certain acts incorporating the Kingston and Liguanea Water Works Company.*

Preamble.

**W**HEREAS it is expedient, for the better protection of the public, to amend certain acts incorporating the Kingston and Liguanea Water Works Company, that is to say, a certain act, made and passed in the seventh year of the reign of her present majesty, entitled "*An act to repeal an act, entitled 'An act to supply the city of Kingston and Liguanea with good and wholesome water from the Hope-River, and for other purposes, and to re-enact the same, with certain amendments;'*" and also a certain act, made and passed in the ninth year of the reign of her said majesty, entitled "*An act for granting additional powers to the Kingston and Liguanea Water Works Company:'*" *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same, That nothing in either of the said two hereinbefore mentioned acts shall be held, construed, or taken to give to, or confer upon the Kingston and Liguanea Water Works Company, any exclusive right or privilege whatsoever in any other place or places, or within the limits of any other place or places, other than within the city and parish of Kingston, and the limits thereof.*

The provisions of the 7th Vic. chap. 66, and the 9th Vic. chap. 11, c on finedo the limits of the city of Kingston only.

The said two acts shall not prevent

II. *And be it further enacted by the authority aforesaid, That nothing in either of the said two above-mentioned acts contained shall*

shall be held, construed, or taken to prevent the legislature of this island from making or authorizing such further or other arrangements, as the said legislature shall, or may consider expedient for the supply of the said city and parish of Kingston, or any part or parts thereof, with water, in case the said company shall, after having been in operation for six months, fail, for a period of six months continuously, to supply the said city and parish of Kingston with such quantity of good and wholesome water, as shall appear to the said legislature to be sufficient, or if the said company shall not, at all times, furnish its supply at such rates as the said legislature shall deem reasonable.

the legislature making other provisions for supplying Kingston with water, if the company fail to do so continuously at reasonable rates, after being in operation six months.

## C A P. XXVII.

*An act to relieve British and certain other vessels trading within the tropic of Cancer from customs' and light house tonnage duties.*

**W**HEREAS it is expedient to facilitate the intercourse between this island and the adjacent ports and places within the tropic of Cancer, by reducing the charges on British vessels engaged in that trade: *Be it enacted by the governor, council, and assembly, and it is hereby enacted by the authority of the same,* That from and after the fifth day of April next, there shall be levied upon British vessels trading between this island and the adjacent ports, within the tropic of Cancer, a tonnage duty of two shillings and six pence per ton for customs' tonnage, and three pence per ton for light-house tonnage, once in each year only, anything in any act of this island to the contrary notwithstanding: *Provided always,* That no other or higher duties of customs and light-house tonnage shall be levied on vessels belonging to such States within the tropic of Cancer, as, under treaties with Great-Britain, admit British vessels into their ports on the same terms as their own.

Preamble.

Vessels trading within the tropic of Cancer, to pay 2s. 6d. per ton for customs' tonnage, and 3d. per ton for light-house tonnage once in each year only.

Proviso as to vessels under treaty with Great Britain.

II. *And be it further enacted,* That this act shall continue and be in force until the thirty-first day of December, one thousand eight hundred and fifty.

This act to be in force till 31st December, 1850.

## C A P. XXVIII.

*An act to regulate the fees of the masters of the high court of chancery of this island, and for other purposes.*

**W**HEREAS the act to regulate the fees of the masters of the high court of chancery of this island, and for other purposes, will shortly expire: *And whereas* it is expedient that the fees and duties of the said masters should be fixed and regulated by law: *We, your majesty's*

Preamble.

*majesty's dutiful and loyal subjects, the governor, council, and assembly of this your majesty's island of Jamaica, do most humbly beseech your majesty that it may be enacted: Be it therefore enacted and ordained by the authority of the same, That the several masters of the high court of chancery of this island shall, from and after the thirty-first day of March, in the present year of our Lord one thousand eight hundred and forty-seven, in all references made to them by orders or decrees of the said court of chancery, from and after the said thirty-first day of March, one thousand eight hundred and forty-seven (save and except references in causes now under appeal,) be entitled to receive and be paid the several sums of money mentioned and set down in the schedules A and B hereunto annexed, as and for their fees for the work, duties, and employment therein specified, and no other; any thing in any former act or acts, law, custom, or usage, touching or relating to fees of masters of the high court of chancery of this island, to the contrary in anywise notwithstanding.*

Masters in chancery after 31st March, in all references made to them, entitled to the fees set down in the schedules A and B.

Masters not entitled to commission at sales, but fees and travelling expenses, as set down in schedule A.

A table of fees to be affixed in the most public place in the register's office within 60 days, after passing of the act, under the penalty of £50.

No master extraordinary to be appointed in the parish of St. Catherine.

Every master to keep an office in the town of St. Jago de la Vega.

II. *And be it further enacted by the authority aforesaid, That the said masters, any or either of them, where any sale or sales is or are directed to be before a master, shall not be entitled, upon such sale or sales, to receive any sum or sums of money whatsoever for commissions, or for his trouble in lieu thereof, but shall be entitled to such fees only for his attendance at such sale, and for his travelling expenses, as are mentioned and set down in the schedule A, hereunto annexed.*

III. *And be it further enacted by the authority aforesaid, That a table of the above mentioned sums, allowed as fees to the said masters, shall be affixed and kept up at the most public place of the office of the register of the high court of chancery of this island, within sixty days next after the commencement of this act, by the register of the said court, under the penalty of fifty pounds.*

IV. *And be it further enacted by the authority aforesaid, That from and after the passing of this act it shall not be lawful to appoint any master extraordinary to act in the parish of Saint Catherine, and if any such appointment shall hereafter be made, the same shall be null and void.*

V. *And be it further enacted by the authority aforesaid, That all masters of the said court of chancery, already or hereafter to be appointed, shall keep an office in the town of Saint Jago de la Vega, and as near to the public buildings therein as circumstances will admit, for the greater convenience to the suitors in the said court, and for the greater facility and despatch of business, and shall register, with the schedule of causes referred to them respectively (hereinafter directed to be made), the name and number of the street in which such office is situated, and that no reference shall be made to a master*  
of

of the said court who shall not reside or have an office within the limits or boundaries of the said town of Saint Jago de la Vega.

VI. *And whereas* monies of and belonging to suitors of the said court of chancery have been, and are from time to time paid into the hands of the said masters under and by virtue of orders of the said court: *And whereas* it is expedient that such monies should be secured, and paid and applied as the said court shall order and direct: *Be it therefore enacted by the authority aforesaid,* That from and after the said thirty-first day of March, one thousand eight hundred and forty-seven, and during the continuance of this act, each and every master of the said court of chancery shall, immediately after receiving any sum or sums of money in such his character or capacity as a master, pay over the same to the receiver-general of this island, on account of the public of this island, to be by him placed to the credit of the cause in which the same shall have been paid, and for which sum or sums of money the receiver-general is hereby required to give a receipt, stating the amount, and the title of the cause in or on account of which the same was paid in, and which sum or sums of money shall bear and carry interest from the date of the same being so paid to the receiver-general, at and after the rate of four *per cent. per annum*, so long as the same shall remain in his hands for the use of the public; and which said sum or sums of money shall not be demanded or paid to any person or persons unless under and by virtue of an order of the court of chancery, to be made in the said cause in which the same shall have been paid, directing the receiver-general for the time being to pay over the same, or to the order of the master in any cause, who shall be directed to appropriate monies under orders or decrees of the said court, any thing in an act, made and passed in the second year of the reign of his late majesty king William the fourth, entitled "*An act for the further regulation of masters in chancery,*" to the contrary notwithstanding, and which said act is hereby repealed.

Masters to pay sums received over to the receiver-general, and the same not to be paid to any person except by virtue of an order of the court of chancery.

VII. *And be it further enacted by the authority aforesaid,* That in case any master of the said high court of chancery shall omit or refuse to pay over to the said receiver-general of this island for the time being any such sum or sums of money coming to his hands as aforesaid, or shall retain the same in his possession fourteen days after the receipt thereof, he shall forfeit and pay to the party or parties entitled to the funds in the cause referred to such master, the sum of twenty pounds, for every day he shall so retain and keep in his possession such monies after the expiration of the said fourteen days, such forfeiture or penalty to be recovered by attachment, in the same manner and form as if he had been guilty of a contempt of court.

Masters not paying over monies within 14 days to forfeit £20 for every day it shall subsequently remain in his possession.

VIII. *And be it further enacted by the authority aforesaid,* That all masters of the said court of chancery shall, from and after the said

Masters to make out a schedule of causes referred to them, to be

hung up in the office of the register of the court for information of suitors.

thirty-first day of March, one thousand eight hundred and forty-seven, make out, half-yearly, on the thirtieth day of June and thirty-first day of December, in each year, a schedule of causes in progress now or hereafter to be referred to them respectively, and insert opposite to the title of each cause, the date of the order of reference, and when and from whom received, the amount of monies, if any, paid to them respectively, and the date of payment, and when they respectively paid over the same to the receiver-general as hereinbefore directed, and the progress they have made in such causes respectively; which schedule shall, at the expiration of each half year, or within fourteen days thereafter, be hung up in the office of the register of the said court, for the inspection and information of the suitors of the said court, or their respective solicitors, and for which schedule or schedules no fee or reward shall be paid to or received by the said masters; and in default of a strict compliance herewith, every master making such default shall forfeit and pay, for every such default, the sum of fifty pounds, to be recovered by attachment, as hereinbefore mentioned.

Accounts, bills of parcels, and invoices to be copied into masters' report, and vouchers to be preserved.

IX. *And be it further enacted by the authority aforesaid,* That every master of the said court of chancery shall hereafter copy every account, bill of parcel, and invoice, into any report which they shall be directed to make in any cause; and all vouchers, receipts, and documents, which have been made use of as evidence before the master shall be kept in the office of the said master, who shall preserve the same for the inspection and perusal of all parties interested therein.

Master to have his bill of costs taxed by register under penalty of £100.

X. *And be it further enacted by the authority aforesaid,* That every master of the said court of chancery shall have each and every of his bill of costs taxed by the register of the said court of chancery, under a penalty of one hundred pounds for every omission so to do, and that no demand of payment, under a like penalty, shall be made by any such master before taxation: *Provided always,* That every such master shall be at liberty to charge, in his said bills or accounts, the sum paid by him to the register for such taxation as aforesaid.

Proviso.

No person appointed master to be sworn in without receiver-general's certificate that he has paid 300*l*.

XI. *And be it further enacted,* That from and after the passing of this act no person, who shall be hereafter appointed master in ordinary of the court of chancery, shall be sworn in to exercise the said office, until he shall have filed, in the office of the register of the said court, a certificate from the receiver-general, of his having paid the sum of three hundred pounds, which said sum shall be carried in aid of the annual funds.

All summonses of master to be peremptory in the first instance.

XII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act all summonses, warrants, and notices, issued out of the office of any of the master of the said court of chancery in this island, shall be peremptory in the first instance, and

on failure of the party or parties served therewith to attend or comply with the exigency thereof, it shall be lawful for the master to proceed in the same manner as he now may do: *Provided always*, That sufficient time be given between the service of the said notice, warrant, or summons, and the time specified therein: *And provided*, That it shall be lawful for the master, upon application of a party or parties, to extend the time, if he shall see cause for so doing.

*Proviso*; sufficient time to be given, which may be extended.

XIII. *And be it further enacted by the authority aforesaid*, That the register of the court of chancery shall not proceed to tax any master's bill, to be incurred for any business performed from and after the commencement of this act, until fifteen days' notice shall have been given to the parties, or to their solicitors, by the master, of the time of taxing such bill; and, after the said bill shall have been taxed, it shall remain filed in the office of the said register, for which he shall be allowed a fee of nine pence.

Register not to tax master's bill until 15 days notice has been given by master to parties; bill to be filed in the office of register, and register to be allowed a fee of 9d.

XIV. *And be it further enacted by the authority aforesaid*, That from and after the said thirty-first day of March, one thousand eight hundred and forty-seven, if, upon any taxation of a master's bill, the register of the court of chancery shall negligently or wilfully tax, or allow any greater or other charges than such as are warranted by this act, whether the same be objected to or not, he shall forfeit and be liable to a penalty of one hundred pounds for every such offence, and such bill shall, on application made to the court, by common motion, be liable to be retaxed at any time: *Provided always*, That in all bills of costs for business done by masters under references heretofore made to them (save and except references in causes under appeal,) the said masters shall be at liberty to charge according to the scale of fees by which they have been governed since the termination of the act regulating their fees; and the register, in taxing such bills, is hereby directed to allow the same.

Register allowing greater fees than authorized by the act, to forfeit 100*l*. for each offence.

*Proviso*; all costs for business under reference previous to this act to be governed by former fees.

XV. *And be it enacted by the authority aforesaid*, That upon any objection being made to such bill, or account, the said register shall, and he is hereby required to, call upon the said master to produce his books, and such other proof as he may be able to adduce in support of his said bill or account.

On objection to bill, register to call on master to produce his book.

XVI. *And be it further enacted by the authority aforesaid*, That in cases of receivership, previous to the recognizance being entered into, six days notice shall be given by the master to the parties, or their solicitors, of the time and place of entering into such recognizance, and of the name or names of the intended securities, that the said parties, or their solicitors, may attend, if they think proper; and it shall be the duty of the master, before whom such recognizance shall be entered into, under the penalty of one hundred pounds, to cause the securities to justify, and to certify, on the back of the recognizance, that he has done so.

In cases of receivership, 6 days notice of the time and place for entering into recognizance, &c. to be given, and securities to justify.

Masters acting contrary to this act, to forfeit the sum of 300*l.* for each offence.

XVII. *And be it further enacted by the authority aforesaid,* That in case any master or masters of the court of chancery of this island, from and after the commencement of this act, on any pretence whatsoever, shall presume to act contrary to the spirit, true intent, and meaning of the several clauses hereinbefore enacted, or ask, demand, take, or receive, any greater or other fees, sum or sums of money, or other reward, save what is hereinbefore prescribed, all and every such master or masters so acting, shall, for every offence, forfeit the sum of three hundred pounds, and be further incapacitated from acting as such master.

All forfeitures to be recovered by bill, plaint, or information, &c. in the supreme court, one moiety to the queen, and the other to the informer.

XVIII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures in this act before-mentioned shall be recovered by action of debt, bill, plaint, or information in the supreme court of judicature of this island, (except where the same is hereinbefore otherwise directed,) wherein no essoin, imparlance, wager of law, or injunction shall be granted, or *non vult ulterius prosequi* be entered or allowed, one moiety whereof shall be to our sovereign lady the queen, her heirs and successors, for and towards the support and government of this island, and the contingent charges thereof, and the other moiety to the informer, or to him, her, or them, who shall sue for the same, any law, custom, or usage, to the contrary thereof in anywise notwithstanding.

Masters leaving the island on leave from chancellor, to be retained in the list as though present, but to receive no emolument.

XIX. *And be it further enacted by the authority aforesaid,* That in case any master shall be obliged to leave this island from ill health or otherwise, and shall obtain leave from the chancellor for the time being so to do, that his name shall be retained in the list and in the same rotation as if he were present in this island during his absence therefrom on such leave, but that no emolument shall accrue to him from such causes until he shall return thereto, but that such emolument shall be taken by the master or masters to whom such causes shall be temporarily referred during such his absence.

This act to be in force till 31st December, 1849.

XX. *And be it further enacted by the authority aforesaid,* That this act, and every clause, matter, and thing herein contained, shall continue and be in force from the thirty-first day of March, in the present year, to the thirty-first day of December, which will be in the year of our Lord, one thousand eight hundred and forty-nine, and no longer.

#### SCHEDULE A.

*Referred to in the foregoing Act.*

For an affidavit, on oath, to answer petition for receiver, injunction, or other special matter or motion; and for his trouble in examining them respectively, and making erasures and interlineations therein, or in documents thereto annexed, for each deponent

£. s. d.

0 16 0  
For

	£.	s.	d.
For all other affidavits, each	0	1	0
For every recognizance entered into for any purpose under any order of court, including the time necessary for enquiring into the nature and extent of the property; taking and marking on the recognizance the justification of the surety or sureties, and all which it shall be the duty of the master to do	1	19	0
For his attendance in taking the examination of witnesses under and by virtue of any order, decree, or commission, issuing out of the high court of chancery of this island, in any cause to them, or either of them, directed, <i>per day</i>	3	0	0
For drafting examinations, for every legal sheet of ninety words	0	4	6
For copying and transcribing fair the examination or examinations of any witnesses, to be by them signed, <i>per sheet of ninety words</i>	0	1	9
For perusing brief, bill, answers, orders, and decrees, in any cause referred to him (save and except reference of receivers' or trustees' annual accounts)	3	0	0
For drafting reports on accounts in chief, or other inquiries under any order or decree of the court, to be made from and after the thirty-first March, one thousand eight hundred and forty-seven, including all accounts of real estate, of which the accounts shall be directed to be taken and stated; for any period preceding the date of such order of reference, <i>per sheet of ninety words</i>	0	4	6
For every warrant, requisition, or summons for the parties to attend before them, or produce books or vouchers	0	3	0
For every certificate signed by any master, and for every notice of taking and stating accounts	0	3	0
For every exhibit, marked or signed by him, and made in proof when a cause shall be at commission, and for examining and marking any and every account or voucher exhibited before him in proof of any account or matter before him	0	1	6
For an engrossed copy of his report to be returned to the court, <i>per sheet of ninety words</i>	0	1	9
For fair copy of reports for perusal of the parties, to be always retained in the master's office, <i>per sheet of ninety words</i>	0	1	0
For a copy of the said report, if required by the parties, or their solicitors, to be paid for by them <i>per sheet of ninety words</i> , and which said copy shall be taxed and allowed by the register in the solicitors' bill of costs	0	1	0
For signing and making up their report	2	0	0
For copies of any vouchers at and after the rate of ninety words <i>per sheet</i> , to be paid for by the party requiring same, and to be taxed and allowed as aforesaid	0	1	0
	<b>For</b>		



	£.	s.	d.
For drawing out every advertisement inserted by the master, including copy	1	10	0
For making all conditions of sale under decrees	3	0	0
For their trouble in attending the sale of any lands or other premises, by virtue of, and under any order or decree of the said court; for each day's attendance at such sale, if in Spanish-Town	5	0	0
But if such sale shall take place elsewhere, at the instance of the complainants, or by the order and direction of the court, such masters shall be respectively entitled to ten shillings <i>per</i> mile from their office to the place of sale, as and for their travelling expences (exclusive of the fee of £5 <i>per</i> day) attending such sale.			
For perusing and signing every conveyance under decree	2	0	0
For postages of letters, packages of accounts and papers, which may be paid for by the master.			

## SCHEDULE B.

*Referred to in the foregoing Act.*

	£.	s.	d.
For all annual accounts of receivers, trustees, or guardians, already referred to the masters, or which hereafter may be referred to them, commencing from and after the date of the order of reference, including a copy for the perusal of the parties.			
For passing, inquiring into, or making the annual report of any estate not shipping or selling more than fifty hogsheads of one thousand six hundred weight, one hundred and twelve pounds to the hundred, the sum of	20	0	0
For an estate making more than fifty, and not shipping or selling more than one hundred such hogsheads	36	0	0
For an estate making more than one hundred, and not shipping or selling more than one hundred and fifty such hogsheads	42	0	0
For an estate making more than one hundred and fifty, and not shipping or selling more than two hundred such hogsheads	48	0	0
For an estate making more than two hundred, and not shipping or selling more than two hundred and fifty such hogsheads	54	0	0
For an estate making more than two hundred and fifty, and not shipping or selling more than three hundred such hogsheads	60	0	0
And for any other sugar estate, let the crop be what it may beyond that number	66	0	0
For a coffee settlement, making not more than fifty tierces of six hundred weight, one hundred and twelve pounds to the hundred, the sum of	18	0	0
			For

	£.	s.	d.
For a coffee settlement making more than fifty, and not making more than eighty of such tierces, the sum of	30	0	0
For a coffee settlement making more than eighty, and not making more than one hundred of such tierces	36	0	0
For a coffee settlement making upwards of one hundred of such tierces	42	0	0
For any pen or other settlement	24	0	0
For any copy of accounts or any voucher or document for parties requiring the same, for which such parties shall pay the master, <i>per</i> sheet of ninety words	0	1	0
For such postages as the master may be liable to pay for, for packages of accounts and letters.			

## C A P. XXIX.

*An act for the regulation of hackney carriages.*

**W**HEREAS it is expedient to make provision for the regulation of hackney carriages: *Be it enacted by the governor, council, and assembly of this island,* That every carriage, with two or more wheels, which shall be used for the purpose of standing or plying for hire in any public street or road in any city or town, or in the neighbourhood thereof, whatever may be the form or construction of such carriage, or the number of persons which the same shall be calculated to convey, or the number of horses by which the same shall be drawn, shall be deemed, and taken to be, a hackney carriage, within the meaning of this act; and in all proceedings at law, or otherwise, and upon all occasions whatever, it shall be sufficient to describe any such carriage as aforesaid by the term "hackney carriage," without further or otherwise describing the same.

Preamble.

Definition of term "hackney carriage."

II. *And be it enacted,* That the proprietor of every hackney carriage, which shall be plying for hire when this act shall come into operation, shall, within seven days after the same shall come into operation, and the proprietor of every hackney carriage, which shall afterwards ply for hire, shall, before he commences to ply the same, leave, at the office of the clerk of the peace of the parish in which the city or town wherein he shall ply shall be situate, a true account, in writing, of his Christian name and surname, and place of abode, in words at length; and every such proprietor shall, in like manner, deliver at the said office a similar account, from time to time, as often as and within seven days next after his place of abode shall be changed, upon pain that every such proprietor, who shall refuse or neglect to deliver such account as aforesaid, and within the time and in the manner directed by this act, shall forfeit forty shillings.

Proprietors of such carriages to leave their names and places of abode with the clerk of the peace.

III. *And be it enacted,* That before any such hackney carriage

Proprietors' names,  
&c. must be painted  
on such carriages.

riage shall be used, or employed, or let to hire, or shall stand or ply for hire, the proprietor of every such carriage shall paint, or cause to be painted, in one or more straight line or lines, in some conspicuous place, on the right or off side of such carriage, the true Christian name, or the initials of the Christian name, and the surname at full length, and place of abode of such proprietor, or the principal proprietor, where there shall be more than one of such carriage, and the number of persons to be carried by such hackney carriage, in words at length, and in the form following, that is to say, "to carry persons:" *Provided*, That sixteen inches be allowed to each person in each carriage; and where more than one carriage shall be held by, or in the name of the same proprietor, every such carriage shall also be numbered with a distinguishing number, and the letters and numbers of all such words shall be painted in legible and conspicuous characters of black or white, (whichever shall most differ from the colour of the ground whereon the same shall be painted,) and the letters of all such words shall be at least one inch in height, and of a proper and proportionate breadth; and all such words shall be repainted or renewed in like manner, from time to time, as often as the same, or any part thereof, shall become obliterated or defaced; and every person who shall omit to comply with any, or either of the aforesaid directions, shall, for every offence, forfeit forty shillings.

Proviso.

Proprietors of same  
to be summoned on  
complaint being  
made against driver.

IV. *And be it enacted*, That when any information or complaint shall be made before any justice of the peace against the driver of any hackney carriage, for any offence committed by him against any of the provisions of this act, such justice shall forthwith summon the proprietor of such hackney carriage, personally to appear, and to produce the driver of such hackney carriage to answer such information or complaint; and if any such proprietor, being duly summoned, shall neglect or refuse personally to appear, or to produce such driver, according to such summons, without a reasonable excuse, to be allowed by the justice or justices before whom he ought to appear according to such summons, such proprietor shall forfeit forty shillings, and so from time to time, as often as he shall be so summoned, until each driver shall be produced by him: *Provided always*, That if such proprietor shall neglect or refuse to appear and produce such driver, on the second, or any subsequent summons requiring him so to do, without a reasonable excuse, to be allowed as aforesaid, it shall be lawful for such justice to proceed to hear and determine the said information or complaint, in the absence of the said proprietor and driver, or of either of them, and upon proof of such offence, by the oath of one or more credible witness or witnesses, to give judgment against such proprietor for the penalty incurred by reason of such offence.

Proviso.

Penalties to be levied  
on proprietors.

V. *And be it enacted*, That pecuniary penalties and costs incurred by reason of any offence committed by the driver of any hackney carriage against the provisions of this act, shall, unless such driver shall pay the same, be levied by distress and sale of the goods of the proprietor

prietor of such hackney carriage; and, for want of sufficient distress, such proprietor shall be committed to the common gaol or house of correction, there to remain for any time not exceeding two calendar months, unless such penalties and costs shall be sooner paid.

VI. *And be it enacted*, That every such proprietor, who shall pay any penalty or costs, incurred by reason of any such offence as aforesaid, committed by such driver, shall be entitled to recover the same from such driver in a summary manner; and, upon complaint made in the premises before any justice of the peace by the said proprietor against the said driver, such justice shall inquire into the same, and shall cause the sum which shall appear to have been so paid as aforesaid by the said proprietor, to be levied by distress and sale of the goods of the said driver; and for want of sufficient distress, such justice shall commit the said driver to the common gaol or house of correction, there to remain for any time not exceeding two calendar months, unless the said sum shall be sooner paid; and every such imprisonment shall be with or without hard labour, as such justice shall direct: *Provided always*, That if the said driver shall have been previously convicted of the offence for which the said penalty or costs shall be as aforesaid paid by the said proprietor, then such proceedings shall be had and taken against the said driver, upon such conviction, for recovery of the penalty and costs in which he shall have been convicted, as might have been had and taken thereon in case the said penalty or costs had not been paid by the said proprietor; and, upon recovery thereof, the sums, so paid by such proprietor, shall be repaid to him.

Proprietor paying costs for offence committed by driver, entitled to recover from same.

Proviso.

VII. *And be it enacted*, That in case of any dispute between the proprietor of any hackney carriage and the driver thereof, then, upon complaint made before any justice of the peace by such proprietor against such driver, or by such driver against such proprietor, such justice shall inquire into and determine the same, and shall award and order such compensation to be made to either party, as to such justice shall seem proper; and in case of the non-payment of such compensation, such justice shall cause the same to be levied by distress and sale of the goods of the party refusing or neglecting to make payment thereof; and, for want of sufficient distress, such justice shall commit the said party to the common gaol or house of correction, there to remain for any time not exceeding two calendar months, unless the same shall be sooner paid.

Justice to determine disputes between proprietors and drivers, and award compensation.

VIII. *And be it enacted*, That the driver of every hackney carriage which shall be let for hire at any place within the limits of any city or town in this island, shall be obliged and compellable, if required by any person hiring such hackney carriage, (unless such driver shall have a reasonable excuse, to be allowed by the justice before whom any such matter shall be brought in question,) to drive such hackney carriage to any place to which he shall be so required

Driver must proceed to such place as may be desired by person hiring.

to drive the same, within the limits of any such city or town; and in case such driver shall refuse to drive such hackney carriage to any such place, within such limits as aforesaid, he shall forfeit forty shillings.

Hackney carriage standing in any street to be deemed plying for hire.

IX. *And be it enacted*, That every hackney carriage which shall be found standing in any street or place, shall, unless actually hired, be deemed to be plying for hire, although such hackney carriage shall not be on any standing or place usually appropriated for the purpose of hackney carriages standing or plying for hire; and the driver of every such hackney carriage, which shall not be actually hired, shall be obliged and compellable to go, with any person desirous of hiring such hackney carriage, to any place within the limits or bounds of the city or town within which he shall be plying; and upon the hearing of any complaint against the driver of any such hackney carriage, for any such refusal, such driver shall be obliged to adduce evidence of having been, and of being, actually hired at the time of such refusal; and in case such driver shall fail to produce sufficient evidence of having been, and of being so hired as aforesaid, he shall forfeit forty shillings.

Parties summoning drivers who, in civil and explicit terms, declare carriage hired, liable to punishment.

X. *And be it enacted*, That if the driver of any hackney carriage shall, in civil and explicit terms, declare to any person desirous to hire such hackney carriage that it is actually hired, and shall afterwards, notwithstanding such reply, be summoned to answer for his refusal to carry such person in his said hackney carriage, and shall, upon the hearing of the complaint, produce sufficient evidence to prove that such hackney carriage was at the time actually and *bond fide* hired, and it shall not appear that he used uncivil language, or that he improperly conducted himself towards the party by whom he shall be so summoned, the justice, before whom such complaint shall be heard, shall order the person who shall have summoned such driver, to make him such compensation for his loss of time in attending to make his defence to such complaint, as such justice shall deem reasonable, and in default of payment thereof, to commit such person to prison for any time not exceeding one calendar month, unless the same shall be sooner paid.

Carriages may ply for hire on Sundays.

XI. *And be it enacted*, That it shall be lawful for the proprietor or driver of any hackney carriage to stand and ply for hire with such carriage, and to drive the same on the Lord's day; and that such proprietor or driver who shall so stand or ply for hire as aforesaid, shall be liable and compellable to do the like work on the Lord's day, as such proprietor or driver is by this act liable or compellable to do on any other day of the week.

Fares demandable.

XII. *And be it enacted*, That the proprietor or driver of any hackney carriage shall be entitled to demand and take, for the hire of such hackney carriage, the rates and fares mentioned and set forth in figures,

or

or otherwise described, in either of the two schedules or tables marked respectively A and B, to this act annexed, calculated for time or distance, at the option of such proprietor or driver, if the hirer shall require him to wait with such hackney carriage, either before he shall drive off, or at any time while such hirer shall be using the same.

XIII. *And be it enacted*, That if any person shall refuse or omit to pay the driver of any hackney carriage the sum justly due to him for the hire of such hackney carriage, or if any person shall deface, or in any manner injure any such hackney carriage, it shall be lawful for any justice of the peace, upon complaint thereof made to him, to grant a summons, or if it shall appear to him necessary, a warrant for bringing before him, or any other justice, such defaulter or offender, and upon proof of the facts made upon oath before any such justice, to award reasonable satisfaction to the party so complaining for his fare, or for his damages and costs, and also a reasonable compensation for his loss of time in attending to make and establish such complaint; and upon the refusal of such defaulter or offender to pay or make such satisfaction, it shall be lawful for such justice to commit him to prison, there to remain for any time not exceeding one calendar month, unless the amount of such satisfaction shall be sooner paid; and it shall also be lawful for such justice, if he shall think fit, to order such defaulter or offender to be kept to hard labour during such imprisonment.

Parties refusing to pay fare of, or injuring carriages, punishable.

XIV. *And be it enacted*, That if the driver of any hackney carriage shall refuse to go with any person desirous of hiring his carriage for the legal and proper fare allowed by this act, or if such driver shall refuse to drive such hackney carriage with all reasonable and proper expedition, or if the proprietor or driver of any hackney carriage shall exact or demand for the hire thereof more than the proper sum limited and allowed for the same by this act, every such proprietor or driver so offending shall forfeit forty shillings.

Drivers of carriages refusing to ply for legal fare, etc. punishable.

XV. *And be it enacted*, That no agreement whatever, made with the driver of any hackney carriage, for the payment of more than his proper fare, as the same is allowed and limited by this act, where the driver shall not be required to go beyond the limits or bounds of the city or town in which he shall ply, shall be binding on the person making the same, but that any such person may, notwithstanding any such agreement, refuse, on discharging such hackney carriage, the payment of any sum beyond the proper fare as allowed and limited as aforesaid; and in case any person shall actually pay to the driver of any hackney carriage, whether in pursuance of any such agreement or not, any sum exceeding his said proper fare, which shall have been demanded or required by such driver, the person paying the same shall be entitled, on complaint made against such driver before any justice of the peace, to recover back the sum paid beyond the proper fare; and moreover such driver shall forfeit, as a penalty for

Agreements for more than proper fare not binding.

such exaction, the sum of forty shillings, and in default of the repayment by such driver of such excess of fare, or of payment of the said penalty, such justice shall forthwith commit such driver to prison, there to remain for any time not exceeding one calendar month, unless the said excess of fare, and the said penalty, shall be sooner paid.

Agreements for less than proper fare binding.

XVI. *And be it enacted*, That if the proprietor or driver of any hackney carriage, or if any other person on his behalf, and with his knowledge and consent, shall agree beforehand with any person hiring such hackney carriage, to take for any job any sum less than the proper rate of fare allowed by this act, such proprietor or driver shall not exact or demand for his fare more than the sum agreed for, upon pain to forfeit forty shillings for such offence.

Driver must take the full or a less number of persons the carriage is calculated to accommodate if required.

XVII. *And be it enacted* That the driver of every such hackney carriage shall be compellable, if required by the hirer thereof, to carry in, or by such hackney carriage, the number of persons painted thereon, or any less number, at the option of the hirer; and if the driver of any such hackney carriage shall refuse, if required by the hirer thereof to carry in or by such hackney carriage the number of persons painted thereon, or any less number which he may be required by such hirer to carry thereby, every such person, so offending, shall forfeit forty shillings.

If required to wait, he is entitled to a reasonable deposit over and above the fare.

XVIII. *And be it enacted*, That where any hackney carriage shall be hired and taken to any place of public resort or elsewhere, and the driver thereof shall be required there to wait with such hackney carriage, it shall be lawful for such driver to demand and receive from the person so hiring and requiring him to wait as aforesaid, a reasonable sum as a deposit, over and above the fare to which such driver shall be entitled for driving thither, which sum, so demanded and received, shall be accounted for by such driver when such hackney carriage shall be finally discharged; and if any such driver, who shall have received any such deposit as aforesaid, shall refuse to wait with such hackney carriage at the place where he shall be so required to wait, or if such driver shall go away, or shall permit such hackney carriage to be driven or taken away, without the consent of the person making such deposit, before the expiration of the time for which the sum so deposited shall be a sufficient compensation, according to the rates and fares contained in the schedule B to this act annexed; or if such driver, on the final discharge of such hackney carriage, shall refuse duly to account for such deposit, every such driver, so offending, shall forfeit forty shillings.

He must take property left in the carriage to the clerk of the peace within four days.

XIX. *And be it enacted*, That the driver of every hackney carriage, wherein any property whatever shall be left by any person hiring the same, shall, within four days next after the same shall have been so left, carry such property in the state in which he shall find the same, to, and leave the same with, the clerk of the peace of the

the parish in which he shall ply, upon pain that every such driver making default herein shall forfeit twenty pounds; and the said clerk of the peace, with whom any such property shall be deposited, shall forthwith enter, in a book to be kept at the said office for that purpose, the description of such property, and the name and address of the driver who shall bring the same, and the day on which it shall be brought, and, for every such entry, shall be entitled to a fee of two shillings and six pence, and the property so entered shall be returned to the person who shall prove, to the satisfaction of any justice of the peace for the said parish, that the same belonged to him, such person previously paying such fee, and all other expenses incurred, together with such reasonable sum to the driver who brought the same, as, with reference to the value of the property in question, the said justice shall award: *Provided always*, That if such property shall not be claimed by, and proved to belong to, some person, within one year after the same shall have been deposited (the same having been advertised in some public newspaper or newspapers circulating in such city or town wherein the same shall be found, by the clerk of the peace of such parish,) such property shall be delivered up to the driver, who brought and deposited the same, provided he shall apply for the same, within one calendar month next after the expiration of the said one year; and in default of such application by the said driver within the time limited as aforesaid, any justice of the peace shall cause such property to be sold, or otherwise disposed of, and the proceeds thereof, after deducting such fee and all other expences to be incurred as aforesaid, to be paid over to the receiver-general of this island, to be carried to the public account.

Who shall enter same in a book.

Proviso.

XX. *And be it enacted*, That if the proprietor or driver of any hackney carriage, the whole of which shall be hired, shall permit or suffer any person to ride or be carried in, upon, or about such hackney carriage, without the express consent of the person hiring the same, such proprietor or driver shall forfeit twenty shillings.

No person may be carried in a carriage without the consent of the hirer.

XXI. *And be it enacted*, That if any proprietor or driver of any hackney carriage shall stand or ply for hire with such hackney carriage, or suffer the same to stand across any street, or common passage, or alley, or alongside of any other hackney carriage, or two in a breadth; or if any such proprietor, driver, or other person shall feed the horses of, or belonging to any hackney carriage in any street, road, or common passage, save only with corn out of a bag; or if the driver of any hackney carriage shall refuse to give way if he conveniently can to any private coach or other carriage, or shall obstruct or hinder the driver of any other hackney carriage in taking up or setting down any person into or from such other hackney carriage; or if any such proprietor or driver shall wrongfully, in a forcible or clandestine manner, take away the fare from any other such proprietor or driver, who, in the judgment of any justice of the peace before whom any complaint of such offence shall be heard, shall appear

If carriages are permitted to remain in an improper position, proprietor, etc. punishable.

to



to be fairly entitled to such fare, every such proprietor, driver, or other person, so offending, shall forfeit twenty shillings.

Corporation of Kingston and justices to appoint stands for, and make orders respecting, carriages.

XXII. *And be it enacted*, That it shall be lawful for the common council of the city of Kingston, and the justices and vestries of other parishes, to define, for the purposes of this act, the limits of the city of Kingston, and the other towns in which such hackney carriages shall ply, and from time to time to appoint proper places in the said city and other towns where hackney carriages may stand and ply for hire, and to make such order for regulating the number of such hackney carriages to stand in such places respectively, and the distances at which they shall stand from each other, and the times at and during which they may stand and ply for hire, and such other orders and regulations for the better ordering and regulating the said hackney carriages, and the drivers or other the person or persons having the management thereof, respectively, as to the said common council of Kingston, and justices and vestries of other parishes, shall seem proper; and, from time to time to alter, amend, or repeal such rules, orders, and regulations, and to make others in the room thereof; and the said common council of Kingston, and justices and vestries of other parishes, shall cause all the orders, rules, and regulations, to be made by them as aforesaid, and every alteration, amendment, or repeal thereof, respectively, to be advertised in one or more public newspapers circulating in the said city or parish, and a copy thereof to be hung up, for public inspection, in the office of the clerk of the peace for such parish before the same, or any of them, shall be carried into effect, or be considered as repealed by the said common council of Kingston, or justices and vestries of other parishes; and in case the driver, or any person or persons having the management of any hackney carriage, shall permit the same to stand for hire in any place which shall not be appointed as aforesaid by the said common council of Kingston, and justices and vestries of other parishes, or at, or for any other or any longer time than shall be appointed as aforesaid, or shall in any other manner offend against the rules, orders, and regulations to be made as aforesaid, by virtue of this act, or any of them, the person, who shall so place the same, or if such person shall not be known, the owner of such hackney carriage, shall, for every such offence, forfeit and pay any sum not exceeding five pounds; and every such penalty and forfeiture, after deducting such part thereof (if any) as shall be adjudged to be paid for the use of any informer or informers, shall be paid to the receiver general of this island, to be carried to the public account: *Provided always*, That no such rules, orders, or regulations as aforesaid, nor any alteration or amendment thereof, shall be in any respect repugnant to, or inconsistent with, the laws of this island, nor to or with any of the provisions of this act.

Proviso.

Driver leaving carriage unattended punishable.

XXIII. *And be it enacted*, That if the driver of any hackney carriage shall leave such hackney carriage unattended in any street or road, or at any place of public resort or entertainment, whether such carriages

carriage shall be hired or not, it shall be lawful for any officer of police, constable, or other peace officer, to drive away such hackney carriage, and to deposit the same, with the horse or horses belonging or harnessed thereto, at some place of safe custody; and such driver shall forfeit twenty shillings for such offence, and in default of payment of the said penalty, upon conviction, and of the expences of taking and keeping the said hackney carriage, and horse or horses, the same, together with the harness belonging thereto, or any of them, shall be sold by order of the justice before whom such conviction shall be made, and, after deducting from the produce of such sale the amount of the said penalty, and of all costs and expences, as well of the proceedings before such justice, as of the taking, keeping, and sale of the said hackney carriage, and of the said horse or horses and harness, the surplus (if any) of the said produce shall be paid to the proprietor of such hackney carriage.

XXIV. *And be it enacted*, That if the proprietor or driver of any hackney carriage, or any other person having the care thereof, shall, by intoxication, or by wanton and furious driving, or by any other wilful misconduct, injure, or endanger any person in his life, limbs, or property, or if any such proprietor or driver, or any assistant to the drivers of hackney carriages, shall make use of any abusive or insulting language, or be guilty of other rude behaviour to or towards any person whatever, or shall assault or obstruct any officer of police, constable, or other peace officer, in the execution of his duty, every such proprietor, driver, or assistant, or other person so offending in any of the several cases aforesaid, shall forfeit five pounds, and in default of payment thereof, he shall be committed to the common gaol or house of correction, for any time not exceeding two calendar months.

Drivers injuring or endangering persons punishable.

XXV. *And be it enacted*, That if any driver of a hackney carriage, or any assistant to the drivers of hackney carriages, shall be summoned or brought before any justice of the peace to answer any complaint or information touching or concerning any offence committed, or alleged to have been committed by such driver or assistant respectively, against the provisions of this act, and such complaint or information shall afterwards be withdrawn, or quashed, or dismissed; or if the defendant shall be acquitted of the offence charged against him, it shall be lawful for the said justice, if he shall think fit, to order and award that the complainant or informant shall pay to the said driver, or assistant, such compensation for his loss of time in attending the said justice, touching or concerning such complaint or information as to the said justice shall seem reasonable; and in default of payment of such compensation, it shall be lawful for the said justice to commit such complainant or informant to prison for any time not exceeding one calendar month, unless the same shall be sooner paid.

Drivers acquitted of charge, etc. may have compensation for loss of time, etc.

XXVI. *And be it enacted*, That all pecuniary penalties which shall be recovered before any justice of the peace, under the provisions of

Penalties how distributable.

of this act, shall be divided and distributed in manner following; that is to say, one moiety, or such lesser portion thereof as the justice of the peace shall direct, with full costs, to the person who shall inform and prosecute for the same, and the residue thereof to the receiver-general of this island, to be carried to the public account.

Definition of terms used.

XXVII. *And be it enacted*, That whenever, in this act, with reference to any person, animal, matter, or thing, any word or words is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood to include several persons or animals, as well as one person or animal, females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Proprietors of hackney carriages not to be assessed on wheels, &c.

XXVIII. *And be it enacted*, That no proprietor of any hackney carriage shall be assessed for public or parochial taxes upon the number of wheels of any such carriage, or the horse or horses which shall be used exclusively for drawing the same, but such proprietor shall be assessed, in respect of such carriages and horses, in a reasonable sum on the value of the nett proceeds of his business in lieu thereof.

Act to commence on 1st July, 1847.

XXIX. *And be it enacted*, That this act shall commence and take effect on the first day of July next ensuing, and that the same may be altered or amended during the present session of the legislature.

#### SCHEDULE A.

*Containing the Rates and Fares to be paid for any Hackney Carriage, hired and taken any distance; (that is to say,)*

£. s. d.

For every person conveyed in any hackney carriage, for any distance within the limits or bounds of any city or town, in which such hackney carriage shall ply for hire - - - - - 0 0 6

Where the whole of such hackney carriage shall be taken by the hirer thereof, then such hirer shall pay for the same a sum equal to six pence for each person the same is capable and represented to be capable of carrying with convenience.

For every person conveyed beyond the limits or bounds of the city or town within which such hackney carriage shall ply for hire, (except where a special agreement shall have been entered into,) an additional sum beyond six pence, of - - - - - 0 0 3

Where the whole of such hackney carriage shall be taken by the hirer thereof, and no special agreement shall have been entered into, the hirer shall pay an additional

additional fare beyond the six pence, for each person the same is capable and represented to be capable of carrying with convenience, of three pence for each such person.

But it shall not be compulsory upon any proprietor or driver to ply beyond the limits or bounds of any city or town.

#### SCHEDULE B.

*Containing the Rates and Fares to be paid for any Hackney Carriage, hired and taken, for any time; (that is to say,)*

	£.	s.	d.
For any time within, and not exceeding thirty minutes	0	2	0
Above thirty minutes, and not exceeding forty-five minutes	0	3	0
Above forty-five minutes, and not exceeding one hour	0	4	0

And for any further time exceeding one hour, then after the rate and proportion of one shilling for every fifteen minutes completed, and one shilling for any fractional part of the period of fifteen minutes.

Such fares to be in full for the hire of the whole of such hackney carriage, and the driver, being compellable to carry therefor the full number of persons the same shall be represented to be capable of carrying, or any lesser number, at the option of the hirer.

If the driver shall be required to go beyond the limits of any city or town, and no special agreement shall have been entered into, and the hirer shall not require the driver to take back himself, or any passenger, or passengers, then such driver shall be entitled to one shilling additional, to return.

But it shall not be compulsory on any driver to go beyond the limits of any city or town:

#### C A P. XXX.

*An act in aid of the ninth Victoria, chapter thirty-eight, intituled "An act to repeal the laws relating to public markets, and to make provision for the regulation of such markets."*

**W**HEREAS by the seventh clause of an act, passed in the ninth year of her present majesty's reign, intituled "An act to repeal the laws relating to public markets, and to make provision for the regulation of such markets," it is enacted, that no fresh meat,  
 4 L fish,

Preamble.

fish, vegetables, provisions, or fruit, shall be sold in any city or town, elsewhere than in the market place, during the hours the same shall be kept open; and whosoever shall sell, or expose for sale, any fresh meat, fish, vegetables, provisions, or fruit, during such hours elsewhere than in the market in any such city or town, shall forfeit a sum not exceeding forty shillings for each offence: *And whereas*, the said recited clause is evaded by individuals establishing private markets for the sale and disposal of the articles herein mentioned, thereby diminishing the parochial revenue: *Be it enacted by the governor, council, and assembly of this island, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, any person or persons who shall build, or establish, or cause or permit to be established, any market or markets for the sale of any fresh meats, fish, vegetables, provisions, or fruit in, or upon any lands, tenements, or premises, belonging to, or in his, her, or their occupation or possession, or under his, her, or their control, or who shall sell or dispose, or permit or cause to be sold or disposed of, or offer, or exhibit for sale in any such place in any city, town, or parish of this island, other than the regular market or markets established by the corporation of Kingston, and justices and vestry of any other parish, and subject to the regulation and payment of the fees ordained by such corporation of Kingston, and justices and vestry of any other parish in the island, shall forfeit and pay the sum of five pounds for every day, or portion of a day in which any of the aforesaid articles shall be sold, or exposed, or caused to be sold, or offered for sale in any such place: *Provided*, That nothing herein contained shall prevent any person from going from house to house offering for sale, or selling any such fruit, provisions, or vegetables.

Parties establishing markets, or permitting sale of goods in them, punishable.

Proviso.

II. *And whereas* in many parishes of the island no markets are provided, nor regulations established, or fees ordained: *And whereas*, it is necessary to increase the parochial revenues, and provide for the establishment and proper management of markets: *Be it enacted*, That from and after the passing of this act, it shall be imperative on the justices and vestry of every such parish in this island to provide such markets, establish regulations, and ordain scales of fees, under the penalty of five pounds, to be recovered in a summary manner from every justice and vestryman neglecting to perform such duty.

Justices and vestries to provide markets, &c.

III. *And be it enacted*, That any person, who shall expose, or exhibit for sale, or shall sell, or permit to be exposed for sale, in or upon any piazza, veranda, wharf, or entrance to a wharf, portico, or other erection in front of the house or premises occupied by him, or in his, her, or their possession, or in any street or lane in any city or town any fresh meat, fish, vegetables, provisions, or fruit, shall forfeit and pay for every offence the sum of ten shillings.

Persons exposing goods on piazzas, &c. punishable.

How penalties may be recovered.

IV. *And be it enacted*, That all penalties imposed by this act shall be recovered and enforced in the same manner, and by the same means, as are provided and enacted for the recovery of penalties imposed by the

the act, passed in the ninth year of her present majesty's reign, intitled "An act to repeal the laws relating to public markets, and to make provision for the regulation of such markets."

## C A P. XXXI.

*An act to repeal and amend an act, entitled "An act to appropriate to the use of her majesty, for and towards the contingent expences of the government of this her majesty's island, the fees and emoluments heretofore by law received and retained by the registrar in chancery, and clerk of the patents, and to grant to such officer an annual allowance or salary in lieu of such fees and emoluments, and for other purposes.*

**W**HEREAS certain fees and emoluments have been heretofore, and are now by law allowed to the registrar in chancery and clerk of the patents of this island, for the duties by law required to be performed by him in his said offices: *And whereas* it hath been found that the transcribing of the proceedings in suits in the said court of chancery into books, kept for that purpose as heretofore, hath occasioned great expence to the suitors of the said court, without any corresponding advantage; and it is expedient that other provision should be made for the due care and preservation, in future, of the records and proceedings of the said court in suits therein depending; and it is desirable, for the public interest, that the amount of the fees and emoluments hereafter to be paid and received by the said registrar in chancery and clerk of the patents of this island should no longer be retained by him to his own use as heretofore, but that the same, subject as hereinafter is provided, should hereafter be received and collected to the use of her majesty, her heirs and successors, for and towards the support of the government of this island, and the contingent charges and expences thereof, and be accounted for and appropriated by the registrar and clerk of the patents for the time being in manner hereinafter provided and directed; and that in lieu of the said fees and emoluments so received and retained by him as heretofore, the said registrar in chancery and clerk of the patents for the time being, after the passing of this act, shall have and receive an annual allowance or salary in manner hereinafter provided: *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted by the authority of the same,* That it shall not be necessary to record and transcribe into books kept for that purpose, as formerly, any proceedings to be brought into, and filed in the office of the said registrar, nor shall any charge be made or allowed for so doing, but the original proceedings themselves, so to be brought

Preamble.

It shall not be necessary to transcribe proceedings; the originals declared the records, and must be written on such sized paper

as the chancellor  
shall direct.

into and filed in the office of the said registrar, shall be the records thereof in the said office; and, for the better preservation thereof, and the greater convenience of access and reference thereto, such original proceedings shall be fairly written or engrossed by the parties preparing the same, upon paper of such size and description, and in such manner (due regard being always had to any stamp act which may from time to time be in force,) as his excellency the chancellor shall, by a rule or order for that purpose, direct, and so that the same may from time to time be bound up together; and all writs and other proceedings issuing out of, and returnable into, the court of chancery, shall, in like manner, be written or printed upon paper of such description and in such manner as that the same, when returned, with the returns thereto, may be conveniently bound up together; and it shall be the duty of the said registrar and clerk of the patents, and he is hereby required, from time to time, to cause all such original proceedings to be brought into and filed in his office, and all writs and other proceedings returned thereunto as aforesaid, to be well and substantially bound up together in due and convenient order; and the receiver-general is hereby directed to pay the expense of such binding to the party entitled thereto, on the certificate of the said registrar and clerk of the patents.

Fees to be collected  
by registrar.

II. *And be it further enacted*, That the fees to be collected by the registrar and clerk of the patents in this island shall be as follows:

For entering and filing every bill, answer, masters' report, or any other proceeding, three pence per sheet, reckoning one hundred and sixty words to a sheet, and counting every figure for a word in accounts, but without allowing any thing for ruling columns for dates and sums.

For making copies of all bills, answers, masters' reports, or any other proceedings, at the rate of one shilling per sheet, reckoned and regulated as aforesaid.

Recording an order of court, one shilling and six pence; if above one hundred and sixty words, at the rate of one shilling for the legal sheet.

Copying ditto at the same rate; entering and filing suggestions, replications, and rejoinders, two shillings and three pence.

Filing and presenting a petition to the chancellor, nine shillings and four pence half-penny.

Entering an appearance, nine pence.

Certificate of no proceedings, and all other common certificates, one shilling.

Taxing a masters' bill, fifteen shillings.

Examining

- Examining and signing a final decree to be enrolled in the office, fifteen shillings.
- A certificate of appeal to proceedings under the seal of the island, fifteen shillings.
- Letters of guardianship, petition, recognizance, clerks' fee, and all other expences (the governor's fee excepted), one pound five shillings.
- Entering satisfaction on final decrees, three shillings.
- Amending bills, three shillings.
- Entering into a rule of court, five shillings.
- Carrying records into court, two shillings.
- A commission to examine witnesses, and all other commissions, seven shillings and six pence.
- Dedimus to take an answer, seven shillings and six pence.
- Making out a subpoena per rate of legal sheet, one shilling.
- Attachments, one shilling and six pence.
- Attachments with proclamation, three shillings.
- A commission of rebellion, seven shillings and six pence.
- A serjeant at arms, seven shillings and six pence.
- A sequestration, seven shillings and six pence.
- A subpoena *scire facias*, fifteen shillings.
- A writ of execution, where the decree is inserted, fifteen shillings.
- A writ of assistance, fifteen shillings.
- A writ of *ne exeat insula*, fifteen shillings.
- A writ of *habeas corpus*, fifteen shillings.
- A writ or error, fifteen shillings.
- A writ of injunction, fifteen shillings.
- A writ of *certiorari*, three shillings.
- A writ of *supersedeas*, fifteen shillings.
- A writ of appointment of bailiff to the crown, three pounds fifteen shillings.

A protection



A protection bond, making out and signing a protection, including the order, and clerks' fee, and all other charges, fifteen shillings.

Making out all other customary bonds, fifteen shillings.

Also a recognizance where the decree is inserted, fifteen shillings.

Drawing and engrossing a commission *de lunatico inquirendo*, three pounds fifteen shillings.

Also of oyer and terminer, three pounds fifteen shillings.

Also of a patent of pardon, three shillings.

For every writ of election, fifteen shillings.

A writ for electing a coroner, three pounds fifteen shillings.

A patent of king's land, fifteen shillings.

For land taken up on the quit rent, one pound two shillings and six pence.

For land escheated, one pound ten shillings.

For confirmation, one pound ten shillings.

A copy of a plat of land, one shilling and six pence.

A copy of the surveyor's return to the plat, one shilling and six pence.

Entering a caveat, one shilling and six pence.

A citation to shew cause against the same, three shillings.

A certificate of each parcel of land resigned, three shillings.

A patent for surplusage land, also for foot land, not included in the old table, fifteen shillings each.

Second section of 60th Geo. 3d repealed.

III. *And be it further enacted*, That from and after the passing of this act the second section of the act of the legislature of this island, passed in the sixtieth year of his late majesty king George the third, entitled "*An act to augment the legal fees of the registrar in chancery and clerk of the patents, and for better regulating the office of the said registrar in chancery, and clerk of the patents,*" shall be, and the same is hereby repealed, annulled, and made void.

Registrar to collect fees and enter same in file book, &c.

IV. *And be it further enacted*, That the registrar in chancery and clerk of the patents of this island for the time being, shall continue, as formerly, to collect all such fees, and make such charges as he has been accustomed by law heretofore to do, except the charge for recording and transcribing proceedings into books; and shall enter the same,

same, without any omission whatever, on the file paper and file book, and shall keep a book in his office, open to public inspection, wherein shall be entered the accounts of the receipts and disbursements of the said office, and shall sign the same at the end of each week, except when absent from his office on leave; and shall, once in each and every quarter, on the fifth day of January, the fifth day of April, the fifth day of July, and tenth day of October, in each and every year, render an account to the receiver-general of this island for all sum and sums of money that he shall receive, or shall come to his hands by virtue of the said offices, for fees and emoluments of his said offices, and which account shall be accompanied by a declaration, to be made before a judge of a court of record in this island, in the words following:

render quarterly  
accounts,

"I, A. B. registrar of the high court of chancery, and clerk of the patents of the island of Jamaica, (or officiating as registrar of the high court of chancery and clerk of the patents of the island of Jamaica, as the case may be,) do declare that the above account contains a full, true, and particular statement of all fees or other emoluments received by, or on account of, the said offices of registrar in chancery and clerk of the patents as aforesaid, from the day of \_\_\_\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_ as specified in the said account.

A. B.

"The above declaration made before me, this  
day of \_\_\_\_\_

C. D."

And pay over the amount so received and collected by him to the said receiver-general, to be held by him as part of the general funds of the public of this island, and in case the said registrar in chancery and clerk of the patents shall neglect or omit to render such accounts and declaration, and make the payments to the receiver-general hereinbefore directed, within thirty days after each quarterly day appointed for accounting and paying over the same, or if such registrar in chancery and clerk of the patents shall retain to his own use any fees, or sum or sums of money, or reward for or in respect of any duties which are imposed upon him by virtue of his said offices, other than what are by this act allowed to him, or shall give in an incorrect account, or make a false declaration, for either of which offence, wilfully made and committed, and for each and every of them, he shall be subject to a penalty of two hundred pounds, to be recovered in the supreme court of judicature of this island by action of debt; and one moiety thereof shall be to the use of her majesty, her heirs and successors, for and towards the support of the government of this island, and the other moiety to him or them who shall sue for the same; and in the event of the registrar in chancery and clerk of the patents, for the time being, receiving and applying to his own use and benefit any fees or emoluments as aforesaid, a second time, and shall be thereof convicted, he shall, besides being subject to the said penalty of two hundred pounds,

and pay over  
amounts received to  
receiver-general, under  
penalty.

pounds, be, in addition, deprived of his said offices of registrar in chancery and clerk of the patents, and thereafter rendered incapable of being again appointed to the said offices of registrar in chancery and clerk of the patents, or in any way acting or interfering with the duties thereof.

Attend at office daily.

V. *And whereas* the said registrar and clerk of the patents is not required by law to attend personally at his said office to discharge the duties thereof: *Be it therefore further enacted*, That the said registrar and clerk of the patents shall, on all lawful days, from and after the passing of this act, unless in case of sickness, leave of absence, or other good and sufficient cause, attend at his said office during the usual office hours of the day, under a penalty of thirty pounds, to be recovered in manner directed by the hereinbefore recited act.

And file all proceedings brought to it.

VI. *And whereas* doubts have arisen as to the construction of the sixth section of the said act of the sixtieth George the third, chapter twenty-one, as to the discretion exercised by the registrar in refusing to file proceedings in a cause depending in the said court: *Be it therefore enacted*, That it shall be imperative upon the registrar of the said court to file all proceedings, duly stamped, brought to his office for that purpose in a cause therein depending, the legal filing fees being first duly paid or tendered to him.

Solicitors must take out papers within ten days.

VII. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act it shall be compulsory upon every solicitor, or other person bespeaking appeal papers, or copies of any bill, answer, or other paper filed in the office of the said registrar, to take out and pay for all such appeal papers, or copies, within ten days after he or they shall be informed by the said registrar that the same are ready, under the penalty of sixty pounds for each and every neglect so to do, to be recovered by action of debt in the supreme court.

Registrar allowed salary in lieu of fees.

VIII. *And be it further enacted*, That from and after the passing of this act, in lieu of fees and emoluments heretofore received and retained by him to his own use, the said registrar and clerk of the patents of this island for the time being, shall be allowed the annual sum of eight hundred pounds, to be paid by quarterly payments, and which said sum of eight hundred pounds the receiver-general is hereby authorized and required to pay to the said registrar and clerk of the patents; and the said registrar and clerk of the patents shall employ such clerks as may from time to time be necessary to make copies of such proceedings and records as may be required by, or on behalf of, the suitors of the said court, or others, and shall pay unto such last-mentioned clerks at and after the rate of four pence half-penny for every one hundred and sixty words or figures of the copies and transcripts so to be made by them respectively; and the receiver-general of this island shall pay and satisfy unto the registrar and clerk of the

the patents, all such sums of money as the said registrar and clerk of the patents shall have paid unto such copying clerks, and the receiver-general shall also pay unto the registrar and clerk of the patents the annual sum of thirty-six pounds for all contingent expences of his office, such several payments to be made quarterly, on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, in each and every year.

IX. *And be it enacted*, That the registrar and clerk of the patents shall employ an efficient clerk or deputy, at an annual salary of three hundred pounds *per annum*, to assist him in the ordinary duties of his office, and in the receiving, filing, and preserving the records thereof, and in entering up and recording the orders of the court, and in keeping the book of filings, and the several necessary and accustomed indices and alphabets of the records and proceedings, and in preparing writs, commissions, and patents, and any other necessary proceedings issuing out of the said office; and the receiver-general is hereby directed to pay to the clerk, or deputy so appointed, on the certificate of the registrar of the court of chancery and clerk of the patents, such salary of three hundred pounds, by four quarterly payments, to be made on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October.

Must employ an efficient clerk or deputy.

X. *And be it further enacted*, That no person shall be eligible to be appointed to the office of registrar of the court of chancery, who is not a barrister of three years, or a solicitor of six years' standing in the island.

Qualification of registrar.

XI. *And be it further enacted*, That within twenty days of his appointment, the registrar in chancery shall enter into bond, before one of the judges of the supreme court, to our sovereign lady the queen, himself in the sum of two thousand pounds, and two sureties, each in the sum of one thousand pounds, conditioned for the due and faithful discharge of the duties of his office, and for paying over to the receiver-general all monies which may at any time come into his hands as such registrar, belonging or payable to the public; and which said security shall be in lieu of the security required to be given by the registrar, by any former acts of this island.

Who must enter into bond.

XII. *And be it further enacted*, That within ten days of his appointment, the said clerk in the said office shall appear before the chief judge, or one of the assistant judges of the supreme court, and take the following oath:

Clerk oath.

I, *chief clerk in the office of the registrar of the high court of chancery, do solemnly and sincerely swear, that I will well and truly and duly perform and discharge all the duties of the said office of head clerk, and that I will, to the utmost of my power, preserve the public revenue.*—So help me God.

A memorandum, in writing, of which said oath, shall be prepared by the judge administering the same, and lodged in the office of the clerk of the crown; and shall, on production thereof in any court of justice, be deemed and considered sufficient evidence of an oath having been taken, without further proof thereof.

Fees, &c. received must be paid over quarterly.

XIII. *And whereas*, it is necessary to provide against the possibility of the public accounts being confused: *Be it therefore enacted*, That the full amount received in each quarter by the said registrar, for fees and other emoluments, shall be paid over quarterly to the receiver-general, and the receiver-general shall himself pay the quarter's salary of the registrar and his clerk, and the contingencies of the said office, and for copies made during the said quarter.

Registrar not to practice in any court.

XIV. *And be it further enacted*, That the registrar in chancery shall not be qualified, or permitted, to practice in any court of law or equity in this island.

Act expires 31st December, 1850. 9th Victoria, cap. 10, repealed.

XV. *And be it enacted*, That this act shall continue in force, from the passing hereof, until the thirty-first day of December, in the year of our Lord one thousand eight hundred and fifty.

XVI. *And be it further enacted*, That from and immediately after the passing of this act, the act, passed on the fifth day of December, in the year of our Lord one thousand eight hundred and forty-five, entitled "*An act to appropriate to the use of her majesty, for and towards the contingent expenses of the government of this her majesty's island, the fees and emoluments heretofore by law received and retained by the registrar in chancery and clerk of the patents, and to grant to such officer an annual allowance, or salary, in lieu of such fees and emoluments, and for other purposes*," be, and the same is hereby, repealed.

Penalties imposed by same may be sued for within six months.

XVII. *And be it enacted*, That all penalties imposed by the act, made and passed on the fifth day of December, one thousand eight hundred and forty five, entitled "*An act to appropriate to the use of her majesty, for and towards the contingent expenses of the government of this her majesty's island, the fees and emoluments heretofore by law received and retained by the registrar in chancery and clerk of the patents, and to grant to such officer an annual allowance or salary, in lieu of such fees and emoluments, and for other purposes*," may be sued for within six calendar months after the passing of this act, in the same manner as if the said act had remained in force, and had not been hereby repealed, any thing herein contained to the contrary notwithstanding.

## C A P. XXXII.

*An act for fixing a salary adequate to the services of the clerk of arraigns of the court of admiralty sessions.*

**W**HEREAS it is expedient that the system, hitherto adopted of remunerating the clerk of arraigns of the court of admiralty sessions for the services performed by him, and payable by the public of this island, should cease, and in lieu thereof that a salary should be fixed, adequate to such services: *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted by the authority of the same,* That the present receiver-general, or the receiver-general of this island for the time being, do, out of any monies unappropriated, already raised, or to be raised under any of the acts of the legislature of this island, pay to John Duff, clerk of arraigns of the court of admiralty sessions, or to the clerk of arraigns for the time being, an annual salary of two hundred pounds, to be paid by four quarterly payments in each and every year, to commence from the first day of January last past.

Preamble.

Clerk of arraigns to be paid £200 per annum in quarterly payments, from 1st January, 1847.

II. *And be it further enacted,* That such salary shall be in lieu of all fees, charges, emoluments, and travelling expences heretofore payable by the public of this island.

In lieu of fees, travelling expences, &amp;c. &amp;c.

III. *And be it enacted,* That this act shall continue in force until the thirty-first day of December, one thousand eight hundred and forty-nine.

Act to continue in force till 31st December, 1849.

## C A P. XXXIII.

*An act to amend the seventh of Victoria, chapter eleven, entitled "An act to make provision for the erection of a lunatic asylum."*

**W**HEREAS it hath been found necessary and expedient to amend an act, passed in the seventh year of the reign of her present majesty, entitled "*An act to make provision for the erection of a lunatic asylum:*" *Be it therefore enacted by the governor, council, and assembly of the said island, and it is hereby enacted by the authority of the same,* That in case any person, to whom any money shall be awarded for the purchase of any lands, tenements, or hereditaments, to be purchased, taken, or used under or by virtue of the powers of the said act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good title to the premises for the purposes of the said act, or shall be absent from the said island, or cannot be found, or if any person entitled unto, or to convey such lands, tenements, or hereditaments, be not known or discovered, or be not shown so to be,

Preamble.

If persons refuse to accept purchase money for lands, &amp;c. commissioners to pay same to receiver-general to the credit of the parties, &amp;c.

to the satisfaction of the commissioners appointed under the said act for carrying out the provisions of the same, or be absent from the said island, then, and in every such case, it shall be lawful for the said commissioners to order the money, so awarded as aforesaid, to be paid into the office of the receiver-general of this island, and in his name to be placed to his account, to the credit of the parties interested in the said lands, tenements, or hereditaments (describing them so far as the commissioners can do so,) subject to the control, disposition, and order of the supreme court of this island, which said court, on the application of any person making claim to such money, or to any part thereof, by petition, is hereby empowered, in a summary way of proceeding, (as to such court shall seem meet) to order the same to be laid out and invested in the public funds, and to order distribution thereof, or payment of the dividends thereof, according to the respective estates, titles, or interests of the parties making claim thereto, and to make such other order in the premises as to the said court shall seem proper, and the receiver-general, who shall receive such money, is hereby required to give a receipt for such money, mentioning and specifying therein for what and for whose use (described as aforesaid) the same is received from the said commissioners, or from any person paying any money into his office, under or pursuant to this act.

Penalty on provost-marshall, or deputy, making default,

and on jurors, or witnesses, for neglect of duty.

II. *And be it further enacted*, That if the provost-marshall-general of the said island, or his deputy, for the precinct or parish, or the justices, or any other person in the said hereinbefore mentioned act authorized and directed to act in the premises, shall make default therein, he shall, for every such offence, forfeit and pay a sum not exceeding fifty pounds to the commissioners under the said recited act, to be recovered by action of debt in the supreme court of this island; and if any person, so summoned and returned upon any such jury as aforesaid, shall not appear, or, appearing, shall refuse to be sworn, or being of the society of persons called Quakers, to make his solemn affirmation, or to give his verdict, or shall in any other manner wilfully neglect his duty, contrary to the true intent and meaning of this and the aforesaid act, or if any person, so summoned to give evidence as aforesaid, shall not appear, on being paid or tendered a reasonable sum for his costs and expences, or, appearing, shall refuse to be sworn or affirmed, or to give evidence, every person, so offending, having no reasonable excuse (to be judged of and determined by the said justice or justices,) shall forfeit and pay, for every such offence, for the benefit of the party for whom or on whose account such jury or witnesses shall have been summoned, any sum not exceeding ten pounds, and not less than forty shillings, which said last-mentioned penalties or forfeitures shall and may be levied and recovered in a summary way, before any two justices of the peace in the parish or precinct where the said offence shall be committed, which said two justices of the peace are hereby authorized, empowered, and required to commit, by warrant under their hands and seals, such offender or offenders to gaol, there to remain without bail or mainprize, for any space of time not exceeding thirty days, unless he or they shall sooner pay the same.

III. *And*

III. *And be it further enacted*, That the jurors, so warned, shall each be entitled to receive and be paid the sum of one guinea for each case in which they shall attend and be sworn, and the provost-marshal general, or his lawful deputy, the sum of three guineas for each jury so warned, and the witnesses shall be paid at the same rates as witnesses are now paid for their attendance at the assize courts.

For to provost-marshal, jurors, and witnesses.

IV. *And be it further enacted*, That when and so often as a vacancy shall occur among the commissioners, appointed for carrying out the provisions of the hereinbefore mentioned act, either by death, absence from the island, or otherwise, it shall and may be lawful for the governor, or person exercising the functions of governor for the time being, to appoint another or other person, or persons in his or their place and stead, which said person or persons, when so appointed, shall have and exercise all the powers and authorities contained under the hereinbefore mentioned act.

Governor to appoint new commissioners when vacancies occur.

#### C A P. XXXIV.

*An act to enable the aldermen and common council of the city and parish of Kingston, and certain vestrymen of the several parishes, and the several parochial officers, to obtain leave of absence from this island, for limited periods, without vacating their offices.*

**W**HEREAS the offices of several public and parochial officers are liable to be vacated, upon their departure from this island, although only for short periods of time: *Be it enacted by the governor, council, and assembly of this island*, That it shall be lawful for the common council of Kingston, and for the justices and vestrymen of other parishes, to grant leave of absence to any member of the said corporation or vestryman of their respective boards, and also for the said common council and justices and vestrymen, in whose gift any public or parochial office shall be, the holder of which shall be desirous to obtain leave of absence, for a limited time, to grant, if they shall think fit, such leave to any such member or officer for a period not exceeding two calendar months; and the place of any member or officer, so absent with leave, shall not be deemed to be vacated by reason of his absence: *Provided*, That not more than two members of the corporation of Kingston, or vestrymen of any other parish, shall be absent on such leave at the same time: *And provided*, That in the case of any office of emolument or profit, the person obtaining such leave of absence shall provide a sufficient deputy, or deputies, to perform the duties of his office during his intended absence, who shall be approved of by the corporation, or justices and vestry granting such leave of absence.

Preamble.

Corporation of Kingston, and vestries of other parishes, may grant leave of absence to a member, or officer, for a period not exceeding two months.

Proviso.

Proviso.

II. *And*



Act may be repealed during present sessions.

II. *And be it enacted*, That this act may be altered or repealed during this present session.

C A P. XXXV.

ANNUAL.

*An act for the encouragement of immigration.*

C A P. XXXVI.

*An act to enable the justices and vestry of the parish of Westmoreland to raise money, by a tax on the inhabitants, for certain purposes.*

Preamble.

WHEREAS the justices and vestry of the parish of Westmoreland have expended large sums of money in providing for the relief of the numerous indigent poor, and for the repairs of the parish church, and towards the completion of three other places of worship in connection therewith: *And whereas*, in consequence of such increased expenditure of the parochial expenses of the said parish of Westmoreland, and the parochial taxes being insufficient to meet the same, the said parish of Westmoreland has contracted a debt which, with the accumulation of interest, now amounts to the sum of two thousand five hundred pounds: *And whereas* it is necessary, for the purpose of maintaining the public faith of the said parish of Westmoreland, that the justices and vestry should be authorized and empowered to raise a sufficient sum of money for the purpose of paying off the said debt: *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same*, That it shall and may be lawful for the justices and vestry of the said parish of Westmoreland to raise a sum of money, not exceeding two thousand five hundred pounds, by a tax on the inhabitants of the said parish, in addition to the parish tax for the current year, for or in respect of the same description of property upon which the parish taxes are, or may be, imposed, and to be assessed, levied, and raised in the same manner in which such parish taxes are commonly raised, and subject to the payment of such commission as are, or shall be, allowed for collecting the parochial taxes: *Provided always*, That it shall not be lawful for the justices and vestry of the said parish of Westmoreland to raise, by such additional tax as aforesaid, more by the year than the third proportion, with interest upon the said debt, of two thousand five hundred pounds, and that the power to assess such additional tax shall not continue after the determination of the year one thousand eight hundred and forty-nine: *Provided*, That nothing in this act contained shall prevent the collection and application of any taxes, after the expiration of the year one thousand eight hundred and forty-nine, which may have been previously assessed under the authority of this act: *Provided also*, That a separate

Justices and vestry of Westmoreland may raise, by additional taxation, £2500 in three years.

Proviso.

Proviso.

Proviso.

separate and distinct account of the amount to be raised by such additional tax as aforesaid shall be kept by the collecting constable of the said parish of Westmoreland, for the time being, and the same shall be strictly and faithfully applied by him in the manner and for the purposes intended by this act, and for no other purpose whatever.

II. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be so received and considered in all courts and places in this island, without being specially pleaded.

Act a public one.

### C A P. XXXVII.

*An act to amend the thirty-ninth section of the act third Victoria, chapter sixty-five, entitled "An act to make provision for the improvement of the administration of justice in the several courts of this island, and for other purposes," and to repeal the fourteenth section of the act fourth Victoria, chapter eleven, entitled "An act to repeal and amend the acts of this island regulating hawking and peddling," and to define the mode of proceeding in cases of appeal from the summary jurisdiction of magistrates.*

**W**HEREAS doubts have been entertained as to the right of appeal given under and by virtue of the thirty-ninth section of the act of the legislature of this island, third Victoria, chapter sixty-five, entitled "*An act to make provision for the improvement of the administration of justice in the several courts of this island, and for other purposes;*" for remedy whereof, *Be it enacted by the governor, council, and assembly of this island, and it is hereby enacted accordingly*, That from and after the passing of this act, whenever any person or persons aggrieved by any judgment, order, determination, or conviction of any justice or justices of the peace, acting under any law, either now or hereafter to be in force in this island, giving to such justice or justices summary jurisdiction in the premises, shall give to such justice or justices notice, in writing, of his, her, or their intention to appeal from such judgment, order, determination, or conviction, and shall enter into recognizance, with one surety, in any sum not exceeding ten pounds, to prosecute such appeal, and obey the orders of the appellate judge, to be made in the matter, the said justice or justices shall, within ten days after service of such notice of appeal, and recognizance entered into, certify the proceedings in such matter appealed from to the court of appeal within his jurisdiction, formed as herein provided.

Preamble.

Whenever parties give notice of appeal, justice to certify proceedings to court of appeal.

II: *And*

Which shall be heard as hereinafter provided.

Clerks of peace must supply certified copies of evidence.

Proviso.

Proceedings heretofore had, and those now pending, declared valid under 38th clause, 3d Vic. cap. 65, hereby repealed.

Period for bringing appeals limited to within one month after judgment given.

Proviso.

Period not to commence until the copy of conviction, &c. is drawn up and read for delivery.

In case of there not being four weeks between the judgment and next court of appeal, the time then fixed for hearing.

Proviso.

Appeals cannot be heard sooner than the law allows.

II. *And be it further enacted*, That such appeal shall be heard and determined in manner hereinafter mentioned and provided.

III. *And be it further enacted*, That the several clerks of the peace throughout the island shall, under the penalty of twenty pounds for each neglect, to be recovered in a summary manner before two justices of the peace, supply to any party applying for the same (being a party affected, or his lawfully appointed agent,) a certified copy of the evidence taken, and conviction grounded thereon, in any case of summary adjudication: *Provided always*, That the legal fees of the clerk of the peace be paid to him.

IV. *And be it enacted by the authority aforesaid*, That from and after the passing of this act, the thirty-eighth clause of the third Victoria, chapter sixty-five, entitled "*An act to make provision for the improvement of the administration of justice in the several courts of this island, and for other purposes*," shall be, and hereby is repealed, except in respect of any proceedings or matters heretofore had, or at present pending under or by virtue of any rules already made by the judges of the supreme court, by virtue of the provisions thereof.

V. *And whereas* it is expedient that the time within which appeals from the decisions and judgments of magistrates, exercising summary jurisdiction, should be limited: *Be it enacted by the authority aforesaid*, That from and after the passing of this act, all appeals to the chairmen of quarter-sessions, sitting as judges of the appeal courts, from the judgments, orders, determinations, or convictions of magistrates, shall be brought within one lunar month after the judgment, order, determination, or conviction so given or made, and not after, and shall be heard and determined at the court of appeal, to be held next after the expiration of such time, and in the calculation of such time the said lunar month or four weeks shall be exclusive of the days of the judgment, order, determination, or conviction, and the day of holding of the said court: *Provided always*, The said time shall not commence running until the copy of the conviction, order, judgment, or determination appealed against shall have been drawn up, and be ready for delivery to the party appealing on application.

VI. *And be it further enacted*, That if there shall not be four weeks between the time of the judgment, order, determination, or conviction appealed against and the next court of appeal, the appeal shall be heard at the following court of appeal, but no such appeal as last mentioned shall be heard, unless the proper notices of appeal shall have been give as hereinafter mentioned, nor unless the recognizance required by the third Victoria, chapter sixty-five, section thirty-nine, shall be entered into within four weeks next after the judgment, order, determination, or conviction appealed from: *Provided*, That nothing herein contained shall oblige the judges of the said courts of appeal to hear such appeal at an earlier period than is now fixed by law and practice.

VII. *And*

VII. *And whereas* it is expedient to afford to illiterate persons, and to persons not able to obtain professional assistance, every facility of exercising the right of appeal given them under this act: *Be it enacted*, That it shall be obligatory on the senior, or presiding justice, to inform all persons at the time of the conviction, order, judgment, or determination, of their right to appeal, and of the necessary notices to be given and served, and also of the recognizance required whenever there shall be a difference of opinion on the bench, whether of law or fact, or a majority of the justices present consider it a fit case for re-hearing, or for taking the opinion of the chairman, or the case shall involve the construction of an act of the legislature of this island, or an act of the imperial parliament of Great-Britain and Ireland, having force in this island.

Information respecting appeals to be given by the judge to ignorant persons.

VIII. *And be it further enacted*, That it shall be lawful for parties to give a verbal notice of appeal at the time of the conviction, order, judgment, or determination; and thereupon the magistrates' clerk shall make a minute thereof, which shall operate as a notice of appeal to the justices, and also to the respondent, if present in person, or by attorney, but no such appeal shall be heard, unless the recognizance required in other cases shall be entered into.

Verbal notice of appeal may be given.

IX. *And be it further enacted*, That it shall not be necessary to state, in any written notice of appeal, that the party or parties is or are aggrieved by the judgment, order, determination, or conviction appealed against; and any notice of appeal shall be sufficient, if signed by, or on behalf of, the appellant party, either at the head, foot, or in the body of such notice, either by name or mark, or in the name of the solicitor or attorney of such party.

Written notices of appeal, how to be signed.

X. *And be it further enacted*, That the statement of the grounds of appeal shall not be a condition of appeal; but the court of appeal shall require, if necessary, the appellant, in open court, to state his grounds of appeal, and shall have power, if the respondent has been taken by surprise, and cannot, in the judgment of the court, be prepared to meet such appeal, to adjourn the hearing of such appeal to some future day, to be named by the court: *Provided always*, If such grounds of appeal raise mere matters of law, or of facts, which have been already matters of discussion before the magistrates, the court of appeal shall not postpone the hearing of the appeal.

Appellant required to state his grounds of appeal, and the court may adjourn the hearing.

Proviso.

XI. *And be it further enacted*, That no such appeal shall be heard, unless a copy of the notices of appeal, or of the minute of appeal made by the magistrates' clerk, in cases of verbal notice of appeal hereinbefore mentioned, when the respondent shall not be in court at the time, shall be served upon the respondent within ten days at least before such appeal shall be finally heard, except in case of the death of such respondent, when it shall be served upon his representative, if any; and in case of absence of any respondent, or representative,

Notices of appeal required.

from the island, or their being out of the jurisdiction of the court of appeal, a copy of the notice of appeal, or minute of appeal, shall be posted ten days at least at the door of the court-house, before such appeal shall be heard: *Provided always*, The destruction, obliteration, or taking down of such notice, other than by the party appealing, his agents, or persons acting with his privity and assent, shall not prejudice.

Proviso.

Notice of appeal, when taken down without the privity of the appellant, not to prejudice him.

Notice of appeal in cases of persons appearing by attorney.

XII. *And be it further enacted*, That when the respondent has appeared by attorney, it shall be sufficient to serve such attorney, if continuing to act for such parties, with the copy of notice of appeal; and in all cases of service of notices of appeal, it shall be sufficient, if such notice is served personally, or left at the usual place of residence or business of the party; and the court of appeal may adjourn the hearing of the appeal, for the purpose of such notice being served on the respondent.

Proof of service of notices of appeal.

XIII. *And be it further enacted*, That it shall be lawful for the appellant to prove the service of the notices of appeal on the justices or respondent by affidavit, stating the facts of such service, which affidavit shall be sworn either before the judge of the court of appeal, or any commissioner for taking affidavits, or master extraordinary either of the supreme court, or court of chancery, or justice of the peace; and any false statement, wilfully made in such affidavit, shall be deemed perjury, and the party making such false statements wilfully, shall be liable to be prosecuted and punished for the same as in other cases of perjury: *Provided nevertheless*, It shall be lawful for the judge of the said courts of appeal, if not satisfied with such affidavit of service, to require the service of the said notices of appeal to be proved *vidi voce* on oath.

Proviso.

Stay of execution.

XIV. *And be it enacted*, That when any notice of appeal has been duly served, or given to the magistrates, and the recognizance required by law has been entered into, and in case of verbal notice of appeal as hereinbefore mentioned, it shall operate as a stay of execution upon the conviction, order, judgment, or determination of the magistrates, and no distress warrant, or commitment, shall thereafter be made out or issued by any magistrates, until the judgment of the court of appeal has been given.

On notices of appeals goods of appellant to be restored.

XV. *And be it enacted*, That if a distress warrant has been already issued by the convicting justices, and the goods of the appellant have been levied on under such warrant of distress, then, upon the proper notices of appeal being given, and the necessary recognizance being duly entered into, and lodged with the clerk of the court of appeal, a certificate thereof shall be made out by him, and upon the production thereof to the party who has the execution of such warrant of distress, he shall forbear to execute the same, and shall, if in possession of such goods, under such distress warrant, forthwith withdraw from such possession, and give up the same; and if the goods have been already

already sold, he shall pay over the proceeds thereof to the clerk of the said court of appeal.

XVI. *And be it enacted*, That where any party has been committed to custody by any warrant of commitment upon any judgment, order, or conviction of magistrates, and such party shall have caused proper notices of appeal to be served within the time prescribed by law, and shall also have entered into the necessary recognizance, and shall have lodged the same with the clerk of the appeal court, he shall be forthwith liberated out of custody by order of the judge of the court of appeal, or, in his absence, by order of the custos, or by order of any two magistrates at petty sessions, upon oath being duly made before such judge, custos, or magistrates, that such notices of appeal have been duly served, and such recognizance entered into, and lodged as above mentioned.

On appeal, body of appellant to be liberated.

XVII. *And be it further enacted*, That both parties shall be at liberty to examine before the appellate court *vidæ voce*, on oath, all the witnesses examined or tendered before the magistrates at the original hearing, and none other: *Provided*, It shall be in the option of either party to rely upon the evidence given on his behalf, and set forth in the conviction, which evidence the judge of the appeal court shall be bound to receive in such cases; but if such judge shall not deem such evidence so set forth satisfactory, or shall consider such evidence not fully set forth, or the truth of such evidence shall be contested by the opposite party, or for any other sufficient reason, he and they shall be empowered to require any witnesses so deposing, as he or they may deem necessary, to be examined *vidæ voce* upon oath in open court, and if such witness or witnesses are not present in court, then the hearing of such appeal shall and may be adjourned for the purpose of such witness or witnesses being produced and examined on oath; and if such witness or witnesses shall not be produced at such adjournment, and examined, the appeal court may proceed to final judgment notwithstanding.

Hearing.

Proviso.

Witnesses may be examined "*vidæ voce*" on oath.

XVIII. *And be it enacted*, That when any person appealing shall be legally incompetent to enter into recognizance, it shall be sufficient that the recognizance to prosecute such appeal be entered into by surety or sureties only.

Recognizance by sureties.

XIX. *And whereas*, it is expedient that an uniform system of practice shall prevail in the courts of appeal: *Be it therefore enacted*,

Rules of practice.

First, That none but barristers and solicitors, or the appellants and respondents in person, shall be entitled to address the court.

Second, The appellant shall begin by shewing that he has given and served the necessary notices of appeal to the convicting justice or justices and the respondent, and has entered into the recognizance required.

4 N 2

Third,

Third, The respondent (if matters of fact are in issue,) shall then produce the witnesses or evidence, after which the appellant shall call the witnesses, or produce evidence in reply, respectively examined and produced before the convicting magistrates.

Fourth, If no matters of fact are in issue, but a question of law only is raised by the appeal, the appellant will state his objections, after proving his notices of appeal and the recognizance, and the respondent will be heard in reply.

Power to administer oaths.

XX. *And be it enacted*, That the judges of the said courts of appeal shall have full powers to administer oaths, or take solemn affirmations in those causes in which persons are by law allowed to make affirmation, instead of taking an oath; such oaths or affirmations to be administered by the proper officer of the court; and every person who, in any examination upon oath, or solemn affirmation, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury, and shall be liable to all the pains and penalties attaching thereto.

Penalty on false swearing.

Subpoenas and summonses to witness, and to produce papers.

XXI. *And be it enacted*, That either of the parties to the appeal may obtain from the clerk of the court of appeal, who shall have authority to sign the same, summonses to witnesses, with or without a clause requiring the production of books, deeds, papers, and writings in their respective possession or control; and in any such summons any number of names may be inserted; and every person on whom any such summons, or copy thereof, shall be served, containing his name only, and to whom, at the same time, payment, or a tender of payment of his expenses, shall have been made, where expenses can by law be claimed, and who shall refuse or neglect, without sufficient cause, to appear and give evidence, or to produce any books, papers, or writings required by such summons so to be produced, and also every person present in court who shall be required to give evidence, and who shall refuse to be sworn and give evidence, or being sworn, shall wilfully prevaricate, shall be liable to be committed to gaol for any period not exceeding seven days.

Entering judgment affirmed.

XXII. *And whereas* it is necessary to define and limit the powers of the said courts of appeal in enforcing their judgment: *Be it enacted*, That if the judgment of the magistrates below shall be affirmed in such court of appeal, it shall be lawful for the judge of the court of appeal to endorse, upon the conviction, judgment, order, or determination of the magistrates below, the words, "judgment affirmed," with his signature, and also the amount of costs, if any are given; and thereupon the magistrates below, or any one of them, shall proceed to carry such judgment into execution, and for that purpose shall have, use, exercise, and possess all the powers and authorities, by distress and sale, commitment or otherwise, as shall be given to them by the particular act or acts under which the original proceedings were taken, or under any general act or acts now passed, or hereafter to be passed,

for

for the purpose of enforcing summary convictions, as if the same powers, authorities, and provisions were here repeated and re-enacted.

XXIII. *And be it enacted*, That in case of there being no goods and chattels, or insufficient goods and chattels, to satisfy the amount of costs so given and awarded, then it shall be lawful for the said courts of appeal to commit the party or parties to the common gaol or house of correction, there to be imprisoned, without hard labour, for any term not exceeding thirty days, unless such sum of money shall be sooner paid; and, for this purpose, the said court shall and may use the forms of warrants and commitment given by the fourth Victoria, chapter fifteen, entitled "*An act for the payment of costs to parties, on complaints determined before justices of the peace out of sessions, and to facilitate summary proceedings before justices,*" or any future act to be passed for the same purpose.

Power of enforcing costs.

XXIV. *And, for the preventing appeal being made upon frivolous grounds, Be it enacted*, That every information for conviction, and warrant of commitment, shall be deemed valid and sufficient, in which the offence shall be set forth in the words of the act creating the offence, or which shall follow the form given by any act relating to the offence, or the general form given by the act fourth Victoria, chapter fifteen, for facilitating summary convictions, or by any future act to be passed for the same purpose.

Informations declared valid.

XXV. *And be it further enacted*, That the court of appeal shall be empowered to amend any defect in form, which shall be found in the information, summons, or conviction, or in any part of the proceedings or record thereof: *Provided always*, If such proposed amendment shall be material, or shall, in the opinion of the court, prejudice the appellant, then such amendment shall be made only upon such terms as to the court shall seem meet and just; and no conviction shall be set aside for form, merely where it appears that the party has been duly summoned, and has had notice of the offence charged, and it appears by the evidence that such charge has been satisfactorily proved.

Amendments.

Proviso.

Terms of amendments.

XXVI. *And be it enacted*, That it shall be lawful for the court of appeal to transmit a case for the opinion of the supreme court in matters of law, or on the construction of any act of the legislature, without a writ of *certiorari*, issued upon a transcript of the appeal papers, and judgment signed by the judge; and thereupon the supreme court shall pronounce judgment, and certify the same, under the hand of the clerk of the supreme court, to the appeal court, which shall then deliver the judgment; and such judgment shall be carried into execution in the same manner as other judgments of the court of appeal.

Cases stated for the opinion of the supreme court.

XXVII. *And be it enacted*, That where the judgment of magistrates appealed against shall be reversed, and where the opinion of the supreme

Enforcing judgment.



supreme court has been taken, as hereinbefore mentioned, and judgment has been given accordingly, such judgment shall be enforced and granted by the court of appeal which, for such purpose, shall have, use, enjoy, and possess all the powers and authorities given to the magistrates by the act creating the offence under which the original proceedings were had, or by any general act already passed, or hereafter to be passed, for facilitating summary proceedings and convictions by justices, as if the same authorities and powers were herein repeated and re-enacted, or by issuing process, or the recognizances hereinafter mentioned.

Appeal dismissed  
in cases of conviction  
bad.

Proviso.

XXVIII. *And whereas*, it may happen that the appellant, either from not having given or served proper notices of appeal, or failure of proof of service of such notices, or defective recognizance, or other reasons, may not be in a condition to carry on his appeal, and yet the conviction may be bad on its face: *Be it enacted*, That in such or similar cases, it shall be lawful for the court of appeal simply to dismiss such appeal, without confirming such defective conviction, order, determination, or judgment: *Provided nevertheless*, The court of appeal shall and may make such amendments in such conviction, order, judgment, or determination in matters of form only, as is hereinbefore above mentioned, and give judgment on such conviction so amended accordingly.

Process on recognizances.

XXIX. *And whereas*, in some cases it may be necessary and expedient to issue process on the recognizance entered into by the appellant and his sureties, for abiding and performing the judgment of the appeal court: *And whereas* the removal of the said recognizances, by writ of *certiorari*, into the supreme court, and the proceeding by *scire facias* thereon, is both dilatory and expensive: *Be it enacted*, That it shall be lawful for the court of appeal, upon proof made that the appellant has not performed the condition of such his recognizance, or has wilfully disobeyed the order or judgment of the said court of appeal, either forthwith, or at any adjourned or future court of appeal, to issue writs of *distringas* and *capias* upon such recognizance, directed to the provost-marshal-general, or his lawful deputy, for recovering the amount of such recognizance on the goods and chattels of the parties thereto, or by taking their several bodies into custody, in case the amount of such recognizance shall not be paid, or sufficient goods and chattels cannot be found to satisfy the same.

Persons to be lodged  
in gaol.

XXX. *And be it enacted*, That every person so taken shall be lodged in the common gaol, there to abide the judgment of the appeal court, unless such sums of money due on such forfeited recognizance shall be sooner paid.

Proceedings in cases  
of perjury.

XXXI. *And be it enacted*, That where any person or witness, being duly sworn before such courts of appeal, shall be guilty of wilful and corrupt perjury, it shall be lawful for the said court to order such party or witness to be taken into custody forthwith, and to be detained until

until he can be reasonably brought before some justice of the peace of the parish, who shall thereupon examine into the matter, and hear the witnesses, on oath, in support of such charge, and take written depositions of their evidence, and examine the party charged with the said crime of perjury, and shall bail, or commit him to take his trial on such charge at the next court of assizes for the county, and shall return such examinations, depositions, and recognizances to the proper officers of the crown, as in other cases of criminal charges against persons under the same penalties for neglect of duty therein, as in other cases.

XXXII. *And be it enacted*, If any person shall willfully insult the judge, or any clerk, or other officer of the court of appeal during his sitting or attendance in court, or in going to or returning from the court, or shall willfully interrupt the proceedings of the court, or otherwise misbehave in court, it shall be lawful for any police officer or constable, with or without the assistance of any other person, or for any constable, sworn specially for the purpose, by the order of the judge, to take such offender into custody, and detain him until the rising of the court; and the judge shall be empowered, if he shall think fit, by a warrant under his hand, to commit any such offender to prison for any time not exceeding seven days.

Contempts by  
strangers.

XXXIII. *Whereas* by an act, made and passed in the fourth year of her present majesty, entitled "*An act to repeal and amend the acts of this island, regulating hawking and pedling*," it is enacted, that if any person shall think himself or herself aggrieved by any conviction of any justice or justices, in pursuance of this act, such person may appeal to the justices of the peace, at any quarter-sessions of the peace for the parish or precinct wherein such conviction shall have taken place, within four calendar months after the cause of complaint shall have arisen; such appellant first giving, or causing to be given, ten clear days notice, at least, in writing, of his or her intention to bring such appeal, and of the matter thereof, to the justices before whom the conviction shall have been had, and, within two days after such notice, entering into recognizance before some justice of the peace for such parish, precinct, or district, with two sufficient sureties, conditioned to try such appeal, and abide the order of, and to pay such costs as shall be awarded by, the justices at such sessions; and the justices at such sessions, upon due proof of such notice being given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the matter of such appeal in a summary manner, and award such costs to the parties appealing, or appealed against, as they the said justices shall think proper; and the determination of such sessions shall be final, binding, and conclusive to all intents and purposes: *And whereas* it is proper that appeals from the before-mentioned act, and all other acts now in force, giving summary jurisdiction to magistrates should be decided by the chairman of quarter-sessions, sitting in a court of appeal, under the third Victoria, chapter sixty-five.

Appeals under all acts, giving summary jurisdiction to magistrates, to be made in conformity with the provisions of 3d Vic. cap. 65.

five, in the same manner as all other appeals from summary proceedings before justices : *Be it therefore enacted*, That the said recited clause of the said act, fourth Victoria, chapter eleven, shall be and stand repealed ; and that all appeals under the said before-mentioned act of the fourth Victoria, chapter eleven, and all other acts in force, giving summary jurisdiction to magistrates, shall be heard and determined by and before the chairman of quarter-sessions, pursuant to the third Victoria, chapter sixty-five, as amended by the provisions of this act.

### C A P. XXXVIII.

*An act to repeal and amend an act, entitled " An act to continue in force, for a limited period, an act to consolidate and amend the several laws of this island relating to the office of coroner, and to provide for the attendance and remuneration of medical witnesses at coroners' inquests.*

Preamble.

15th sec. 10th Ann,  
cap. 4.

11th Geo. 3d cap.  
15.

41st Geo. 3d cap.  
13.

58th Geo. 3d cap.  
23.

4th and 5th secs.  
8th Geo. 4 cap. 22.

5th Vic. cap. 33.

**W**HEREAS it is expedient that the several laws of this island, relating to the office of coroner, should be amended and consolidated, and also to provide for attendance of medical witnesses at coroner's inquests, also remuneration for such attendance, and for the performance of *post mortem* examinations at such inquests : *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the fifteenth section of an act, passed in the tenth year of the reign of her late majesty queen Ann, chapter four, entitled "*An act for regulating fees*;" also an act, passed in the eleventh year of the reign of his late majesty king George the third, chapter fifteen, entitled "*An act for settling proceedings and fees of the coroners of this island*;" also an act, passed in the forty-first year of the reign of his said late majesty king George the third, chapter thirteen, entitled "*An act for increasing the fees of the several coroners of this island, and for empowering the governor, lieutenant-governor, or commander-in-chief for the time being to cause writs to be issued for the election of coroners for the several parishes of this island, which have hitherto had no special coroner*;" also an act, passed in the fifty-eighth year of the reign of his said late majesty king George the third, chapter twenty-three, entitled "*An act for further regulating the duties of the office of coroner*;" also the fourth and fifth sections of an act, passed in the eighth year of the reign of his late majesty king George the fourth, chapter twenty-two, entitled "*An act for improving the criminal justice in this island*;" also an act, passed in the fifth year of the reign of her present majesty, entitled "*An act to amend and consolidate the several laws of this island relating to the*

*the office of coroner, and to provide for the attendance and remuneration of medical witnesses at coroners' inquests,"* be and stand repealed, and they are hereby repealed accordingly. Repealed.

II. *And be it further enacted,* That when there are grounds for supposing that any person has come to his death by any unfair means, or has died from any cause, or in any manner otherwise than according to the common course of nature, in any parish of this island, information shall forthwith be given to the coroner for such parish wherein such death shall happen, of any such death or deaths, by the person or persons who shall know of any such death or deaths; and if any person shall wilfully or knowingly neglect or refuse to give such information as aforesaid to such coroner, he shall be deemed to have committed a misdemeanor, and, upon conviction, by indictment or otherwise, before the assize court of the county, or the general court of quarter-session for the parish or precinct wherein such offence shall have been committed, shall be subject to such punishment, either by fine, or by imprisonment, or by both, as the court before whom he is convicted shall award: *Provided,* That such fine shall not exceed the sum of fifty pounds, and such imprisonment shall not exceed the space of three months. Proviso.

III. *And be it further enacted,* That the coroner of such parish shall, upon such information or notice, in writing, being given to him, and after due inquiry, issue, or cause to be issued, under his hand and seal, a warrant in the form marked A, hereunto annexed, and directed to any lawful constable or policeman of the parish wherein such body may be found, requiring him to warn or summon twenty-four good and lawful men of the same parish, to attend at such place and time as shall be therein stated, a written or printed notice of which shall be served personally upon each person so summoned, or left at his usual place of residence or business, and the said constable or policeman shall, and is hereby required forthwith to make a return of such service, on oath, to such coroner, and such coroner is directed, immediately on the assembling of such men as aforesaid, to call upon the first twelve that shall answer to their names to act as a jury, and proceed, together with himself, to view the body, and shall then hold an inquisition thereon, agreeably to the laws of England in such case made and provided, and act in every manner and thing relative thereto agreeably to such laws: *Provided always,* That if a sufficient number of persons warned do not attend to form a jury, the coroner is hereby empowered summarily to warn or summon, either personally, or by a lawful constable, or policeman, such other good and lawful men as he may find, so that the jury shall not consist of less than twelve persons; and the constable, or warning officer, is hereby required to make a return, on oath, to such coroner, of the names of such good and lawful men so warned, or summoned by written or printed notice as aforesaid; which return the said coroner shall attach to his inquisition, as part of the proceedings.

Person coming to his death otherwise than according to nature, information must be given to coroner.

Proviso.

Who shall issue warrant to a constable to summon a jury.

And summarily warn other persons, if necessary.

Proviso.

ceedings of such inquest : *And provided also*, That such constable, or warning officer, shall warn or summons such good and lawful men, who may be found in the immediate vicinity of the intended place of inquest, and he shall only proceed to warn other persons at a distance from such place, in the event of a sufficient number not being found in the vicinity.

Persons summoned not attending, punishable on summary conviction.

IV. *And be it further enacted*, That when any notice, as aforesaid, for the attendance of any person as aforesaid at any inquest, shall have been personally served upon such person as aforesaid, or where any such copy of the summons as aforesaid, not personally served, shall have been received by any such person as aforesaid, in sufficient time for him to have obeyed such summons, in every case where he shall not have attended at the time and place as is required in such summons, he shall, upon conviction thereof in a summary manner before any two justices of the peace of the parish or precinct where the offence shall be committed, be liable to pay a fine not exceeding five pounds, to be levied by distress and sale on the offender's goods and chattels ; and, in default of such goods and chattels whereon to levy, the said justices are hereby authorized and empowered to commit such offender or offenders to the nearest prison, there to remain without bail or mainprize, for the space of twenty days.

V. *And whereas* by an act, passed in the forty-first year of the reign of his late majesty king George the third, chapter thirteen, the then lieutenant-governor of this island was authorized and required to cause writs to be issued in the usual manner and form for the election of a coroner for the parishes of Saint Thomas in the Vale, Saint John, Saint Dorothy, and Saint David, which coroners, so returned elected and qualified as directed by law, should possess the same powers, and be entitled to the same fees, and be obliged to discharge all and every the duties of the office of coroner agreeably to the laws of England, and of this island, in such case made and provided : *And whereas* coroners for the aforesaid parishes were duly elected, returned, and qualified as required by the said act : *And whereas*, by the third section of the aforementioned act, the governor, lieutenant-governor, or commander-in-chief, for the time being, had power and authority, whenever and as often as any vacancy of the office of coroner of either of the parishes aforesaid should happen, to cause a writ to be issued for the election of another coroner for such parish, in the same manner and form as hath usually been practised upon the vacancy of the office of coroner heretofore in any precinct in this island, and such vacancies have been accordingly filled up as the same from time to time took place : *And whereas* it is necessary to continue the authority of filling up vacancies, where any vacancy shall occur in the office of coroner, in either of the parishes aforesaid : *Be it therefore enacted*, That the governor, or person executing the functions of governor for the time being, shall have power and

Governor may issue writ for election of coroner.

and authority, whenever and as often as any vacancy of the office of coroner of either of the parishes aforesaid shall happen, to cause a writ to be issued for the election of another coroner of such parish in the same manner and form as hath usually been practised, upon the vacancy of the office of coroner heretofore in any precinct of this island, subject to the provisions of this act.

VI. *And whereas*, by the said recited act, the governor, or person exercising the office of governor for the time being, was required to cause a writ to be issued for the election of a coroner for the interior of the parish of Port-Royal, in addition to the coroner for the town of Port-Royal, whose residence should be in the said interior of the said parish of Port-Royal: *And whereas*, a coroner for the interior of the said parish was duly elected, returned, and qualified, as required by the said act: *And whereas* the said governor, or person executing the functions of governor for the time being, had power and authority, when any vacancy should happen, by the death, or departure from this island of either of the said coroners for the parish of Port-Royal aforesaid, to issue a new writ for the election of another coroner, in the room of the one so dying, or departing from this island, so that there should always be a coroner residing in the said town of Port-Royal, and a coroner resident in the interior part of the said parish of Port-Royal, and such vacancies have been accordingly filled up as the same from time to time took place: *And whereas* it is expedient to continue the authority for filling up vacancies, when any vacancy shall occur in either of the offices of coroner for the said parish of Port-Royal: *Be it therefore enacted*, That when any vacancy shall happen of either of the coroners for the parish of Port-Royal aforesaid, the governor, or person exercising the functions of governor for the time being, shall have power and authority to issue a new writ for the election of another coroner, so that there shall always be a coroner resident in the said town of Port-Royal, and a coroner resident in the interior part of the said parish of Port-Royal, subject always to the provisions of this act.

Two coroners for Port-Royal.

VII. *And be it further enacted by the authority aforesaid*, That the superintendent, or keeper of every penitentiary house of correction, or district prison, and the keeper of every gaol within this island, shall forthwith, on the death of any prisoner who may die from any cause, or in any manner whatsoever, within such penitentiary, house of correction, district prison, or gaol, give notice, in writing, to the coroner for the parish wherein such penitentiary, house of correction, district prison, or gaol is situated, of every such death; and if any superintendent of any penitentiary, house of correction, or district prison, or the keeper of any gaol within this island, shall neglect or refuse to give such information to such coroner, such superintendent, or keeper, shall be deemed to have committed a misdemeanour, and upon conviction, by indictment or otherwise, before the assize court of the county, or the general court of quarter-sessions

Superintendent of penitentiary, &c. to report death of prisoner to coroner.

sions for the parish or precinct wherein such offence shall have been committed, shall be subject to such punishment, either by fine or by imprisonment, or by both, as the court before whom he is convicted shall award: *Provided*, That such fine shall not exceed the sum of fifty pounds, and such imprisonment shall not exceed the space of three months.

Proviso.

Bodies of persons who have died otherwise than in the course of nature, must not be removed for 24 hours.

VIII. *And whereas* dead bodies may be removed and buried, so as to prevent inquiry into the cause of death: *Be it further enacted by the authority aforesaid*, That it shall not be lawful to remove, for the purpose of burial, any body or bodies of any person or persons who may be supposed to have come by his or her death by any unfair means, or to have died from any cause, or in any manner otherwise than in the common course of nature, in less than twenty-four hours after such death shall have happened, except it shall have been so ordered by the coroner for the parish wherein such death or deaths took place, after due inquiry and *post mortem* examination shall have been made, if necessary; and any person or persons removing, or burying any such body or bodies, without its having been so ordered as aforesaid, every such person shall be deemed guilty of a misdemeanour, and, upon conviction, as is last hereinbefore mentioned, shall be subject to such punishment either by fine or by imprisonment, or by both, as the court before whom he is convicted shall award: *Provided*, That such fine shall not exceed the sum of fifty pounds, and such imprisonment shall not exceed the space of three months.

Proviso.

IX. *And whereas* certain fees, and mile-money, have been heretofore, and are now, paid by the several parishes of this island to the coroners, for the duties by law required to be performed by them: *And whereas*, it is expedient that other provision should be made for remunerating the coroners, and that in lieu of the said fees, so paid to them as heretofore, the said coroners shall have and receive an annual allowance or salary in manner hereinafter provided: *Be it therefore enacted*, That from and after the commencement of this act, in lieu of the fees heretofore paid to them, the several coroners of this island shall be allowed the full annual sums mentioned and set down in the schedule to this act annexed, marked F; and which said annual sums the receiver-general is hereby authorized and directed to pay to the said coroners, by four quarterly payments, in each and every year, out of any monies in his hands unappropriated.

Coroners to receive salaries in lieu of fees.

And make abstracts of inquisitions, finding of jury, with names of witnesses, &c. and lodge same with clerk of peace, &c.

X. *And be it enacted*, That every coroner, by or before whom any inquest shall be taken, shall make an abstract of the inquisition and finding of the jury, and shall state, in such abstract, the names of the jurors in any such inquest, and the names of all the witnesses, who shall have been examined at the same; and shall annex thereto an account of the number of miles which he shall have been compelled

pelled to travel, from his usual place of residence, to take such inquest; and shall certify such abstract and account to be true and correct in all particulars, and shall sign the same, and shall lodge such abstract and account with the clerk of the peace of the parish of which he is the coroner, ten clear days at least before the assembling of the court of quarter-sessions for such parish; and the said clerk of the peace shall permit such abstracts and account to be inspected and examined in his office by any inhabitant of such parish, who shall apply to him for the purpose, at all hours of business during the said ten days; and the said clerk of the peace shall lay the said abstracts and accounts before the court of quarter-sessions for such parish which shall next assemble, and the chairman and justices of such court of quarter-sessions shall examine such abstracts and accounts, and shall, and may, if they shall deem it necessary, examine the said coroner upon oath (which oath the chairman, or presiding justice of such court of quarter-sessions, is hereby empowered to administer,) as to the truth and correctness of all or any of the statements or items contained in such abstracts or account, or as to the belief, and the grounds of belief, which such coroner may, at the time of holding any such inquest, have entertained of the necessity for holding the same; and the said abstracts and account shall, when approved of by the said court of quarter-sessions, be signed by the chairman or presiding justice, and preserved among the records in the office of the clerk of the peace of such parish.

XI. *And be it enacted*, That it shall and may be lawful to and for the court of quarter-sessions of any parish, when they shall have examined and approved of such abstracts and account as aforesaid, to order payment unto the coroner of such parish at the rate of one shilling and six pence per mile, for every mile which such coroner shall have been obliged to travel, from his usual place of residence, for the purpose of taking such inquest: *Provided always*, That whenever any coroner shall have held more than one inquest on the same day, then, in respect of every such inquest taken after the first, the said sum of one shilling and six pence per mile shall be computed and paid to such coroner for every additional mile only which he shall have been compelled to travel, in consequence of holding more than one inquest on the same day.

Quarter-sessions to order payment of mile-money.

Proviso.

XII. *And be it further enacted*, That every order, made by the court of quarter-sessions, for payment to the coroner of mile-money as aforesaid, shall be forthwith made out and drawn upon the receiver-general of this island; and the receiver-general is hereby authorized and required, upon sight of every such order, forthwith to pay to the coroner named therein, or to any person duly authorized to receive the same on his behalf, the money in such order mentioned, and shall be allowed the same in his accounts.

Order to be forthwith made out.

XIII. *And*



No mile-money allowable, unless coroner attends personally.

XIII. *And be it enacted*, That no coroner shall be entitled to any mile-money unless he shall have personally held the inquest on the body for which such mile-money would have been chargeable.

In his absence a justice may hold inquest.

XIV. *And be it further enacted*, That in any case where the coroner, from ill health, absence from the parish for which he is a coroner, or otherwise, is unable to perform his duty, it shall and may be lawful for any justice of the peace for the parish wherein such coroner officiates, and he is hereby required, on receiving information of the death of any person from any cause whatsoever otherwise than by the common course of nature, or, if any body, being found dead within his jurisdiction, to issue his warrant for warning a jury in the form hereinbefore directed, and to proceed in like manner to hold an inquisition on the body, the same as if he were the coroner for the said parish; and all directions, penalties, and forfeitures herein required and contained, shall be as truly observed and enforced in the same manner as if the coroner himself personally held such inquest: *Provided always*, That no justice of the peace shall be entitled to demand, or receive any mile-money, or remuneration whatsoever, for issuing such warrant as aforesaid, or holding any such inquest.

Proviso.

Must state his reasons for not holding inquests.

XV. *And be it enacted*, That whenever a coroner shall not deem it necessary to hold an inquest upon a dead body, it shall be his duty, and he is hereby required to state, in writing, his reasons for not holding such inquest, and shall certify such reasons to be true and correct in all particulars, and shall sign the same, and shall lodge such statement, in writing, together with all documents relating thereto, with the clerk of the peace of the parish of which he is the coroner, ten clear days at least before the assembling of the court of quarter-sessions for such parish; and the said clerk of the peace shall permit such statements, in writing, and documents, to be inspected and examined in his office by any inhabitant of such parish, who shall apply to him for the purpose, at all hours of business during the said ten days; and the said clerk of the peace shall lay the said statements and documents before the court of quarter-sessions for such parish, which shall next assemble, and the chairman, and justices of such court of quarter-sessions, shall examine such statements and documents, and shall and may, if they shall deem it necessary, examine the said coroner upon oath (which oath the chairman, or presiding justice, of such court of quarter-sessions is hereby empowered to administer,) as to the truth and correctness of all or any of the reasons contained in such statements and documents, or as to the belief, and grounds of belief, which such coroner may at the time have entertained that it was not necessary to hold such inquests; and it shall be the duty of the said clerk of the peace to preserve the said statements and documents among the records in his office.

And may be examined upon oath.

XVI. *And whereas* it is expedient to grant leave of absence to coroners

coroners in certain cases: *Be it enacted*, That it shall and may be lawful for the governor, or the person exercising the functions of governor, to grant leave of absence, for a period not exceeding twelve months, to any coroner of this island, on account of ill health, or any other sufficient and reasonable cause which shall appear to the said governor satisfactory, and such coroner shall be, and is hereby authorized to appoint, under his hand and seal, some fit and proper person, to be approved of by the governor, to act as his deputy during his absence from the island; the said deputy, so appointed and approved of, shall perform all the duties, exercise all the powers and privileges, and be subject to all pains and penalties provided by this act: *Provided always*, That a certified copy of such appointment as deputy, and of the approval of the governor, shall be lodged by the said coroner, so obtaining leave of absence, with the clerk of the peace of any such parish, for record in his office: *Provided*, That all inquests taken, and other acts performed by any such deputy coroner, under and by virtue of any such appointment, shall be deemed and taken, to all intents and purposes whatsoever, to be the acts and deeds of the coroner by whom such appointment was made.

May obtain leave of absence from governor.

Proviso.

Proviso.

XVII. *And be it further enacted*, That where the coroner is disabled from old age, or any inveterate disease, or in any case of mental or bodily inability to execute his office in person, and as he ought, it shall and may be lawful to and for the governor, or person exercising the functions of governor for the time being, on the petition of the chairman and justices in quarter-sessions of the parish to which the coroner shall belong, which petition shall set forth the nature of the disability under which such coroner shall be labouring, forthwith to issue, or cause to be issued, her majesty's writ "*de coronatore exonerando*," in the usual manner and form, for the election of a fit and proper person to serve in the room of such coroner, so being disabled as aforesaid: *Provided always*, That the coroner, so being disabled as aforesaid, shall have due notice of the intended application to the governor, or person exercising the functions of governor.

In case of disability another may be elected.

Proviso.

XVIII. *And whereas* it is necessary that the office of coroner should not remain vacant: *Be it further enacted*, That when and so soon as the office of coroner shall be vacated by reason of the absence without leave, or death of any coroner, it shall be the duty of the custos, or senior magistrate of the parish in which such vacancy shall occur, to give information thereof as soon as possible, and within twenty days after he shall have received notice, on oath, to that effect, to the governor, or person exercising the functions of governor.

Vacancy must be reported to governor.

XIX. *Whereas* doubts exist as to the power possessed by the coroner to enforce the attendance at any inquest of any qualified physician

Coroner may order attendance of medical man.

sician or surgeon, to give his opinion as to the cause of death, or to make any *post mortem* examination upon any body, the cause of whose death may be then under investigation : *And whereas* it is expedient to remove such doubts, and to provide for the attendance of medical witnesses at coroner's inquests, also remuneration for such attendance, and for the performance of *post mortem* examination at such inquests : *Be it therefore enacted*, That from and after the passing of this act, whenever, upon the summoning or holding of any coroner's inquest within this island, it shall appear to the coroner that the deceased person was attended at his or her death, or during his or her last illness, by any legally qualified medical practitioner, it shall be lawful for such coroner, with the consent of the majority of the jurors, to issue his order in the form (marked C) in the schedule hereunto annexed, for the attendance of such practitioner as a witness at such inquest ; and if it shall appear to the coroner that the deceased person was not attended at or immediately before his or her death by any legally qualified medical practitioner, it shall be lawful for the coroner, with the consent of the majority of the jurors, to issue such order for the attendance of any legally qualified medical practitioner in or near the place where the death has happened, and it shall be lawful for the coroner, either in his order for the attendance of the medical witness, or at any time between the issuing of such order and the termination of the inquest, with the consent of the majority of the jurors, to direct the performance of a *post mortem* examination, with or without an analysis of the contents of the stomach or intestines, by the medical witness or witnesses who may be summoned to attend at any inquest : *Provided*, That if any person shall state, upon oath, before the coroner, that in his or her belief the death of the deceased individual was caused partly or entirely by the improper or negligent treatment of any medical practitioner, or other person, such medical practitioner, or other person, shall not be allowed to assist at the *post mortem* examination of the deceased.

Proviso.

Another medical man may be called in.

XX. *And be it further enacted*, That whenever it shall appear to the majority of the jurors at any coroner's inquests that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner, or other witness or witnesses, who have been examined in the first instance, such majority of jurors are hereby authorized and empowered to direct the coroner, in writing, to call in any other legally qualified medical practitioner or practitioners, whom they may name, and to require the coroner to issue his order, in the form hereinbefore mentioned, for the attendance of such medical practitioner or practitioners, to give evidence as a witness or witnesses, and to perform a *post mortem* examination, with or without an analysis of the contents of the stomach or intestines, or to prosecute such inquiry (if it shall have been already entered upon) ; and if the coroner, having been so required, shall refuse to issue such

such order, he shall be deemed guilty of a misdemeanour, and shall be punishable in like manner as if the same were a misdemeanour at common law.

XXI. *And be it further enacted*, That when any legally qualified medical practitioner has attended upon any coroner's inquest, in obedience to any such order as aforesaid, the said practitioner, for such attendance at any inquest, shall be entitled to receive such remuneration or fee as is hereinafter provided for in the schedule (marked D), and the coroner is hereby required and commanded to make, according to schedule (marked E), hereunto annexed, his order for the payment of such remuneration or fee, and such order shall be addressed and directed to the receiver-general of this island, and the receiver-general is hereby authorized and required, upon presentation of every such order, forthwith to pay to the medical witness named therein, or to any person duly authorized to receive the same on his behalf, the money in such order mentioned, and shall be allowed the same in his accounts: *Provided nevertheless*, That no order of payment shall be given, or any fee or remuneration paid, to any medical practitioner, for the performance of any *post mortem* examination which shall have been instituted without the previous directions of the coroner.

Remuneration to be made to them.

Proviso.

XXII. *And be it further enacted*, That where any order for the attendance of any medical practitioner as aforesaid shall have been personally served upon such practitioner, or when any such order, not personally served, shall have been received by any medical practitioner in sufficient time for him to have obeyed such order, in every case where any medical practitioner has not obeyed such order, he shall, for such neglect or disobedience, forfeit and pay a sum not exceeding ten pounds, upon complaint thereof made by the coroner, or any two of the jury, before any justice of the peace having jurisdiction within the parish or precinct where the inquest, under which such order issued, was held, or in the parish where such medical practitioner resides; and such justice is hereby required, upon such complaint, to proceed to the hearing and adjudication of such complaint; and if such medical practitioner shall not shew to the said justice a good and sufficient cause for not having obeyed such order, to enforce the said penalty, by distress and sale of the offenders' goods, in such manner as they are empowered to proceed by any act of this island for the recovery of any other penalty or forfeiture.

Neglect on their part punishable.

XXIII. *And be it further enacted by the authority aforesaid*, That when any inquest shall be holden on the body of any person who has died in any penitentiary district prison, gaol, house of correction, hospital, infirmary, or asylum, or any building, or place thereunto belonging, or used for the reception of the sick thereof, then, and in such case, nothing herein contained shall be construed

Medical officer of penitentiary, &c. not entitled to fees.

Provido.

strued to entitle the medical officer, whose duty it may have been to attend the deceased person as a medical officer of such institution as aforesaid, to the fee or remuneration hereinbefore provided: *Provided always nevertheless*, That in case it may be deemed requisite by the coroner, for the satisfaction of the jury, or otherwise, to examine some other medical practitioner, besides the medical officer of the said penitentiary, district prison, gaol, house of correction, hospital, infirmary, or asylum, touching such death as aforesaid, then, and in such case, it shall and may be lawful for the coroner, if the death shall have happened at any of the places above mentioned, to order payment, by the receiver-general of this island, to such other practitioner as aforesaid, of such remuneration or fee as is hereinbefore provided for the payment of medical witnesses.

Persons summoned as witnesses, not attending, punishable.

XXIV. *And be it enacted*, That if any person shall have been summoned by any coroner, or any justice of the peace officiating for a coroner, to attend and give evidence as a witness at any inquest holding, or about to be held, and shall not so attend, every such person, so offending, shall, upon conviction in a summary manner, before any two justices of the peace for the parish or precinct in which the offence was committed, pay a fine not exceeding ten pounds, to be recovered, in default of immediate payment, by warrant of distress and sale of the goods and chattels of the person so offending; and if no goods and chattels can be found whereon to levy, then by commitment to the nearest prison for a period not exceeding three months, at the discretion of the said justices.

Coroners may take recognizance of parties, &c.

XXV. *And be it further enacted*, That every coroner, upon any inquisition before him taken, whereby any person shall be indicted for manslaughter, or murder, or as an accessory to murder before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material, and shall have authority to bind, by recognizance, all such persons as know, or declare any thing material touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the assize court next following of the respective counties at which the trial thereof is intended to be, then and there to give evidence, or prosecute against the party or parties accused; and every such coroner is hereby required to certify and subscribe the same evidence, and all such recognizances, and also the inquisition before him taken, and shall deliver the same to the clerk of the crown within fourteen days after such inquest shall have terminated.

And is punishable for neglect, &c.

XXVI. *And be it further enacted*, That if any coroner, or justice of the peace acting for any coroner, shall offend in any thing contrary to the true intent and meaning of the provisions of this act, the court, to whose officer any examinations, abstracts, reasons, information, evidence, bailment, recognizance, or inquisition, shall not have

have been delivered, as herein directed, shall, upon examination, and proof of the offence, in a summary manner inflict such fine upon such coroner, or justice of the peace, as aforesaid, as the court shall think fit; provided such fine shall not exceed the sum of thirty pounds.

XXVII. *And whereas* doubts have arisen as to the right of coroners to act as justices of the peace in all matters and things relating to the duties of a justice of the peace for the parish for which he is coroner: *And whereas* it is expedient to remove all such doubts: *Be it therefore enacted by the authority aforesaid.* That the jurisdiction of all coroners within this island is hereby limited solely to all such matters and things that shall appertain to their offices as coroners, and that they shall in no wise, under colour of their appointment as coroners, or deputy coroners, or under any commission of the peace, act as a justice of the peace.

Their jurisdiction defined.

XXVIII. *And be it further enacted,* That from and after the commencement of this act it shall not be lawful for any person, being a coroner of any city or parish of this island, to sit or vote at any meeting of, or be a member, either as a magistrate or otherwise, of the corporate body of Kingston, or of any vestry of this island; and that every election of any person, being such coroner, as a member of the corporate body of Kingston, or as a vestryman, or churchwarden of any parish of this island, shall be, and the same is hereby declared to be, *ipso facto* void.

Coroner not to be a member of the corporation or vestries.

XXIX. *And be it further enacted,* That when any constable or policeman shall neglect or refuse to attend and obey the orders of the coroner for the parish wherein such constable or policeman is a constable, with reference to any inquest then holding, or about to be held, or shall neglect or refuse to serve any summons issued by such coroner, and directed to him as a constable or policeman, or shall neglect forthwith to make a due return thereof as is hereinbefore directed, every such constable or policeman, shall, for every such offence, be liable, upon complaint being made by such coroner before any one justice of the peace for the same parish, to pay a fine not exceeding forty shillings, and in default of immediate payment, to be and stand committed to the nearest prison for a period not exceeding ten days.

Constables neglecting duty may be punished.

XXX. *And be it enacted,* That all fines, inflicted and recovered under this act, shall be paid to the treasurer of the parish in which the offence was committed, for the use of the parish.

Fines payable to treasurer of parish.

XXXI. *And be it further enacted,* That nothing herein contained shall be construed to alter, vary, or annul any of the acts of this island, or the laws of England, respecting coroners and their duties, or any proceedings against them, or touching their offices,

Laws of England not annulled. ■

save and except as such acts and laws, or any parts thereof, may be varied or altered by this act, or shall be repugnant thereto, but the same shall be, and continue in full force as heretofore.

Parish to print summonses.

XXXII. *And be it further enacted by the authority aforesaid,* That the justices and vestry of the respective parishes of this island are hereby directed, from time to time, to have printed, at the expense of the parish, copies of the summons hereunto annexed (marked F), which said summons shall be distributed among the policemen and constables of the parish for the purposes of this act.

Inquests may be held on Sundays, &c.

XXXIII. *And whereas* doubts have arisen whether it is lawful to hold inquests upon Sundays, Christmas-Day, Good-Friday, and other holidays : *And whereas*, from the heat of this climate, decomposition rapidly takes place : *Be it enacted, and it is hereby declared,* That it shall and may be lawful for the coroners in this island to hold inquests on a Sunday, Christmas-Day, Good-Friday, and other holidays.

Term coroner defined.

XXXIV. *And be it enacted by the authority aforesaid,* That wherever, in this act, the word coroner is used, it shall be deemed, and taken to mean, "the coroner, or his lawful deputy."

Marks of jurors to be taken to be signatures.

XXXV. *And be it enacted,* That where the jurors, or any of them, shall have set their mark or marks to any inquisition under this act, instead of writing their names at length, the same shall be considered and taken to be the signature required by this act.

Act to commence 1st May, and continue to 31st December, 1850.

XXXVI. *And be it further enacted by the authority aforesaid,* That this act shall commence, continue, and be in force from the first day of May, in the present year, until the thirty-first day of December, in the year one thousand eight hundred and fifty, and no longer.

May be altered.

XXXVII. *And be it enacted,* That this act may be altered, amended, or repealed, during the present session.

## SCHEDULE A.

### WARRANT OF CORONER.

JAMAICA, SS. }  
St. to wit, }

To chief police officer, or head constable of the parish of and to all every of the police and lawful constables of the said parish.

By virtue of my office, These are, in her majesty's name, to charge and command you, or either of you, that on sight hereof you summon and warn twenty-four good and lawful men, being residents of

*of your parish, personally to be and appear before me, or the  
 day of instant, at of the clock in  
 the noon, at the house of Mr. in  
 street, in this parish, then and there to do and execute  
 all such things as shall be given them in charge on behalf of  
 our sovereign lady the queen, touching the death of  
 and that you also attend at the time and place above  
 mentioned to make a return of those you shall so summon: And  
 further to do and execute such other matters as shall be then and  
 there enjoined you: And have you then and there this warrant.*

*Given under my hand and seal, this day of 184*  
 C. D. coroner, (L.S.)

## SCHEDULE B.

To the coroner for the parish of Kingston	£150
To the coroners for the parishes of Saint Ann, Saint Thomas in the East, Saint Elizabeth, Westmoreland, Saint James and Trelawny	£120 each
To the coroners for the parishes of Saint Andrew, Manchester, and Hanover	£100 each
To the coroners for the parishes of Saint Catherine, Saint Thomas in the Vale, Clarendon, Saint Mary, and Metcalfe	£75 each
To the coroners for the parishes of Saint Dorothy, Saint John, Vere, Portland, Saint George, and Saint David	£40 each
To the coroner for the mountain district of Port-Royal	£25
To the coroner for the town of Port-Royal	£15

## SCHEDULE C.

## FORM OF SUMMONS TO MEDICAL WITNESSES.

*Coroner's inquest at on the body of  
 By virtue of this my order, as coroner for you are  
 required to appear before me, and the jury, at on the  
 day of one thousand eight hundred and  
 at of the clock, to give evidence touching the cause of death  
 of (and then add, when the witness is required to  
 make or assist at a post mortem examination, and make, or as-  
 sist in making, a post mortem examination of the body, with  
 or without an analysis (as the case may be,) and report thereon  
 at the said inquest.*

*Signed coroner.  
 To surgeon,  
 (or M. D. as the case may be.)*

## SCHEDULE D.



## SCHEDULE D.

## TABLE OF FEES TO MEDICAL WITNESSES.

To every legally qualified medical practitioner, for attending to give evidence under the provisions of this act, at any coroner's inquest, whereat no post mortem examination has been made by such practitioner, the fee or remuneration shall be one pound one shilling, and one shilling and six pence for every mile he shall be obliged to travel, from the place where he shall be summoned, to the place where the inquest is held.

For the making of a post mortem examination of the body of the deceased, either with or without an analysis of the contents of the stomach, or intestines, and for attending to give evidence, the additional fee of two pounds two shillings.

## SCHEDULE E.

## CORONER'S ORDER FOR PAYMENT OF MEDICAL WITNESSES.

By virtue of an act of this island, passed in the \_\_\_\_\_ year of her present majesty's reign, intituled (insert the title to this act) I, \_\_\_\_\_ the coroner of, and for the parish of \_\_\_\_\_ do direct you, the receiver-general of this island, to pay to \_\_\_\_\_ the sum of \_\_\_\_\_ (as the case may be), being the fee (or fees) due to him for having attended as a medical witness at an inquest holden before me, this \_\_\_\_\_ day of \_\_\_\_\_ upon the body of \_\_\_\_\_ about the age of \_\_\_\_\_ who was found dead at \_\_\_\_\_ (or other particulars or descriptions), and at which said inquest the jury returned a verdict of \_\_\_\_\_

(Signed) \_\_\_\_\_ coroner.

Witnessed by me

To the receiver-general of this island.

## SCHEDULE F.

## FORM OF NOTICE TO JURORS.

JAMAICA. SS, }  
St. \_\_\_\_\_ to wit, }

By virtue of a warrant, under the hand and seal of C. D. her majesty's coroner for this parish, you are hereby summoned personally to be, and appear before him, as a juror, on the \_\_\_\_\_ day of \_\_\_\_\_ instant, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon precisely, at the house of Mr. \_\_\_\_\_ in \_\_\_\_\_ street, in this parish, then and there to inquire, on her majesty's behalf, touching the death of \_\_\_\_\_ and

and further to do and execute such matters and things as shall be then and there given you in charge, and not depart without leave. Thereof fail not, at your peril.

Dated this                      day of                      one thousand  
eight hundred and

H. C. policeman, or lawful constable of the parish of  
To H. B. of the parish of                      carpenter.

C A P. XXXIX.

*An act to amend an act, passed in the eighth year of the reign of her present majesty, entitled "An act for the relief of insolvent debtors, and for the more effectual collection and distribution of their assets."*

**W**HEREAS by the seventh section of an act, made and passed in the eighth year of the reign of her majesty queen Victoria, entitled "*An act for the relief of insolvent debtors, and for the more effectual collection and distribution of their assets,*" it is enacted, that before any official assignee shall be authorized to act as such, he shall enter into recognizance to our sovereign lady the queen, her heirs and successors, himself in three thousand pounds, and two sufficient sureties, each of whom shall justify in one thousand five hundred pounds before one of the judges of the supreme court, for the faithful and due discharge of the duties of his office, such recognizance to be entered up, and recorded in the office of the clerk of the crown, and to be signed by such official assignee, and his sureties, before the said judge, as aforesaid, at the time of their entering into such recognizance: *Provided always,* That all sums of money, recovered by reason of the forfeiture of any recognizance, shall be paid into the office of the receiver-general to the credit of such insolvent estate, in which the default of the official assignee shall be made: *And whereas* it is expedient to amend the said section of the said act: *Be it therefore enacted by the governor, council, and assembly, and it is hereby enacted and ordained by the authority of the same,* That from and after the passing of this act, any official assignee, to be hereafter appointed, or any official assignee already appointed, who shall be required to find new sureties in his said office may, instead of the recognizance, himself in three thousand pounds, and two sureties in one thousand five hundred pounds each, as required by the said section of the said act, enter into a recognizance to our sovereign lady the queen, her heirs and successors, himself in three thousand pounds, with two or more sufficient sureties, each for such part and proportion not less than five hundred pounds, of the sum of three thousand pounds, as such sureties shall severally be willing and able to assume, so that the several sureties, so taken, shall amount

Preamble.

4-5

Official assignee may give two or more sureties instead of two each, to be for not less than £500.

Proviso.

amount in the whole to the sum of three thousand pounds : *Provided always*, That each and every of such sureties shall justify, in the sum for which they shall respectively be so bound, before one of the judges of the supreme court of judicature of this island.

## C A P. XL.

*An act to transfer certain parochial expenditure to the public of this island, and to relieve parochial taxation, and for other purposes.*

Preamble.

**W**HEREAS the parochial taxes of this island have borne heavily on the inhabitants thereof, by reason of the many institutions which the parishes have, from time to time, been directed by acts of the legislature of this island to uphold, and it hath become necessary to relieve the parishes of a portion of such taxes : *And whereas*, under and by virtue of an act, passed on the seventeenth day of December, one thousand eight hundred and forty-two, entitled "*An act to consolidate and amend two several acts for ascertaining and establishing uniformity of weights and measures in this island*," the justices and vestry of the several parishes of this island, and the corporation of Kingston, are empowered and required to make provision for carrying the said act into effect : *And whereas*, by an act, passed the legislature of this island this present session, the thirteenth clause of the said act is repealed and amended, and the justices and vestry of the several parishes of this island, and the corporation of Kingston, are relieved from making provision for such purpose : *And whereas* by another act, passed on the thirty-first day of December, one thousand eight hundred and forty-five, entitled "*An act to regulate the fees of the clerks of the peace, and clerks of the magistrates of this island, and for other purposes*," it is enacted that the several clerks of the peace, and clerks of the magistrates, shall be paid certain of the fees to which they are entitled by the justices and vestry of the several parishes of this island, and by the corporation of Kingston : *And whereas*, by an act, passed the legislature of this island this present session, the said act is repealed and amended, and the justices of the several parishes of this island, and the corporation of Kingston, are relieved from paying such clerks of the peace and magistrates' clerks the fees which such justices and vestry, and the corporation of Kingston, were, by the said recited act, required to pay : *And whereas*, sufficient provision is made by this act for paying unto the several clerks of the vestries, and criers of the several courts of quarter-sessions and common pleas throughout the island, out of the public treasury, salaries adequate to the duties of such respective officers : *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted by the authority of the same*, That it shall not be lawful for the corporation

Corporation of Kingston, and just

ration of the city and parish of Kingston, or the justices and vestry of any parish of this island, to raise, levy, assess, collect, or impose upon the inhabitants of this island, any tax or rate for or in respect, or on account, of any of the matters or offices set down and included in the schedule hereunto annexed, or to apply or appropriate the whole, or any portion of any tax or rate, either already or at any time hereafter to be raised, levied, assessed, collected, or imposed for any other purpose, for and towards the payment, or on account of the salary or remuneration, of any of the officers included in the said schedule hereunto annexed, except as hereinafter is excepted.

vestry of any other parish, not to assess taxes for payment of any of the officers mentioned in the schedule to this act.

II. *And be it further enacted*, That from and immediately after the passing of this act, the salaries attached to the several offices set down and included in the said schedule, shall be, and they are hereby declared to be, charges upon the public treasury of this island.

The salaries of such officers charged on the public treasury.

III. *And be it further enacted*, That the receiver-general of this island for the time being, shall, upon being directed by the commissioners of public accounts, pay to the person who shall, for the time being, fill the respective offices set down and enumerated in the said schedule hereunto annexed, by quarterly payments, on the twenty-eighth day of June, twenty eighth day of September, and the twenty eighth day of December, in this present year, and on the twenty-eighth day of March, one thousand eight hundred and forty-eight, a salary at and after the rate, per annum, set opposite the name of the parish for which the duties of such office are to be performed: *Provided always*, That before any such officers shall be entitled to be paid such salary, a certificate shall be produced to the commissioners of public accounts that such officer hath been, up to the time for which he seeks to be paid, in the discharge of his duties; and such certificate shall be signed as hereinafter mentioned; that is to say, for the clerks of the peace, and criers of the courts of quarter-sessions and common pleas, by the chairman of the district, and any three justices of the parish, except in case of absence of the chairman, when it shall be sufficient if the same is signed by any four justices of the parish, the fact of the absence of such chairman being stated on the face of such certificate; for the clerks of the vestry, and inspector of weights and measures, by the justices and vestry, in vestry assembled, and corporation of Kingston, at a meeting, except in case of inability to form a vestry or meeting for such purpose, when it shall be sufficient if the same is signed by the custos, or senior or resident magistrate, and any other justice of the peace, and any three members of the vestry, being churchwardens or vestrymen respectively of such parish, or by any two aldermen and two common councilmen of the city of Kingston; for magistrates' clerk, by any three magistrates of the parish.

Receiver-general to pay same, on direct on from commissioners of accounts.

PROVISO.

IV. *And whereas*, it hath been the practice of some of the parishes of this island to assess and levy a tax or rate upon the parishioners,

Corporation of Kingston, and justices and vestry of any other parish, not to pay provost-marshal, or deputy, for warning jurors.

Proviso.

for paying the deputy-marshal of the parishes respectively in which such practice prevails, for warning jurors for the courts of quarter-sessions, and common pleas, while other parishes have not assessed or levied such tax or rate, and it hath been found that such assessments are unauthorized: *Be it therefore enacted by the authority aforesaid*, That it shall not be lawful for the corporation of Kingston, or the justices and vestry of any parish of this island, to raise, levy, assess, collect, or impose upon the inhabitants of this island, any tax or rate for or in respect, or on account of, or to apply or appropriate the whole or any portion of any tax or rate either already or at any time hereafter, to be raised, levied, assessed, collected, or imposed for any other purpose, for and towards payment of the provost-marshal of this island, or to any deputy-marshal, for warning jurors for the courts of quarter-sessions and common pleas: *Provided always*, That nothing herein contained shall extend, or be construed to extend, to debar or disentitle the provost-marshal, or any deputy-marshal, from being paid out of the public treasury of this island any sum or sums of money which he, or they, or either of them, shall or may by law [*be*] entitled to be paid for the performance of the services hereinbefore alluded to.

Nor chairman of quarter sessions' orders for costs of prosecution, &c.

V. *And whereas*, under the nineteenth and twentieth clauses of an act, passed on the twenty-fourth day of March, one thousand eight hundred and thirty-eight, entitled "*An act to amend the criminal law*," the courts of quarter-sessions are authorized and directed to draw orders on the treasurers of the parishes respectively for payment of certain expences in the said act particularly mentioned: *And whereas*, by an act, passed the legislature of this island this present session, provision is made for the payment of, and directions are given that such orders shall in future be drawn on the receiver-general of this island: *Be it therefore enacted by the authority aforesaid*, That except as hereinafter is excepted, it shall not be lawful for the corporation of the city and parish of Kingston, or the justices and vestry of any parish of this island, to raise, levy, assess, collect, or impose upon the inhabitants of this island any tax or rate whatsoever for or in respect of the requirements of the said hereinbefore recited act, or for the purpose of paying the costs of any prosecutor in any prosecution whatsoever, or the expences of any witnesses, or any costs, charges, or expences of any kind whatsoever, in any prosecution to be hereafter commenced in any court of quarter-sessions of any parish of this island, or to apply or appropriate the whole or any portion of any tax or rate either already or at any time hereafter to be raised, levied, assessed, collected, or imposed for any other purpose for and towards such first-mentioned purposes.

Corporation not to tax inhabitants to keep up parochial hospital.

VI. *And be it further enacted*, That it shall not be lawful for the corporation of Kingston (except as hereinafter is excepted), to raise, levy, assess, collect, or impose upon the inhabitants of this island, any tax or rate for the purpose of keeping or maintaining a parochial

chial hospital or asylum, or to apply or appropriate the whole or any portion of any tax or rate either already or at any time hereafter to be raised, levied, assessed, collected, or imposed for any other purpose, for and towards the maintaining or keeping up any such parochial hospital or asylum.

VII. *Provided always, and be it enacted*, That it shall and may be lawful for the mayor, alderman, and commonalty of the city and parish of Kingston, from time to time, and at all times, to send the sick poor of the said city and parish of Kingston, of the class of persons now sent to the parochial hospital and asylum, to the public hospital of this island, upon the said mayor, aldermen, and commonalty paying for each of such sick poor, to the commissioners thereof, at and after the rate of four shillings for each week such sick poor shall remain in the said hospital, such sums to be paid to the said commissioners by quarterly payments; and the said mayor, aldermen, and commonalty of the said city and parish shall have power and authority to raise, by a tax on the inhabitants of the said city and parish, a sufficient sum for discharging the quarterly payments to the said commissioners of the public hospital, anything hereinbefore contained to the contrary notwithstanding: *Provided*, That in the event of the said commissioners of the public hospital not receiving into such hospital the sick poor of the city and parish of Kingston as aforesaid, then this clause to be void, and of no effect whatsoever.

But may send sick paupers to public hospital, paying for same.

Proviso.

VIII. *And be it enacted*, That nothing in this act contained shall extend, or be construed to extend, to prevent the corporation of Kingston, or the justices and vestry of the several parishes of this island, from raising the parish taxes, and paying the several officers, and discharging the several parochial disbursements included in this act, for the quarter of a year which terminated on the thirty-first day of March, in this present year, and no longer, according to the laws, usages, and customs now in force, or which would have been in force but for the passing of this act, regulating the collection of parochial taxes, and according to the arrangements already made.

Corporation and vestries to pay officers mentioned in this act for the quarter ending 31st March, 1847.

IX. *And be it enacted*, That if any tax or rate, by this act prohibited to be raised, levied, assessed, collected, or imposed in any parish of this island, or in the city and parish of Kingston, shall be raised, levied, assessed, collected, or imposed, or if any tax or rate raised, levied, assessed, collected, or imposed for any other purpose, shall be applied either in whole or in part to any, or either of the purposes of this act, each and every justice of the peace, churchwarden, or vestryman, or member of the corporation of Kingston, who shall be present at, and vote for, such imposition or application of such tax or rate, shall forfeit and pay to our sovereign lady the queen the sum of ten pounds, to be recovered in a summary manner before any two or more justices of the peace, not being offend-

Penalty on corporation and vestries for violating this act.

ers, of the parish in which the offence shall be committed; and, upon non-payment thereof, the same shall be recovered by distress and sale of the offender's goods, and in default of goods whereon to levy, the body of the defendant shall be imprisoned in the nearest common gaol for the space of two months, one half of which penalty, when recovered, shall be to him, her, or them who shall sue for the same, and who shall, notwithstanding such appropriation, be a competent witness; and the other half of which penalty shall be applied to the poor of the parish in which it shall arise.

Act to continue in force till 30th April, 1848.

X. *And be it enacted*, That this act shall commence and be in force, from and after the passing thereof, until the thirtieth day of April, in the year one thousand eight hundred and forty eight.

SCHEDULE

## SCHEDULE.

<i>Name of Office.</i>	<i>Farish.</i>	<i>Amount.</i>
<b>CLERKS OF THE PEACE.—</b>	Trelawny	£ 250
	Clarendon	250
	Manchester	250
	Westmoreland	250
	Hanover	250
	Saint Ann's	250
	Saint Thomas ye East	250
	Saint James	250
	Saint Elizabeth	250
	Saint Andrew	200
	Saint Mary	200
	Saint Thomas ye Vale	200
	Metcalfe	200
	Vere	150
	Saint David	150
	Port. Royal	150
	Portland	150
	Saint George	150
	Saint Catherine	} Precinct. 500
	Saint John	
Saint Dorothy		
	Kingston	1000
<b>MAGISTRATES' CLERKS.—</b>	Trelawny	150
	Clarendon	150
	Manchester	150
	Westmoreland	150
	Hanover	150
	Saint Ann	150
	Saint Thomas ye East	150
	Saint James	150
	Saint Elizabeth	150
	Saint Catherine	150
	Saint Andrew	120
	Saint Mary	120
	Saint Thomas ye Vale	120
	Metcalfe	120
	Saint Dorothy	100
	Saint John	100
	Vere	100
	Saint David	100
	Portland	100
	Saint George	100
Port. Royal	150	
Kingston	200	

SCHEDULE



## SCHEDULE (continued.)

Name of Office.	Parish.	Amount.
<b>CLERKS OF VESTRY.—</b>		
	Trelawny	£.200
	Clarendon	200
	Manchester	200
	Westmoreland	200
	Hanover	200
	Saint Ann	200
	Saint Thomas ye East	200
	Saint James	200
	Saint Elizabeth	200
	Saint Catherine	200
	Saint Andrew	160
	Saint Mary	160
	Saint Thomas ye Vale	160
	Metcalf	160
	Vere	120
	Saint Dorothy	120
	Saint John	120
	Saint David	120
	Port-Royal	120
	Portland	120
	Saint George	120
	Kingston	400
<b>CRIERS OF COURTS.—</b>		
	Kingston	20
	Saint Catherine	20
	Trelawny	10
	Clarendon	10
	Saint Thomas ye Vale	10
	Saint John	10
	Saint Dorothy	10
	Port-Royal	10
	Saint George	10
	Vere	10
	Manchester	10
	Metcalf	10
	Westmoreland	10
	Hanover	10
	Saint Andrew	10
	Saint Ann	10
	Saint David	10
	Saint Thomas ye East	10
	Saint James	10
	Portland	10
	Saint Mary	10
	Saint Elizabeth	10

SCHEDULE

## SCHEDULE (concluded.)

Name of Office.	Parish.	Amount.
INSPECTORS OF WEIGHTS AND MEASURES.—	Kingston	£.60
	Saint Catherine	30
	Trelawny	30
	Saint James	30

## C A P. XLI.

*An act to amend an act, entitled "An act to regulate the fees of the clerks of the peace, and clerks of the magistrates of this island, and for other purposes."*

**W**HEREAS by an act, passed on the thirty-first day of December, one thousand eight hundred and forty-five, entitled "*An act to regulate the fees of the clerks of the peace, and clerks of the magistrates of this island, and for other purposes,*" it is, among other things, enacted, that in respect to all felonies and aggravated misdemeanours indictable at the assize courts, or courts of quarter-sessions, or triable at petty sessions, and all duties at special and petty sessions relating to offences, or matters of public nature, or directed by a bench of justices of the peace, not less than three, the respective clerks of the peace, and clerks of the magistrates shall be paid the fees they are respectively entitled to, at the end of each court of quarter-sessions, by the justices and vestries, or by the common council of Kingston, in their respective parishes, out of the funds, or stocks, of such parishes, and which funds, or stocks, as far as may be necessary, shall be raised by assessments, or rates, on the inhabitants thereof respectively: *And whereas*, by the fourth clause of the said act, it is enacted that it shall be lawful for the justices and vestry of the several parishes of this island, and for the common council of Kingston, in their respective parishes, to make, and enter into any contracts with the respective clerks of the peace and clerks of the magistrates for the commutation, payable out of the parochial stock, or funds, in the shape of annual salaries, as the parties respectively may think fit to agree to, and any resolution of the justices and vestry, in vestry assembled, or of the common council of Kingston, in common council assembled, with the consent, in writing, of such officer, shall continue binding and conclusive between them: *Provided always*, That either party may determine any such agreement at the end of each current year, on signifying his or their intention to do so at any time before the first day of January

Preamble.

1st and 3d clauses of 9th Victoria, cap. 42, repealed.

Clerks of peace, and magistrates' clerks, to continue to perform duties under 9th Victoria, cap. 42, rece. v. ng salaries from the public for the same.

Act to continue in force till 31st December, 1847.

nuary in that year, or they may determine the same earlier if both parties shall agree thereto : *And whereas*, by an act, passed this present session of the legislature, provision is made for paying to the several clerks of the peace of this island, out of the island treasury, sums adequate to the duties required of them by the first clause of the said hereinbefore recited act : *Be it therefore enacted*, That from and after the passing of this act, the first and fourth clauses of the said hereinbefore recited act be, and the same are hereby, repealed.

II. *And be it enacted*, That the several clerks of the peace of this island, shall, from and after the passing of this act, continue to perform the duties required of them, and particularly mentioned in the said first clause of the said hereinbefore recited act, on being paid for the same by the public of this island, according to the rates fixed in such other act of the legislature, passed this present session.

III. *And be it enacted*, That this act shall continue and be in force, from the passing thereof, until the thirty first day of December, in the present year, one thousand eight hundred and forty-seven.

## C A P. XLII.

*An act to repeal and amend certain parts of an act, passed in the first year of the reign of her present majesty, entitled "An act to amend the criminal law."*

Preamble.

**W**HEREAS by an act, passed on the twenty-fourth day of March, in the year of our Lord one thousand eight hundred and thirty-eight, entitled "*An act to amend the criminal law*," it is enacted, that every order, made by the supreme or a-size courts, for payment to any prosecutor, or other person, of the costs and expenses which such prosecutor should incur in preferring the indictments in the said act particularly mentioned, and for the several other payments in the eighteenth and twentieth clauses of the said recited act particularly mentioned, should be forthwith made out and drawn upon the receiver-general, and all such orders, made by courts of quarter sessions, should be drawn on the treasurers of the parishes respectively ; and the receiver-general, and parish treasurers are, by the nineteenth and twentieth clauses of the said recited act, authorized and required, upon sight of such orders, forthwith to pay the same : *And whereas* it is necessary to repeal the said nineteenth and twentieth clauses of the said act, in so far as the same direct that such of the said orders as shall be made by the courts of quarter sessions shall be drawn on the treasurers of the parishes respectively, and to amend the same in such respects : *Be it therefore enacted*, That from and after the passing of this act, so much

so much of the 19th and 20th clauses of

much

much and such parts of the said hereinbefore recited act as direct and authorize judges of the several courts of quarter-sessions of this island to draw orders on the treasurers of the parishes respectively, for the payment, unto the prosecutor in any indictment for felony, or aggravated misdemeanor, of the costs and expenses which such prosecutor shall incur in preferring the indictment, and also for payment to the prosecutor, and witnesses for the prosecution, and also to an interpreter of foreign languages, when necessary, and also to the person or persons who shall appear to the court to have been active in, or towards the apprehension of any person charged with any of the offences in the said act referred to, such sum or sums of money as to the said court shall seem reasonable and sufficient, under all the circumstances of the case, shall be, and the same is hereby, repealed.

the 1st Victoria, cap. 30, as relates to treasurers of parishes, repealed.

II. *And be it enacted*, That the presiding and assistant judges, and justices of the several courts of quarter-sessions of this island, shall have power, and they are hereby authorized, upon the trial of any indictment for felony, or aggravated misdemeanour, when it shall seem proper, and at the request of the prosecutor, or of any other person who shall appear on recognizance, or subpœna, to prosecute and give evidence against any person accused of felony or aggravated misdemeanour, to order payment unto the prosecutor of the costs and expenses which such prosecutor shall incur in preferring the indictment, and also payment to the prosecutor, and witnesses for the prosecution, and also to an interpreter of foreign languages, when necessary, of such sums of money as to the court shall seem reasonable and sufficient to re-imburse such prosecutor, witnesses, and interpreter for the expenses they shall have severally incurred in attending at such trial.

Justices of quarter-sessions may draw on receiver-general for payment of cost of prosecution, and of witnesses, and interpreter, in certain cases.

III. *And be it further enacted*, That every order, made by such court of quarter-sessions for payment to any prosecutor, or other person as aforesaid, shall be forthwith made out and drawn upon the receiver-general, and delivered by the clerk of the court unto such prosecutor, or other person, upon being paid for the same the sum of two shillings for the prosecutor, and one shilling for each other person, and no more; and the receiver-general is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any one duly authorized to receive the same on his or her behalf, the money in such order mentioned, and shall be allowed for the same in his accounts.

Orders so drawn must be forthwith made out, and delivered to prosecutor, &c.

IV. *And be it further enacted*, That where any person shall appear to any of the said courts of quarter-sessions, on any trial for felony, or aggravated misdemeanour, to have been active in or towards the apprehension of any person charged with any such offences, such court is hereby authorized and empowered, in any such meritorious case, to order the receiver-general to pay to the person or persons who shall appear to the court to have been active in and towards the

And for rewards to persons apprehending offenders.

apprehension of any person charged with any of the said offences, such sum or sums of money as to the court shall seem reasonable, under all the circumstances of the case, and the receiver-general is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any one duly authorized to receive the same on his or her behalf, the money in such order mentioned, and shall be allowed the same in his accounts with the public.

## C A P. XLIII.

*An act to enable the justices and vestry of the several parishes of this island, who have taken up loans, to extend the time for repaying such loans, with the consent of the parties entitled thereto, and for other purposes.*

Preamble.

WHEREAS several acts have passed the legislature of this island giving authority to the justices and vestry of some of the parishes thereof, and to the corporation of Kingston, to raise money, by loan, to pay off and discharge debts which had been unavoidably contracted: *And whereas* such acts give authority to the justices and vestry, and the corporation of Kingston respectively, to raise, by annual taxes, sums sufficient to pay off and discharge such loans: *And whereas* the periods within which such loans are respectively required to be paid have been found to be too short, by reason whereof the taxes raised for such purposes bear oppressively on the payers thereof: *And whereas* it would not only be conducive to the public interests of this island, but would tend greatly to the ease of the parties liable to pay such taxes, if the time within which the same were required to be paid were extended: *Be it therefore enacted*, That from and after the passing of this act, it shall be lawful for the corporation of Kingston, and such as [of] the justices and vestry of this island, as have taken up loans under acts of this island, by and with the consent of the parties entitled to be paid the several sums of money which may be due at the time of making such arrangement, to enlarge and extend the time for paying off such loans, or so much thereof as may be remaining due and unpaid, to any period not exceeding ten years for the parishes, and fifteen years for the city and parish of Kingston, respectively, from the date of the passing of this act, and to pay interest on such loans, or on so much thereof as may remain due at the rate now fixed for such enlarged or extended time.

Corporation of Kingston, and justices and vestries of parishes, authorized to extend time for paying loans due by them.

Or to take up other loans to pay off existing ones.

II. *And be it enacted*, That it shall and may be lawful for the justices and vestry of such parishes as have taken up loans, and for the corporation of Kingston, if the parties respectively entitled to the sums of money now due, shall not consent to such enlargement of

of time for paying the same, to raise, under the provisions of the respective acts authorizing them to take up such loans in the first instance, in so far as the same will apply, and under the provisions of this act, to raise new loans, respectively conditioned for repayment within the extended time mentioned in this bill : *Provided always*, That such new loans shall not in any case exceed what is necessary and sufficient for paying off and discharging the first loan, or so much thereof as cannot be enlarged or extended, and that such new loans, when raised, shall be exclusively applied to that purpose.

Proviso.

### C A P. XLIV.

*An act to facilitate the granting of administration in certain cases, and to relieve other grants of administration, and proving of wills, from the expense of certain fees.*

**W**HEREAS from the change of condition, and more general diffusion of personal and other property amongst the inhabitants of this island, it is necessary to facilitate the granting of administration, and probate of wills, in certain cases, and to relieve such grants from the expences to which they are at present subject : *Be it therefore enacted by the governor, council, and assembly, and it is hereby enacted by the authority of the same*, That from and after the commencement of this act, in all cases where the personal property of the deceased person shall be sworn to as not exceeding the sum of fifty pounds, it shall and may be lawful for the several clerks of the peace of the several parishes or precincts of this island, in which the personal property of the deceased is situated, and they are hereby required and authorized, to receive and file, in their respective offices, as such clerks of the peace, the application of persons seeking the administration, on affidavit, sworn to before a justice of the peace, setting forth the name and time of the death of the person deceased, the nature and amount of the personal property of which the deceased died possessed, and the character in which the person claiming the administration seeks the same ; and, in case of a creditor, the nature and exact amount of the debt due by the deceased ; and that due notice of such their application for administration had been given to the next of kin, or to the widow (if either can be found) of deceased ; and, upon the filing of such affidavit, the clerk of the peace, in whose office the same shall be so filed, is hereby required to enter an abstract of the same, according to the form annexed to this act in schedule marked A, and to cause a copy of such extract to be exhibited in some conspicuous place in the said office of clerk of the peace for the inspection of the public ; and also to cause the same to be published in the Jamaica Gazette for three successive weeks ; and that if, at the expiration of such time, no opposition has been made to the said application for administration by any other person

Preamble.

Where the personal property of deceased persons does not exceed in value £50, clerks of peace must receive and file applications for administrations.

or persons, it shall and may be lawful for the said clerk of the peace, upon an affidavit, in the form hereinafter set forth, being produced to him, sworn to before any justice of the peace of the parish or precinct, to grant to the party or parties so claiming the said administration a certificate, according to the form B, annexed to this act.

Form of affidavit.

*I, A. B. do swear that I will well and truly administer the estate of C. D. late of the parish of \_\_\_\_\_ according to law, and will cause a true account thereof to be lodged in the office of the clerk of the peace within three months from this date. So help me God.*

Certificate being obtained, and copy thereof recorded in clerk of peace's office, party obtaining same to enter upon duties of administrator.

II. *And be it further enacted*, That upon the said certificate being so obtained, and a copy thereof recorded in the office of the said clerk of the peace, the same shall be considered as sufficient to authorize parties, to whom such certificate is so granted as aforesaid, to enter upon the duty of administrator, and to perform the same according to law.

Penalty on administrator for not recording accounts.

III. *Provided always, and be it enacted*, That in case the party or parties, to whom the said grant of administration shall be made, shall fail to record an account of his or their transactions as such administrator, or administrators, according to their oath, that then they shall be subject to a penalty of three pounds for such omission or neglect.

How parties applying for administration, in cases of persons dying intestate, are to proceed.

IV. *And be it further enacted*, That in case there shall be more than one application, on affidavit, as hereinbefore provided, for the administration of the personal estate of a person dying intestate, and the value of the same being sworn to as aforesaid, as not exceeding fifty pounds, and upon the affidavits of the party applying for such administration being sworn to in manner and form as aforesaid, in compliance with this act, and being filed in the office of the clerk of the peace aforesaid, it shall and may be lawful for the said clerk of the peace, and he is hereby required, to grant a summons, according to the form hereunto annexed, in schedule marked C, to each and every of the parties claiming administration; and, upon the return of the said summons, the service of which shall be duly sworn to, that then the said claims of the parties applying as aforesaid for the said administration, shall be heard by the chairman of quarter-sessions of the district in which the property of the deceased intestate shall have been, at the first court held after the return of the said summons; and the said chairman of quarter-sessions is hereby required and authorized to decide upon the said claims; and, having administered the oath already set out in this act, to grant the administration to the party he may consider entitled to the same; and a certificate, according to the form hereunto annexed in schedule marked D, and which certificate is to be recorded in the office of the clerk of the peace of the said district, or parish, as hereinbefore required, and is hereby declared to have the same effect as in cases where no contest arise for administration.

V. *And*

V. *And*, for the more easily ascertaining who have obtained administration under and by virtue of the provisions of this act, *be it enacted*, That the respective clerks of the peace for the several parishes in this island do forward to the island secretary's office, within thirty days from and after the expiration of the thirtieth day of June, and the thirty-first day of December in each and every year, a list of the several grants of administration made under this act, in accordance with the aforesaid form (A), annexed hereto; and that the same shall be alphabetically arranged by the island secretary, and indices made thereof, and entered in a book to be kept by him for that purpose; and, for which duty, he shall be paid by the public of this island, as he is now, for similar duty performed in the said office of secretary of this island, at and after the rate of one shilling and six pence for each legal sheet thereof.

Clerks of the peace to forward to the secretary's office, lists of the several grants of administration.

Island secretary to make indices, and enter same in a book to be kept for that purpose.

VI. *And whereas*, the expenses of obtaining administration of estates, where the personalty does not exceed one hundred pounds, are very great, and ought to be diminished: *Be it therefore enacted*, That in all cases where the amount of personal property, of which administration is sought to be obtained, shall be sworn to as not exceeding one hundred pounds, the several papers necessary to be obtained from the court of ordinary for perfecting such administration shall be, and they are hereby, exempted from all stamp duties, and from the fees commonly called the ordinary's fees.

Papers necessary in obtaining administration, where personalty does not exceed £100, exempt from stamp duties, &c.

VII. *And whereas* the present expense of proving wills, where the amount of personal property of the testator or testatrix is small, is disproportionably great: *Be it therefore enacted by the authority aforesaid*, That when the amount of personalty, sworn to by the executor, or executrix, shall not exceed one hundred pounds, the present fees, payable on proving wills, granting letters testamentary, and dedimus to return inventory, commonly called the ordinary fees, and the stamp duties, shall not be chargeable thereon, but the said documents shall and are hereby declared to be exempted therefrom.

Papers for proving wills, where personalty does not exceed £100, exempt from stamp duties, &c.

VIII. *And be it further enacted by the authority aforesaid*, That nothing contained in this act shall be deemed or taken to exempt the aforesaid documents, commonly called the administration and testamentary papers, from the payment of the ordinary's fees, in the event of the said fees being hereafter collected for the use of the ordinary of the island for the time being.

Administration and testamentary papers not exempt from payment of ordinary's fees in a certain case.

IX. *And be it enacted*, That nothing herein contained shall have the effect, in any case, of preventing the ordinary from granting letters of administration as heretofore; and such letters, so granted by the ordinary, shall have the effect of superseding letters of administration, granted under the authority of this act for the administration of the assets of the same deceased persons; and any person, who shall act under letters so granted, after having had notice that such

Ordinary may still grant letters of administration, which shall supersede those granted by clerks of peace.



such letters have been so superseded as aforesaid, shall be responsible for his act in the same manner as an executor *de son tort* is.

Fees of clerks of the peace for granting administration.

X. *And be it further enacted*, That every clerk of the peace, upon the grant of, and the making out such letters of administration as aforesaid, shall be entitled to the following charges, as set out in the schedule E hereunto annexed, and no more; and if, upon any pretence whatsoever, he shall knowingly or wilfully receive or demand more, or be guilty of any neglect of duty under this act, he shall be liable to be tried and punished as and for a misdemeanour at common law.

How penalties are to be recovered.

XI. *And it is hereby enacted and declared*, That all penalties under this act shall be recovered in a summary manner before two justices of the peace, and be appropriable to the use of the poor of the parish where the offence, for which the said penalties are recoverable, shall be committed.

Act to come into operation on 1st September, 1847.

XII. *And be it further enacted by the authority aforesaid*, That this act, nor any thing therein contained, shall not take effect, or come into operation, until the first day of September, in the present year.

A.

*Applications for Administrations,*

*Clerk of the Peace's Office,*

*Parish.*

On whose Estate	Name of Party applying for Administration.	Nature of Claim.	Amount of Personality.	Date of Claim being Lodged.	Period of Grant of Administration.	Opposed, or not Opposed.

B. FORM

## B.

## FORM OF CERTIFICATE.

On the estate of A. B. late of the parish of \_\_\_\_\_ deceased.  
 I do hereby certify that C. D. of the parish of \_\_\_\_\_  
 made application for a grant of administration on the estate of  
 A. B. late of the parish of \_\_\_\_\_ deceased, of which  
 public notice has been given, according to the provisions of an act,  
 entitled "An act" (set out the title of this act), and that no op-  
 position has been made thereto; and the said C. D. has been  
 sworn to administer the said estate according to law, and to lodge  
 an account of such his or her administration within three months  
 from the date hereof: And I further certify, that the said C. D.  
 is entitled to the administration of the personal estate of the said  
 A. B. and he is hereby authorized to take possession of, and to  
 administer the same, accordingly.

Given under my hand, this \_\_\_\_\_ day of  
 one thousand eight hundred and forty \_\_\_\_\_

## C.

## FORM OF SUMMONS.

JAMAICA, SS. } On the estate of A. B. late of the parish of \_\_\_\_\_  
 Insert parish. } \_\_\_\_\_ deceased.

To C. D. et al.

These are to require you personally to be and appear before the  
 chairman of the quarter-sessions of this district, on  
 the \_\_\_\_\_ day of \_\_\_\_\_ next, between the hours of  
 \_\_\_\_\_ and \_\_\_\_\_ in the forenoon; and in case there shall not be  
 a court held on that day, then to appear the next ensuing court  
 that shall be held, to shew cause why administration of all and  
 singular the goods and chattels, rights and credits, of A. B. late  
 of the parish of \_\_\_\_\_ deceased, should not be granted  
 to E. F. of the parish of \_\_\_\_\_ and thereof you are to  
 take due notice.

Given under my hand, this \_\_\_\_\_ day of  
 one thousand eight hundred and forty \_\_\_\_\_

clerk of the peace of the  
 parish of \_\_\_\_\_

## D.

## FORM OF CHAIRMAN'S CERTIFICATE.

JAMAICA, SS. } On the estate of A. B. late of the parish of \_\_\_\_\_  
 Parish } \_\_\_\_\_ deceased.

I do hereby certify that C. D., and E. F. both of them claimants for  
 the \_\_\_\_\_

*the administration of the personal estate of A. B. late of the parish of* \_\_\_\_\_ *deceased, appeared before me, and having examined into their claims, and referred to their respective affidavits, I am of opinion that C. D. is entitled to the said administration; and he the said C. D. having taken the oath of administrator, as prescribed by an act of this island, entitled "An act" (set out the title of this act), he is hereby authorized to enter upon the said administration.*

*Given under my hand, the* \_\_\_\_\_ *day of*  
*one thousand eight hundred and forty*

## E.

## SCHEDULE OF FEES TO CLERKS OF THE PEACE.

For filing applications of persons seeking administration, making abstract thereof for public inspection, and transmitting same for publication	£0	1	0
For each certificate	0	0	6
For each copy recorded by the clerk of the peace	0	0	3
For recording each account at the rate of six pence per legal sheet.			
For each summons	0	0	9
For each copy, if required to be made	0	0	3
For filing each summons, and affidavit of service	0	0	3
For attending before the chairman of quarter sessions on a disputed application for administration	0	2	0
And for the performance of any duty, not herein particularly mentioned, at and after the rates fixed in this schedule.			

## C A P. XLV.

*An act to enable the justices and vestry of the parish of Saint Catherine to raise, by an annual tax on the inhabitants thereof, a sum of money sufficient to pay the annuities given under the will of the late George Fletcher, deceased.*

**W**HEREAS George Fletcher, by his will, dated the thirty-first day of March, in the year of our Lord one thousand seven hundred and fourteen, after sundry intermediate devises, granted unto the churchwardens and vestrymen of the parish of Saint Catherine, all his real estate, to be applied to the use of three poor widows of the said parish, such as the said churchwardens and vestrymen should

Preamble.

think fit; and, upon the death of any of the said poor widows, to the use of such other widows to be put in their place by the churchwardens and vestrymen successively for ever: *And whereas*, in the year one thousand seven hundred and seventy-one, it was, upon the consideration of the justices and vestry, determined that it would be for the benefit and advantage of the parish, that the lands of the said testator should be sold, and the monies arising therefrom applied to, and for the use of, the parish: *And whereas* it appears that such lands (save and except a house in the town of Saint Jago de la Vega), were accordingly sold, and the proceeds thereof applied and appropriated, partly to the general purposes of the said parish, and partly in erecting and building a house of correction: *And whereas* the parish of Saint Catherine, from the period of such sale and disposition of the lands of the testator, hitherto hath raised, in the general annual taxes of the said parish, a sum of money sufficient to pay off and discharge an annual allowance of thirty pounds eight shillings to each of the said three poor widows, amounting to the sum of ninety-one pounds four shillings *per annum* in the aggregate, such being the value of the proceeds of the said testator's estate at the period of the appropriation hereinbefore mentioned: *And whereas* the annual rents and profits of the real estate of the said testator remaining unsold, amounting to twelve pounds sterling, has been usually received by the justices and vestry of the said parish, and credited to the parish in the ways and means of each year: *And whereas* doubts have lately been entertained of the legality of such assessments and appropriations: *And whereas* it is right and proper that such doubts should be removed, and that the power and authority of the justices and vestry of the said parish to raise annually such sum of money, in the general assessments of the parish, as may be sufficient to pay the before-mentioned allowances to such widows, should be clearly defined, and that the before-mentioned receipt and application by the justices and vestry of the rents and profits of the remaining real estate of the said testator, George Fletcher, should be legalized: *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted accordingly*, That from and after the passing of this act it shall and may be lawful to and for the justices and vestry of the parish of Saint Catherine, in vestry assembled, and they are hereby authorized and required to include and set down as an item of parochial expenditure, in the ways and means of the said parish for each year hereafter, and to assess, levy, impose, collect, and get in, in addition to the ordinary parochial taxes of the said parish for each current year, a sum sufficient to pay the said allowances of thirty pounds eight shillings *per annum* to each of the three poor widows of the parish of Saint Catherine, chosen by the churchwardens and vestrymen of the said parish, or to be hereafter chosen, according to the provisions and directions of the will of the said testator, George Fletcher, hereinbefore named; and from time to time to pay the said allowances, by quarterly payments, to each of such widows, without deduction or abatement: *Provided always*, That such assessment shall not exceed, in the whole, in any one year

Justices and vestry authorized to raise £91 4s. annually, to pay annuities of three poor widows, under will of George Fletcher.

Provided.

year, the sum of ninety-one pounds four shillings, exclusive of the costs, charges, and expenses of collecting the same.

II. *And be it further enacted*, That it shall and may be lawful for the justices and vestry of the said parish to collect, gather in, and receive, and to use all lawful means for that purpose, the rent or annual interest of the house situate in the town of Saint Jago de la Vega, the remaining part of the real estate of the said testator, and to place the same, from time to time, when collected, to the general credit of the said parish, and to reduce such general assessments accordingly.

And collect rent of a house in Spanish-Town, and place amount to the credit of parish.

III. *And be it enacted*, That if any justice of the peace, churchwarden, or vestryman, shall neglect or refuse to perform any of the duties by this act required of him, or shall neglect, or refuse to meet on the usual days appointed for the purpose of laying the parochial taxes of the said parish of Saint Catherine, being lawfully convened, whereby the tax by this act required to be laid, assessed, and imposed, shall not be so laid, assessed, or imposed; or, being laid, assessed, and imposed, shall not be appropriated, each such justice of the peace, churchwarden, or vestryman, so offending, shall forfeit and pay a sum of ten pounds, lawful money of Jamaica, to be recovered in a summary manner before any two justices of the peace of the parish, not being offenders, one half of which penalty shall be to him or them who shall sue for the same, and the other half to the poor of the said parish of Saint Catherine; and any informer, notwithstanding the appropriation of the penalty in this clause contained, shall be deemed a competent witness.

Penalty on vestrymen neglecting or refusing to meet, or to lay tax for purposes of this act.

## C A P. XLVI.

*An act to amend an act, entitled "An act to consolidate and amend two several acts for ascertaining and establishing uniformity of weights and measures in this island."*

**W**HEREAS by an act, passed on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-two, entitled "*An act to consolidate and amend two several acts for ascertaining and establishing uniformity of weights and measures in this island*," the justices and vestry of the several parishes of this island are, among other things, required and directed to appoint inspectors of weights and measures, and to procure duplicates of copies or models of the weights, measures, and other implements in the said act mentioned, and to do and perform certain other duties for and towards carrying into effect the said act: *And whereas* it is necessary that the said act should be amended in certain respects, *Be it therefore enacted*, That from and after the passing of this act, the said hereinbefore mentioned act, and every clause, matter, and thing therein contained, shall be, and the same are hereby, repealed,

Preamble.

Weights and measures act repealed, in so far as regards the appointment

and payment of inspectors, &c.

in so far as they extend to, or can or may be construed to extend to, charge or affect any parish of this island with the payment of any sum or sums of money for salary to inspectors of weights and measures, or to procure duplicates, or copies, or models of the weights, measures, or other implements in the said act mentioned, or to authorize the appointment of any such inspector of weights and measures in any parish, except the parishes of Kingston, Saint Catherine, Trelawny, and Saint James, any thing in the said act contained to the contrary notwithstanding.

Corporation of Kingston, and vestries of St. Catherine, St. James, and Trelawny, not to levy taxes to pay inspectors of weights and measures.

II. *And be it further enacted*, That with respect to the said last-mentioned parishes of Kingston, Saint Catherine, Trelawny, and Saint James, the said act shall continue and be in force, except in so far as it authorizes and requires the corporation of Kingston, and the justices and vestry of the said parishes, to raise a tax for carrying on the same; in which respect the said act shall be, and is hereby, repealed.

#### C A P. XLVII.

ANNUAL.

*An act for laying a tax on stock, and on trades, supercargoes, and masters of vessels, and on houses, lands, and buildings, and on certain wheel-carriages, and applying the same to several uses, and for other purposes.*

#### C A P. XLVIII.

*An act for making and maintaining a railway from Annotto-Bay, in the parish of Metcalfe, thence through the parishes of Metcalfe, Saint Mary, Saint Ann, Trelawny, and Saint James, to the town of Montego-Bay, in the said parish of Saint James, with liberty to construct branch railways, not exceeding seven miles, from the principal line of railway, and for other purposes.*

Preamble.

**W**HEREAS the making of a railway, commencing in or near Annotto-Bay, in the parish of Metcalfe, thence through the parishes of Metcalfe, Saint Mary, Saint Ann, Trelawny, and Saint James, to the town of Montego-Bay, in the said parish of Saint James, with power to make branch railways therefrom, not exceeding seven miles from the main line, with proper works connected therewith for the carriage of passengers and cattle, and also of divers produce of the said island, and other articles, matters, and things, will prove of great public advantage, by opening an additional, cheap, certain, and expeditious communication between Annotto-Bay and Montego-Bay:

Bay: *And whereas*, the persons hereinafter named, are willing, at their own costs and charges, to carry into execution the said undertaking: *And whereas* it is the prayer of the said parties, and it is expedient for the safety of the public, and for the more advantageously carrying into effect the objects of the said parties, that a company should be incorporated in the manner and with the privileges and immunities, and under and subject to the restrictions and limitations hereinafter contained: *Thy it therefore please your majesty that it may be enacted, and be it enacted by the governor, council, and assembly of this your majesty's island of Jamaica, and by the authority of the same*, That George L. Taylor, of Hyde-Park square, in that part of the united kingdom of Great-Britain and Ireland, called England, esquire; Sir James C. Anderson, baronet of Cork, in Ireland; Lawrence Korkright, of the city of London, esquire; Bentick William Doyle, of Foley-Place, Portland-Place, London, esquire; Gilbert Macqueen, of Ceram street, London, esquire; Thomas Williams, of Upper Belgrave-street, London, esquire; and John Gray Wilson, of Oxford-Terrace, Hyde-Park, London, esquire, and all other persons who may be joined or incorporated with the said George L. Taylor, Sir James C. Anderson, Lawrence Korkright, Bentick William Doyle, Gilbert Macqueen, Thomas Williams, and John Gray Wilson, who shall hereafter subscribe towards the said undertaking, and their several and respective successors, administrators, and assigns, shall be united into a company under this act, for making and maintaining the said railway, and other the works by this act authorized, according to the provisions and restrictions hereinafter mentioned, and for that purpose shall be one body corporate, by the name and style of "THE NORTH JAMAICA RAILWAY COMPANY," and by that name shall have perpetual succession, and a common seal; and by that name shall and may sue and be sued in all courts of law and equity; and also shall have power and authority to purchase and hold lands, tenements, and hereditaments, to them, and their successors and assigns, for the use of the said undertaking, without incurring any of the penalties or forfeitures of the statutes of mortmain; and shall also have power to sell and dispose of the said lands, tenements, and hereditaments again in manner by this act directed.

Incorporation of company by name and style of "THE NORTH JAMAICA RAILWAY COMPANY."

II. *And be it further enacted*, That it shall be lawful for the said company, and they are hereby empowered, to make and maintain a railway, with all proper works connected therewith, for the passage, on the said railway, for carriages properly constructed; that is to say, commencing in or near Annoito-Bay, in the parish of Metcalfe, thence through the parishes of Metcalfe, Saint Mary, Saint Ann, Trelawny, and Saint James, and terminating in or near the town of Montego-Bay, in the said parish of Saint James, with power to make such branch railways thereto, as is hereinafter mentioned.

Company empowered to make the railway.

III. *And*



To commence the line of rail on or before 31st December, 1848, and in failure all advantages to cease, unless by sanction of the legislature.

And to complete the same, so as to commence operations on or before the 31st December, 1854.

In the event of failure all advantages to cease, except so much of railway as shall be certified to be completed, etc.

Company may contract for the works.

Power to take lands.

III. *And be it further enacted*, That the said company shall, and they are hereby required to commence the said line of railroad on or before the thirty-first day of December, one thousand eight hundred and forty-eight, and in the event of failure, this act, and all advantages to accrue therefrom to the said company, shall cease and determine, without remedy on their part, unless by the sanction or consent of the legislature of your majesty's said island of Jamaica, first had and obtained for relief as to time or otherwise.

IV. *And be it further enacted*, That if the said company shall commence the said line of railroad within the period aforesaid, then, and in such case they shall, and they are hereby required, to make and complete the said line of railway, so as to commence operations thereon, in the carrying of passengers, produce, and goods, in a safe and proper manner, on or before the thirty-first day of December, one thousand eight hundred and fifty-four; and in the event of failure of such completion thereof, this act, and all advantage to accrue therefrom to the said company, shall cease and determine, without remedy on their part, save only and except as to so much of the said railway and works as shall be declared and certified to have been completed within the said term, by the justices of the parish or precinct in whose jurisdiction any such completed portion of the railway and works shall happen to be, or any two of them, assembled at the usual place of parochial meetings to be held at any time before the said thirty-first day of December, one thousand eight hundred and fifty-four, or within six calendar months then next following, upon the evidence of two or more witnesses to be produced, sworn, and examined before, and by such justices for that purpose, or unless by such sanction or consent as to time or otherwise as in the preceding section is provided.

V. *And be it further enacted*, That it shall be lawful for the said company, and they are hereby authorized, in the name of the said company, or of such person as they shall for that purpose appoint, to contract and agree with any person for making the said railway, or any part thereof, or any other of the works hereby authorized to be made or done by the said company, and in such manner, and for such sum, and under such regulations and restrictions as the said company, or the person so appointed, shall think proper; and all contracts, in writing, for any of the purposes aforesaid, shall be binding on the said company, and all other parties thereto, their respective successors, heirs, executors, and administrators; and actions and suits may be maintained thereon, and damages and costs recovered by or against the said company, or by or against any other party thereto, failing in the execution thereof.

VI. *And be it further enacted*, That, for the purposes of this act,

act, the said company, their deputies, contractors, agents, servants, and workmen, and other persons by them authorized, shall be, and they are hereby empowered, from time to time, to enter, in the day time, into and upon the lands, tenements, and hereditaments of any person whomsoever, according to the provisions and restrictions of this act, and to survey and take levels of the same, or any part thereof; and also to set out and appropriate such parts thereof as the said company are, by this act, empowered to take or use for the purposes of this act, and in or upon such lands, tenements, or hereditaments, and in or upon any lands, tenements, or hereditaments adjoining thereto, to bore, dig, cut, trench, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any earth, stone, rubbish, trees, or gravel, or sand, or other materials or things whatsoever which may be dug or obtained therein, or otherwise in the execution of any of the powers of this act, and which may be necessary or proper for making, maintaining, altering, repairing, or using the said railway and other works by this act authorized, or which may obstruct the making, maintaining, altering, or repairing, or using the same respectively, according to the true intent and meaning of this act; and also for the purposes, and according to the provisions and restrictions of this act, to construct or make, in, under, upon, across, or over the said railway or other works by this act authorized, and in, under, upon, across, or over the lands, tenements, hereditaments, or any roads, streets, ways, lanes, or other public passages or places, hills, valleys, rivers, canals, lagoons, swamps, morasses, brooks, streams, or other waters whatsoever, such inclined planes, tunnels, embankments, bridges, arches, piers, roads, ways, passages, conduits, drains, culverts, cuttings, and fences; and also to erect and construct such houses, wharves, warehouses, toll-houses, landing-places, engines, and other buildings, machinery, and apparatus, and other works and conveniences as the said company, or the person acting on their behalf in the execution of all or any of the powers of this act, shall think proper; and also to alter the course of any rivers, canals, brooks, streams, or other waters whatsoever during such time as may be necessary for constructing tunnels, arches, bridges, or passages under or over the same; and also to divert the course of, or alter any roads or ways, in order the more conveniently to carry the same over or under the said railway; and also, from time to time, to alter, repair, or discontinue the before-mentioned works, or any of them, and to substitute others in their stead; and to do and execute all other matters and things necessary for making, and maintaining, altering, repairing, and using the said railway and other works by this act authorized, they, the said company, their deputies, contractors, agents, servants, and workmen doing as little damage as may be in the execution of the several powers to them hereby granted, and the said company

pany making recompense or satisfaction, in manner hereinafter mentioned, to all persons interested in any lands, tenements, or hereditaments which shall be taken, used, or injured, for all damages to be by them sustained in or by the execution of all or any of the powers hereby granted; and this act shall be sufficient to indemnify the said company, and all other persons whomsoever, for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned and contained.

Company to erect proper bridges over all rivers used, or subject to be used, for navigation.

VII. *And be it further enacted*, That in carrying the said railway over any rivers which it may be requisite to do, the said railway company shall, and they are hereby required, at their own expense, to make, and at all times thereafter to keep in perfect repair, good and substantial bridges over such of the said rivers as may be navigable or used in any way of traffic, and the height of arch of such bridges shall be of a sufficient height so as not to impede such navigation or traffic; and the said railway company shall, and it is hereby required, during the progress of building such bridges, and each and every of them, and in the necessary repairing or renewal thereof, from time to time, and at all times, to leave open an uninterrupted water-way sufficient for the navigation or traffic of such rivers respectively.

Company to pay for stoppages of navigation or traffic on such rivers.

VIII. *And be it further enacted*, That if, by reason of any accident, or in the execution of any of the works by this act authorized to be made, or by reason of the bad state of repair of any such works, or of the said bridges, it shall happen that the navigation or traffic of such rivers, any or either of them, shall be obstructed, then, and in any such case, the said railway company shall be liable to pay, and shall pay an equivalent sum or sums of money, by way of damages, to any person or persons injured or damaged thereby, such damage or injury to be left to the arbitration of two disinterested parties, to be chosen, one by the said company, or their deputies, or agents, and the other by such party damaged or injured; and in case of disagreement between the arbitrators, to be decided by an umpire chosen by both.

Masters and owners of boats liable for damage done to bridge.

IX. *And be it further enacted*, That the master or owner of every barge, float, boat, or other vessel, which shall pass under or through any bridge built by the said company, shall be, and is hereby made answerable, responsible, and liable to make satisfaction to the said company for any damage or injury that shall or may be done to any bridge, or any part thereof, by any such barge, float, boat, or other vessel respectively.

Materials to be deemed vested in the company.

X. *And be it further enacted*, That during the execution of any contract made with the company, the works in course of being done

done under such contract, and all the materials, of every description, brought upon, or near such works, for the purpose of being used in the execution of such contract, shall, to and for all intents, purposes, and intendments of law, and in all legal proceedings, civil and criminal, be held to be the property of the company.

XI. *And be it further enacted*, That the distance between the inside of the rails of the said railway shall not be less than four feet and eight inches, and the distance between the outside ledges of the rails of the said railway shall not be more than seven feet and six inches.

Prescribing the width between the rails of the railway.

XII. *And be it further enacted*, That the lands to be taken or used for the line of the said railway shall not exceed twenty-two yards in breadth, except in places in which a greater breadth shall be judged necessary for an approach to the railway, or for carriages to turn, remain, or pass each other, or for raising embankments for crossing vallies or low grounds, or in cuttings, and not above sixty yards in any place, except at or near the termini thereof, for wharves, warehouses, and other buildings, unless with the consent, in writing, of the owners or occupiers of, or persons interested in, any lands, tenements, or hereditaments, which the said company shall be desirous of appropriating, in order to and for the purpose of obtaining greater space for the purposes of this act.

Breadth of land to be taken for the line of railway.

XIII. *And be it further enacted*, That it shall not be lawful for the said company to use or occupy, for the line of the said railroad, any portion of any public road; and if it shall be found necessary to lay down such railroad parallel, or nearly so, with any such road, then, and in that case, such railroad shall not approach nearer to any such road at any place or part than sixty feet, save and except where the rail-road may happen to cross or intersect any such road: *Provided always*, That such crossing or intersection shall not make, with any such road as aforesaid, any angle less than forty-five degrees.

Company not to use or occupy for the line any portion of any public road, and only cross the same under certain provisions.

Proviso.

XIV. *And be it further enacted*, That in all cases in which, in the exercise of any of the powers hereby granted, any part of any road, street, way, lane, or other passage or place, either public or private, shall be found necessary to be cut through, diverted, raised, sunk, taken, or so much injured as to be impassable for passengers or carriages, or the persons entitled to the use thereof, the said company shall, at their own expense, and before any such road, street, way, lane, or other passage or place shall be so cut through, diverted, raised, sunk, taken, or injured as aforesaid, cause a sufficient road, street, way, lane, or other passage or place (as the case may require,) to be set out

Providing for injury to roads.

and made instead thereof, as convenient for passengers and carriages as the road, street, way, lane, or other passage, or place to be cut through, diverted, raised, sunk, taken, or injured as aforesaid, or as near thereto as may be; and shall cause the same to be put into good and substantial order and condition where the former road, street, way, lane, or other passage or place cannot more easily be restored, subject to the approval of the trustees in the case of a turnpike road, and of the waywardens appointed by the justices in vestry, in the case of any other road, street, way, or lane of the parish in which such road, street, way or lane shall be situate; and when any road cut through, diverted, raised, sunk, taken, or injured, shall be a turnpike road, the substituted road, if temporary, shall be set out and made as aforesaid, and the principal road shall be restored within six calendar months next after the commencement of the operation, and such temporary roads shall be kept in repair by and at the expense of the said company; and the railway, where it will cross such road, street, way, lane, or other passage or place, shall be constructed, and be kept in repair in such manner as to prevent, so far as may be practicable, any obstruction to the passage along such road, street, way, lane, passage, or place.

Regulations as to width and height of bridges for carrying railway over roads.

XV. *And be it further enacted*, That where any bridge or arch shall be erected by the said company for the purpose of carrying the said railway over or across any road, street, way, lane, or other public or private passage or place, the span of the arch of such bridge or arch shall be formed, and shall at all times be and be continued of such width as to leave a clear and open space under every such bridge or arch at right angles, of not less than twenty feet, or at all events of the width of such road, street, way, lane, or other passage or place as aforesaid, with the foot-paths thereto, and of a height from the surface of such road, street, way, lane, or other passage or place to the soffit of such bridge or arch, of not less than twelve feet, and the descent under such bridge or arch shall not exceed one foot in fifteen.

As to ledges of railway when crossing public roads on a level.

XVI. *Provided always, and be it further enacted*, That where the said railway shall cross any road, street, way, lane, or other public passage or place on a level, the ledge or flange of such railway, for the purpose of guiding the wheels of the carriages thereupon, shall not rise above, nor sink below the level of such road, street, way, lane, or other public passage or place more than one inch: *Provided always*, That where the same shall cross any private road, the same may be built and the approaches thereto may be made in any other manner, with the consent of the owners of such private way or road.

Proviso.

Where the railway crosses public highways on a level,

XVII. *And be it further enacted*, That in all cases wherein the said railway shall cross any turnpike or other road, street, way, lane,

lane, or other public passage or place on a level, the said company shall erect, and at all times maintain a good and sufficient gate on each side of the said railway at the crossing of such road, street, way, lane, or other public passage or place, all which gates shall be constantly kept shut by some person to be appointed by the said company (and which person the said company is hereby required to appoint,) except during the times when carriages passing along the said road, street, way, lane, or other public passage or place shall have to cross such railway, and then the same shall be opened for the purpose only of letting such carriage pass through; and the persons intrusted with the care of such gate shall cause every such gate to be shut as soon as such carriages shall have passed through the same, under the penalty of five pounds for every default therein.

company to erect gates on each side of railway.

XVIII. *And be it further enacted*, That the said company may make, at convenient distances along the said railway, passing-places, or turn-outs, for the enabling of carriages using the said railway to pass each other.

Convenient passing-places to be made along the railway.

XIX. *And be it further enacted*, That after any lands, tenements, or hereditaments, intended to be taken or used for the purposes or uses of this act, shall have been set out and ascertained, it shall be lawful for all bodies politic, corporate, or collegiate, ecclesiastical or civil corporations, aggregate or sole tenants for life, or in tail, or for any other partial or qualified estate or interest, husbands, guardians, trustees, and feoffees in trust for charitable or other purposes, executors, administrators, committees, and all trustees and persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy, if incapacitated, and as to such husbands and guardians also for and on behalf of their wives and wards, and as to such committees also, for and on behalf of the lunatics and idiots, of whom they shall be the committees respectively, and as to all such bodies politic, corporate, collegiate, corporations, tenants, trustees, and feoffees in trust, executors, administrators, and other persons as aforesaid; also for and on behalf of their *cestuique* trusts, whether infants, issue unborn, lunatics, idiots, *femmes couvertes*, or other persons, and for all *femmes couvertes*, seized, possessed of, or interested in, their own right, or entitled to dower, or other interest in and for all other persons whomsoever, who are, or shall be seized, or possessed of, or interested in, any such lands, tenements, or hereditaments, to contract for, sell, and convey the same, or any part thereof, unto the said company; and all such contracts, sales, and conveyances shall be made at the expense of the said company, and shall be made according to the following form, or as near thereto as the number of the parties, and the circumstances of the case, will admit; (that is to say),

Bodies politic, etc. empowered to sell and convey lands.

4 T 2

" I, A. B.

Form of conveyance  
to the company.

" I, A. B. of  
to me  
in consideration of the sum of  
paid by the  
company, established  
and incorporated by an act of the legislature of this island, made  
and passed in the tenth year of the reign of her majesty queen  
Victoria, intituled (here copy title of the act) do hereby grant  
and alien to the said company, their successors, and assigns, all that  
together with all ways, rights, and appur-  
tenances thereunto belonging, and all such estate, right, title, and  
interest in and to the same, and every part thereof, as I am or shall  
become seized or possessed of; or as I am, by the said act, capacita-  
ted or empowered to convey: To hold the premises to the said com-  
pany, their successors, and assigns, for ever, according to the true  
intent and meaning of the said act."

In witness whereof, I have hereunto set my hand and seal, the  
day of in year of our Lord

And all such conveyances as aforesaid shall be valid and effectual  
in the law to all intents and purposes, and shall operate to merge  
all terms of years attendant by express declaration, or by con-  
struction of law on the estate or interest so thereby conveyed or  
aliened, and to bar and destroy all such estates tail, and all titles  
to dower, and all other estates, rights, titles, remainders, rever-  
sions, limitations, trusts, and interests whatsoever.

Power to purchase  
the release of lands  
wanted from rents  
charged thereon.

XX. And be it further enacted, That where any of the lands,  
tenements, or hereditaments, which shall be purchased by the  
said company, shall be subject solely or jointly with other lands,  
tenements, or hereditaments, not so purchased, to or with any  
rent-service, rent-charge, or chief-rent, or other rent, or other  
payment, or incumbrance, it shall be lawful for the said com-  
pany to agree for the release of such lands, tenements, and here-  
ditaments so to be purchased from such rent-payment, or in-  
cumbrance, and for an apportionment of such rent-payment, or  
incumbrance, where necessary, for such consideration, in money,  
as shall be agreed upon between the said company and the party  
who, under the provisions of this act, shall be authorized to agree  
to sell or apportion the same rent-payment or incumbrance, or  
as shall be assessed by a jury, as hereinafter mentioned; and  
in case any difference shall arise respecting the apportionment  
of such rent-payment, or incumbrance, or the money or equiva-  
lent offered for the same, then the value and the apportionment  
of the same shall be determined and decided by a jury in man-  
ner hereinafter mentioned, which jury shall apportion such rent-  
payment or incumbrance, according to the value of the lands,  
tenements, and hereditaments so to be purchased, and of the  
lands, tenements, and hereditaments not so purchased, out of or  
from which such rent-payment or incumbrance shall be jointly  
issuing; and all contracts, conveyances, and assurances, which  
shall be made by and between the said company and any such  
party

party as aforesaid, respecting such release, shall be valid and effectual in the law, and shall extinguish the whole or a proportionate part of such rent-payment or incumbrance as the case may be, and shall be within the powers and regulations of this act: *Provided always*, That when the said lands, tenements, and hereditaments so to be purchased, shall be released from any rent-payment or incumbrance affecting the same jointly with other lands, tenements, and hereditaments, such other lands, tenements, and hereditaments shall be charged only with the remainder of such rent-payment or incumbrance; and such apportionment shall not prejudice the remedies for such remainder, but the same shall, at all times thereafter, remain as effectual as if the lands, tenements, and hereditaments not so purchased had been originally charged with that amount only: *Provided also*, That when a part only of any rent-payment or incumbrance shall be released, it shall be lawful for the said company, on tender for that purpose of any deed or instrument creating or transferring such rent-payment or incumbrance, to affix their common seal to a memorandum indorsed on such deed or instrument, declaring what part of the lands, tenements, and hereditaments, originally subject to such rent-payment or incumbrance, shall have been purchased by virtue of this act, and what proportion of the said rent-payment or incumbrance shall have been released, and also declaring the amount of the rent-payment or incumbrance to subsist and continue payable; and such memorandum shall be evidence in all courts of the facts thereby stated, but not so as to exclude any other evidence of the same facts.

XXI. *And be it further enacted*, That on or before the expiration of one calendar month next after notice, in writing, from the said company, or their agent, duly authorized, of their intention take or use any land, tenement, or hereditaments, or any part thereof for the purposes of this act shall have been given to any corporation or other person seized, possessed of, or entitled in, or authorized by, this act to accept and receive satisfaction, recompense, or compensation for the value of the same, or any estate, share, or interest therein, or charge thereon, or for any injury or damage sustained on account of the execution of this act, such corporation, or other person shall deliver, or cause to be delivered, at the office of the said company, a statement, in writing, of the particulars of the estate, share, interest, or charge which they or he claim to be entitled to, or be authorized to receive satisfaction, recompense, or compensation for, and of the injury or damage sustained by them or him, and of the amount of the sum of money which they or he may expect and be willing to receive in satisfaction, recompense, or compensation for the value of such estate, share, interest, or charge, and for such injury or damage respectively.

Parties to deliver a statement of their estates and claims within one calendar month after notice.

XXII: *Provided*



Where small parcels of land are intersected, company compellable to purchase the whole.

XXII. *Provided also, and be it further enacted,* That if, in the execution of any of the powers of this act, any land shall be cut through and divided, so that what shall be left thereof on both sides, or on either side of the said railway, shall be less than half an acre in quantity, and if the owner of any such land shall not have any other land adjoining to that which shall be so left, then, and in every such case, if such owner shall so require, but not otherwise, the said company shall also purchase the land so left on both or on either of the sides of the said railway, being less than half an acre in quantity as aforesaid, the value thereof to be ascertained in the same manner as is directed concerning any land to be taken or used for the purposes of this act; or in case such owner as aforesaid shall have any other land adjoining to that which shall be so left, he may require the said company, at the expense of such company, to throw the same into the adjoining land of such owner, by removing the fences, and levelling the sides thereof, and soiling the same in a sufficient and workmanlike manner: *Provided always,* That if, in respect of any land which shall so be left, being less than half an acre in quantity, and the owner thereof shall not have any land adjoining on the same side of the said railway, and the said company shall be called upon to make any bridge or culvert for the purpose of making a communication therewith, it shall be lawful for the said company, and they are hereby empowered to take and purchase such piece of land, being less than half an acre in quantity.

*Proviso.*

No person compellable to sell part of his house, if willing to sell the whole.

XXIII. *And be it further enacted,* That if any corporation, or other party by this act authorized to sell and convey any lands, tenements, or hereditaments, shall be applied to by or on behalf of the said company to treat for, sell, dispose of, or convey any part of any house, warehouse, building, or manufactory in the actual occupation of one person, or of several persons jointly, and shall, by notice, in writing, to be left with the clerk of the said company, within thirty days after such application, signify his inclination or desire to treat for, sell, dispose of, and convey the whole of such house, warehouse, building, or manufactory, and if it shall happen that the said company shall not think proper, or be willing to purchase the whole of such house, warehouse, building, or manufactory, then, and in every such case, nothing in this act contained shall extend, or be construed to extend, to compel such corporation, or party interested therein, to treat for, sell, dispose of, or convey, or to authorize the said company to take or use part only, or less than the whole of such house, warehouse, building, or manufactory; anything herein contained to the contrary thereof in anywise notwithstanding.

Satisfaction to be made for lands taken for the railway.

XXIV. *And be it further enacted,* That all corporations, and other parties by this act capacitated to sell and convey any lands, tenements, or hereditaments, and the respective owners and occupiers

cupiers of any lands, tenements, or hereditaments through, under, in, or upon which the said railway and other works hereby authorized are intended to be made, or any share, estate, or interest therein, may accept and receive satisfaction or recompense for the value of such lands, tenements, and hereditaments, or the interest therein by him or them conveyed; and also compensation for and on account of any damage sustained by them or him, by reason of the severing or dividing of such lands, tenements, or hereditaments, or by reason or on account of any of the works by this act authorized, or of the execution of any of the powers of this act, in such gross sums as shall be agreed upon between the said owners, including persons hereby capacitated as aforesaid, and occupiers respectively, and the said company; and in case the said company and such parties respectively shall not agree as to the amount or value of such purchase-money, satisfaction, recompense, or compensation, the same respectively, or either of them, concerning which they shall not so agree, shall be ascertained and settled by the verdict of a jury, if required, as hereinafter is directed.

XXV. *And*, for settling all differences which may arise between the said company and the several owners, lessees, and occupiers of, or persons interested in, any lands, tenements, or hereditaments which shall or may be taken, used, damaged, or injuriously affected by the execution of any of the powers hereby granted, *be it further enacted*, That if any corporation, vestry, or other party so interested, or entitled, and capacitated to sell, contract, or agree as aforesaid, shall not agree with the said company as to the amount of such purchase-money, satisfaction, recompense, or other satisfaction as aforesaid, or if any such party shall refuse to accept such purchase-money as shall be offered by the said company, and shall give notice thereof, in writing, to the said company, within twenty-one days next after such offer shall have been made, and the party giving such notice shall therein request that the matter in dispute may be submitted to the determination of a jury; or if any such party as aforesaid shall, for the space of thirty days next after notice, in writing, shall have been given to him, or, in case of any corporation or vestry, to the clerk, agent, or principal officer of any such corporation or vestry, either personally, or by being left at his last or usual place of abode respectively, or with the tenant or occupier of any lands, tenements, or hereditaments required for the purposes of this act, neglect, or refuse to treat, or shall not agree with the said company for the sale and conveyance of their respective estates and interests therein, or the respective estates, and interests therein, which they respectively are hereby capacitated to convey or dispose of, or for the satisfaction, recompense, or compensation to be paid to them for any damage, loss, or injury whatsoever as aforesaid, or shall, by reason of absence,

In case the parties refuse, or are incapable to treat, or cannot be found, the value of land, &c. and of damages, to be settled by a jury.

be

be prevented from treating, or shall, by reason of any impediment or disability, not provided for by this act, be incapable of making such agreement as shall be necessary or expedient for enabling the said company to proceed in making the said railway, and other the works aforesaid, or shall not disclose and prove the state of the title to the premises of which he may be in possession, and claim to be entitled unto or interested in, or in any other case where agreement for compensation for damages incurred in the execution of any of the powers of this act cannot be made, then, and in every such case (except as next hereinafter excepted,) the said company shall and may, and they are hereby required, from time to time, to make applications, grounded on an affidavit or affidavits of the facts, to any one or more justice or justices of the peace for the parish or district in which the lands, hereditaments, and premises are situate (not being in any way interested in the matter in question,) for a warrant under his or their hand and seal, or hands and seals, (and which he or they are required to grant,) directed to the provost-marshal-general of the said island, or to his lawful deputy for such parish or precinct, (if not interested in the subject matter, and, if interested, to such other responsible person, to be appointed by the said provost-marshal-general for that especial purpose,) commanding him, the said provost-marshal, or his lawful deputy, or the person so especially appointed, to impanel, summon, and return, and the said provost-marshal-general, or his lawful deputy, or other person so appointed by him as aforesaid, is hereby accordingly empowered and required to impanel, summon, and return a jury of at least twenty-four sufficient and disinterested men, qualified, according to the laws of the said island, to be returned for trial of issues in her majesty's courts of record in the said island; and the persons to be impanelled, summoned, and returned, are hereby required to appear before the said justice or justices of the peace at such time and place as in such warrant shall be appointed as most convenient, and to attend from day to day until duly discharged; and out of such persons, so to be impanelled, summoned, and returned, a jury of twelve men shall be drawn by the said provost-marshal-general, or his lawful deputy, or other person to be by him appointed in such manner as juries for trials of issues joined in her majesty's courts of record in the said island are by law directed to be drawn; and in case a sufficient number of jurymen shall not appear at the time and place so to be appointed as aforesaid, the said provost-marshal-general, or his lawful deputy, or other person as aforesaid, shall return other honest and disinterested men of the standers-by, or of others that can be speedily procured to attend that service, being so qualified as aforesaid, to make up the said jury to the number of twelve, and all parties concerned may have their lawful challenges against any of the said jurymen, but shall not challenge the array; and the said justice or justices

tices is and are hereby empowered and required to summon before him or them all persons who shall be thought necessary to be examined as witnesses touching the matters in question, and may, on the application of either party, order and authorize the said jury, or any six or more of them, either before or after they shall be sworn, to view the place or matter in controversy; and the said justice or justices shall have power to adjourn such meeting from day to day, as occasion shall require, and to command such jury, witnesses, and parties to attend until such affairs for which they were summoned shall be concluded; and such jury shall, upon their oaths, or being of the society called Quakers, upon their solemn affirmations, (which oaths and solemn affirmations of all persons who shall be called upon to give evidence, the said justice or justices is and [are] hereby empowered and required to administer.) inquire of, assess, and ascertain, and give a verdict for the sum of money to be paid for the purchase of such lands, tenements, and hereditaments, and also the sum of money to be paid by way of satisfaction, recompense, or compensation, either for the damages which shall before that time have been done or sustained as aforesaid, for or by reason of the severing or dividing the same from other lands, tenements, or hereditaments whereof, wherein, or whereto any such parties or persons as aforesaid shall be seized, possessed of, or interested; or for the future temporary, or perpetual, or for any recurring damages which shall have been so done or sustained as aforesaid, and the cause or occasion of which shall have been in part only obviated, removed, or repaired by them, and for damage, loss, or injury as aforesaid; and the said justice or justices shall accordingly give judgment for such purchase-money, satisfaction, recompense, or compensation as shall be assessed by such jury, which said verdict, and the judgment thereon to be pronounced as aforesaid, shall be signed by such justice or justices, and be binding and conclusive to all intents and purposes upon all parties and persons whomsoever: *Provided always*, That not less than fourteen days' notice, in writing, of the time and place at which such jury are so required to be returned, shall be given by the said company to the party with whom any such controversy shall arise, by leaving such notice at the then or last dwelling-house of the person, or the clerk, or agent, or principal officer of any such corporation, or vestry, or with some tenant or occupier of the premises intended to be valued, or respecting which, or any damage to which, any such question shall arise: *Provided also*, That it shall not be necessary to empanel, summon, or return, and hold more than one and the same jury of twenty-four in number, in and for, and in respect of, each separate parish, wherein lands may be situate, which may be required for the purposes of this act, although the said lands may severally belong to different owners, lessees, and occupiers respectively; and one such jury in and for each such

Proviso.

Proviso.

such parish shall be sufficient for valuing, and shall have and be entitled to fulfil and exercise all and every the several powers hereby given and conferred, and may exercise the same powers of inquiring, assessing, ascertaining, and giving verdicts as to the valuing and assessing all such lands situate in such one parish between all and every the several owners, lessees, and occupiers thereof respectively; and the said company, and the several verdicts of such one jury, to be respectively given between the said parties respectively, and the judgments of a justice or justices, to be pronounced and given thereon, shall be binding, effectual, and conclusive.

Claims not exceeding 30*l.* to be settled by two justices.

XXVI. *Provided always, and be it enacted*, That if the compensation or damages claimed in any of the cases mentioned in the preceding enactment shall not exceed the sum of thirty pounds, the same shall be settled by two justices of the parish or precinct in which the lands, hereditaments, and premises shall be situate, or the damage complained of occur, who are hereby authorized and required to investigate the same; and for such purpose such justices to hear evidence on oath (to be administered by one of them) on both sides, if requisite; and if either party to any such question fail to appear at the time and place appointed by such justices for going into the question, without reasonable excuse, to the satisfaction of such justices, due notice having been given to such defaulting party, it shall be lawful for such justice to proceed *ex parte*.

Value of lands, &c. and damages, &c. to be ascertained separately.

XXVII. *Provided also, and be it further enacted*, That in ascertaining the money to be paid for the purchase of any lands, tenements, or hereditaments to be taken or used for the purposes of this act, and the satisfaction, recompense, and compensation to be made for any damages which shall or may be sustained by any parties or persons respectively interested in such lands, tenements, or hereditaments, such satisfaction, recompense, and compensation for damages shall be settled and ascertained separately and distinctly from the value of the lands, tenements, and hereditaments so to be taken or used as aforesaid.

Compensation money to be apportioned.

XXVIII. *And be it further enacted*, That the said jury or juries shall, and they are hereby respectively empowered, if thereunto required, to settle what shares and proportions of the purchase-money, or satisfaction, recompense, and compensation for damages which shall be assessed as aforesaid, shall be allowed to any tenant or other person having a particular estate, term, or interest in the premises, for his interest therein.

Verdicts to be recorded.

XXIX. *And be it further enacted*, That the said verdicts and judgments, being first signed by the person presiding at the taking of such verdict, and pronouncing of such judgment respectively,

respectively, shall be delivered to, and kept by the clerk of the peace for the parish in which the matter in dispute shall have arisen, amongst the records of the quarter-sessions of such parish, and shall be deemed records to all intents and purposes; and the same, or true copies thereof, shall be allowed to be good evidence in all courts whatsoever; and all persons shall have liberty to inspect the same, paying for such inspection the sum of one shilling, and also to take and make copies thereof, paying for every copy after the rate of six pence for every one hundred and sixty words.

XXX. *And be it further enacted*, That if the said provost-marshal-general of the said island, or his deputy for the precinct or parish, or the justices, or any other person hereinbefore authorized and directed to act in the premises, shall make default therein, he shall, for every such offence, forfeit and pay a sum not exceeding fifty pounds to the party for whom, or on whose account, such jury shall be required to be summoned, to be recovered by action of debt, or on the case, or by bill, suit, or information, wherein no essoin, protection, or wager of law, nor more than one imparlance shall be allowed; and if any person, so summoned and returned upon any such jury as aforesaid, shall not appear, or, appearing, shall refuse to be sworn, or, being of the society of persons called Quakers, to make his solemn affirmation, or to give his verdict, or shall in any other manner wilfully neglect his duty contrary to the true intent and meaning of this act, or if any person, so summoned to give evidence as aforesaid, shall not appear, on being paid or tendered a reasonable sum for his costs and expenses, or, appearing, shall refuse to be sworn or affirmed, or to give evidence, every person so offending, having no reasonable excuse, (to be judged of and determined by the said justice or justices,) shall forfeit and pay for every such offence, for the benefit of the party for whom, or on whose account such jury or witnesses shall have been summoned, any sum not exceeding twenty pounds, and not less than forty shillings; all which said last-mentioned penalties or forfeitures shall and may be levied and recovered in the same way and manner as other penalties are hereinafter directed to be levied and recovered.

Penalty on justices, and jurors or witnesses making default.

XXXI. *And be it further enacted*, That the jurors, so warned, shall be entitled to receive, and be paid the sum of one guinea for each case in which they shall attend and be sworn; and the provost-marshal-general, or his lawful deputy, the sum of three guineas for each jury so warned; and the witnesses shall be paid at the same rates as witnesses are now paid for their attendance at the assize courts.

Remuneration to jurors, and to provost-marshal-general, or deputy-marshals.

XXXII. *And be it further enacted*, That every such jury and juryman

Jurors to be under the same regula-

tions as those in  
the courts of record.

juryman as aforesaid shall also be subject to the same regulations, pains, and penalties, as if such jury and juryman had been returned for the trial of any issue joined in any of her majesty's courts of record in the said island; and all persons who, in any examination, to be taken by virtue of this act, upon their oaths, or being of the society of persons called Quakers, upon their solemn affirmation, shall wilfully and corruptly give false evidence before any such jury, justice, or justices of the peace, acting as such in the execution of this act, shall and may be prosecuted for the same, and upon conviction thereof, shall be liable to the pains and penalties to which persons guilty of wilful and corrupt perjury shall or may by law be subject.

All expenses of jury,  
how to be paid, if  
tender more or less  
than verdict.

XXXIII. *And be it further enacted*, That in every case in which the verdict of a jury shall be given for a greater sum than shall have been previously offered by the said company for the purchase of any lands, tenements, or hereditaments, to be used or taken by them for the purposes of this act, or as satisfaction, recompense, or compensation for any damage, loss, or injury which may happen, or arise in, or be occasioned by the execution of any of the powers of this act, or in case a verdict shall be given for any sum of money as a satisfaction, recompense, or compensation for any damage, loss, or injury where no sum of money shall have been previously offered by the said company, then, and in every such case, all the reasonable costs, charges, and expenses of causing and procuring such recompense, value, or compensation respectively, to be assessed and awarded as aforesaid, and of so assessing and awarding the same, shall be borne and paid by the said company; and such costs and expenses shall be settled and determined by the said justice or justices of the peace so sitting according to law, or as near thereto as the circumstances of the case will admit; and in case such costs and expenses shall not be paid to the party entitled to receive the same within thirty days after, the same shall and may be levied and recovered by distress and sale of any goods or chattels of the said company, or of the treasurer of the said company, unless such treasurer shall pay such costs and expenses out of any money received by him by virtue of this act, and which he is hereby authorized to do, under a warrant to be issued for that purpose by any justice of the peace for the parish in which the trial shall take place, acting within their respective jurisdictions, and not interested in the matter in question, which warrant such justice is hereby authorized and required to issue under his hand and seal, on proper application made to him for that purpose, disclosing the facts of the case, by any party entitled to receive such costs and expenses; but if the verdict of the jury shall be given for a less sum than shall have been previously offered by, or on behalf of the said company, or in case the said company shall have required a statement

of

of the manner in which any amount of money which shall have been demanded as a satisfaction, recompense, or compensation has been computed and made up, and the jury shall be of opinion that no such sufficient statement was delivered by the claimant, to enable the said company to make a proper offer, then, and in every such case, all the costs and expenses attending the same (to be settled and determined as aforesaid,) shall be defrayed by the party with whom the said company shall have such controversy or dispute, and the same shall and may be deducted out of the money awarded to be paid to such party as aforesaid, if it shall exceed the amount, as so much money advanced to and for his use, and the payment or tender of the remainder of such money, if any, shall be deemed and taken to all intents and purposes to be a good payment or tender, and satisfaction of the whole thereof: *Provided always*, That in cases where, by reason of his or her absence in foreign parts, or from any other cause or disability not hereinbefore provided for, any person shall have been prevented from treating and agreeing as aforesaid, the whole of such costs and expenses (to be settled and determined in manner hereinbefore directed,) shall be borne and paid by the said company.

Proviso.

XXXIV. *And be it further enacted*, That the said company shall not be obliged, nor shall any jury, to be summoned by virtue of this act, be allowed, to receive or take notice of any complaint to be made by, or on behalf of any party for any loss or injury by him sustained, or supposed to be sustained, in consequence of the execution of any of the powers of this act, unless notice, in writing, signed by, or on the behalf of the person making such complaint, stating the particulars of such loss or injury, and the amount of the satisfaction, recompense, or compensation claimed in respect thereof, shall have been given by such person to the said company within three months next after the time of such supposed loss or injury having been sustained, or the doing or committing thereof shall have ceased.

Notice of injury to be given to the company before complaint.

XXXV. *And be it further enacted*, That upon payment or legal tender of any sum or sums of money as shall have been agreed upon between the parties, or awarded by a jury in manner aforesaid, as the purchase-money for any lands, tenements, or hereditaments, or for any estate or interest in any lands, tenements, or hereditaments, or as a satisfaction, recompense, or compensation for any damages as hereinbefore mentioned to the respective proprietors of such lands, tenements, or hereditaments, and other persons respectively interested therein, and entitled to receive such money or satisfaction, recompense, or compensation respectively, or if the parties so respectively entitled or interested as aforesaid cannot be found, or shall refuse to receive such money as aforesaid, or shall refuse, neglect, or be unable to  
make

Power to enter lands on payment or tender of purchase-money.



make a good title to, or shall refuse to execute the necessary conveyances of the premises, or in case such money shall be liable to be invested in the purchase of other lands, tenements, or hereditaments, then, and in any of such cases, upon payment of such money into the receiver-general's office of the said island, as is hereinafter directed, within three calendar months after the same shall have been so agreed upon or awarded, or after such tender, refusal, neglect, or disability shall be made or discovered, for the use of the party entitled thereto, it shall be lawful for the said company forthwith to enter upon and take possession of such lands, tenements, and hereditaments, and to make and construct the works by this act authorized, and in respect of which such satisfaction, recompense, or compensation shall have been agreed upon or awarded; and the lands, tenements, and hereditaments whereupon such entry shall have been made, and whereof such possession shall have been taken, and the fee simple and inheritance thereof, together with the yearly profits thereof, and all the estate, use, trust, and interest of every person whomsoever therein, shall thenceforth be vested in, and become the sole property of, the said company, to and for the purposes of this act; and such payment, tender, or investment, shall not only bar all the right, title, interest, claim, and demand of all such persons, and operate to merge outstanding or other terms of years, but also shall bar the dower of the wife of every such person, and all estates tail, and other estates in reversion and remainder, or otherwise of his issue, and of every other person whomsoever therein: *Provided nevertheless*, That before such payment, tender, or investment as aforesaid shall have been [made,] it shall not be lawful for the said company, or for any other person acting under their authority, to bore, dig, or cut into, or enter upon such lands, tenements, or hereditaments for any of the purposes of this act, without the previous consent of the owners and occupiers thereof respectively.

Proviso.

Tenants-at-will or for years to quit lands, &c. after notice.

XXXVI. *And be it further enacted*, That all tenants at will, lessees for a year, or from year to year, and other persons in possession of any lands, tenements, or hereditaments, through, in, under, or upon which the said railway, and other works hereby authorized to be made, are intended to pass, or to be made, and who shall have no greater interest in the premises than as tenants at will, or lessees for a year, or from year to year, shall respectively deliver up the possession of such premises to the said company, or to any such persons as they shall appoint to take possession of the same, at the expiration of three calendar months next after notice to that effect shall have been given by the said company to such respective tenants or lessees, or persons in possession, or left upon the said premises, whether such notice be given with reference to the time of the commencement of such tenants holding or not, and whether such notice be given before

before or after the said premises shall be purchased by the said company, or at such other time after the expiration of three calendar months, as they shall be respectively required; and in case any such tenant, or lessee, or person so in possession as aforesaid, shall refuse to give up such possession as aforesaid, it shall be lawful for the said company to apply to any justice of the peace in which such land shall be situate for a warrant, directed to the provost-marshal-general, or his lawful deputy, (and who shall, on such application, grant the same,) to deliver possession of the said premises to such persons as shall, in such warrant, be nominated to receive the same; and the said provost-marshal-general, or his lawful deputy, is hereby required to deliver possession of the said premises accordingly, and to levy and satisfy such costs as shall accrue from the issuing and execution of such warrant on the person so refusing to give possession, by distress and sale of his goods.

XXXVII. *And be it further enacted,* That if any tenant at will, lessee for a year, or from year to year, or other person in possession of any lands, tenements, or hereditaments, which may be required for the purposes of this act, whose interest shall not be greater therein than as tenant at will, or lessee for a year, or from year to year, shall receive notice from the said company of their intention to take possession of any house or building, manufactory, yard, garden, or other premises then in the occupation of such tenant at will, lessee, or other person aforesaid, and being part only of the house, building, manufactory, yard, garden, or other premises in the occupation of such tenant, lessee, or other person aforesaid, shall thereupon, or within thirty days next after the receipt of such notice, signify his inclination or desire to dispose of, and give up possession to the said company, of the whole of the house, building, manufactory, yard, garden, or other premises in his occupation, then, and in every such case, the said company shall be deemed to have required such tenant, lessee, or other person, to deliver up the possession of the whole of the house, building, manufactory, yard, garden, or other premises in the occupation of such tenant, lessee, or other person as aforesaid; and such tenant, lessee, or other person as aforesaid shall be entitled to receive and be paid compensation or satisfaction for the loss, damage, or injury which he shall sustain or be put unto by reason of the delivering up the possession of the whole of the house, building, manufactory, yard, garden, or other premises in his occupation.

If tenants-at-will receive notice to deliver possession of part of their premises, they may require the company to take the whole.

XXXVIII. *And be it further enacted,* That any person, being tenant for years, from year to year, or at will, or occupier of all or any part of the messuages, shops, cellars, buildings, lands, gardens, grounds, and other hereditaments which the said company

Compensation to tenants and others.

pany may require for the purposes of this act, who shall or may sustain, or be put unto any loss, damage, or injury in respect of any interest whatsoever for improvements, tenants, fixtures, machinery, or in any other manner howsoever for or by reason of the passing of this act, shall and may have, accept, and receive all and every such benefit and advantage by way of satisfaction, recompense, or compensation from the said company for every or any such loss, damage, or injury as aforesaid, as shall be agreed upon between them respectively and the said company; and in case such tenant for years, from year to year, or at will, occupier, or party interested in such tenements, hereditaments, improvements, fixtures, machinery, or otherwise, and the said company shall not agree as to the amount or value of such satisfaction, recompense, or compensation, then the same respectively shall be ascertained and settled by the verdict of a jury in manner hereinbefore directed for ascertaining and settling the value or recompense for other lands, tenements, hereditaments, and premises to be taken or purchased for the purposes of this act.

Interest of such tenants may be settled by a jury.

XXXIX. *Provided always, and be it further enacted,* That where any such tenant, or lessee, or person so in possession as aforesaid, shall be required to deliver possession of any premises occupied by him before the expiration of his term or interest therein, the said company shall, and they are hereby required to make or tender unto such tenant, or lessee, or other person, satisfaction, recompense, or compensation for the value of his unexpired term, good-will, and interest in the said premises, before the said company shall make application to a justice or justices for his or their warrant, (which, on proper application, he or they is, or are required to grant,) directed to the provost-marshal-general aforesaid, or his lawful deputy, (who is required to execute the same,) to take and give possession of the premises in the occupation of such tenant, or lessee, to the said company; and in case of any difference in regard to such satisfaction, recompense, or compensation, the same shall be ascertained and determined by the verdict of a jury in the same manner as any other satisfaction, recompense, or compensation for any lands, tenements, or hereditaments, taken or used by the said company, is by this act directed to be made or determined.

Persons holding under leases to produce the same.

XL. *Provided always, and be it further enacted,* That in all cases where any party shall claim any satisfaction, recompense, or compensation for, or in respect of any unexpired term or interest which he shall claim to be possessed of, or entitled unto in any lands, tenements, or hereditaments, through, in, under, or upon which the said railway and other works hereby authorized are intended to pass, or be made under or by virtue of any demise, lease, or grant thereof, the said company are hereby authorized to require such party to produce or shew the lease, demise,

mise, or grant, in respect of which such claim to satisfaction, recompense, or compensation shall be made, or an official copy from the secretary's office of the said island; and if such lease, demise, or grant, or such copy thereof, shall not be so produced or shewn within thirty days after setting up such claim, the party claiming such satisfaction, recompense, or compensation, shall be considered as holding only from year to year.

*XLI. And be it further enacted,* That if at any time hereafter any person shall sustain any damage in his lands, tenements, hereditaments, or property, by reason of the execution of any of the powers hereby provided, and for which no remedy is hereinbefore provided, and in which the parties respectively cannot agree, then, and in every such case, the recompense or satisfaction for such damages shall, from time to time, be settled and ascertained in such manner as is hereinbefore directed in respect to any other recompense or satisfaction hereinbefore mentioned.

Damage of land not before provided for, how to be settled.

*XLII. And be it further enacted,* That in case any person, to whom any money shall be awarded for the purchase of any lands, tenements, or hereditaments, to be purchased, taken, or used under or by virtue of the powers of this act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good title to the premises, for the purposes of this act, or shall be absent from the said island, or cannot be found; or if any person entitled unto, or to convey such lands, tenements, or hereditaments, be not known or discovered, or be not shewn so to be, to the satisfaction of the said company, or be absent from the said island, then, and in every such case, it shall be lawful for the said company to order the money so awarded as aforesaid to be paid into the office of the receiver-general aforesaid, and in his name to be placed to his account to the credit of the parties interested in the said lands, tenements, or hereditaments (describing them, so far as the said company can do so), subject to the control, disposition, and order of the supreme or assize court, having reference to the county in which the land shall be situate, which said court, on the application of any person making claim to such money, or to any part thereof, by petition, is hereby empowered, in a summary way of proceeding (as to such court shall seem meet,) to order the same to be laid out and invested in the public funds, and to order distribution thereof, or payment of the dividends thereof, according to the respective estates, titles, or interests of the parties making claim thereto, and to make such other order in the premises as to the said court shall seem proper; and the receiver-general, who shall receive such money, is hereby required to give a receipt for such money, mentioning and specifying therein for what and for whose use (described as aforesaid) the same is received from the said

In case of not making titles, etc. money to be paid into the office of the receiver-general.

company, or from any person paying any money into his office under or pursuant to this act.

Persons in possession presumptively entitled.

XLIII. *Provided always, and be it further enacted,* That where any question shall arise touching the title of any person to any money to be paid into the receiver-general's office in his name, and with the privity of one of the said courts, in pursuance of this act, for the purchase of any lands, tenements, or hereditaments, or of any estate, right, title, or interest in any lands, tenements, or hereditaments to be purchased, taken, or used in pursuance of this act, for the purposes aforesaid, or to any annuities or securities to be purchased with any such money as aforesaid, or the dividends or interest of any such annuities, or securities, the person who shall have been in possession of such lands, tenements, or hereditaments at the time of such purchase, and all persons claiming under such person, or under or consistently with the possession of such person, shall be deemed to have been lawfully entitled to such lands, tenements, or hereditaments, according to such possession, until the contrary shall be shown to the satisfaction of one of the said courts; and also the dividends or interest of the annuities or securities to be purchased with such money, and also the capital of such annuities or securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the satisfaction of one of the said courts that such possession was a wrongful possession, and that some other person was lawfully entitled to such, or to some part of such lands, tenements, or hereditaments, or to some estate or interest therein.

In case of inability or incapacity of parties, etc. to act, the court may order reasonable expenses of purchases to be paid by the company.

XLIV. *Provided also, and be it further enacted,* That where, by reason of any disability or incapacity of any person or corporation entitled to any lands, tenements, or hereditaments to be purchased, taken, or used under the authority of this act, the purchase-money for the same shall be required to be paid into the office of the receiver-general, or to be applied to the purchase of other lands, tenements, or hereditaments, to be settled to the like uses, in pursuance of this act, it shall be lawful for the said court to order the expenses of all such purchases, or so much of such expenses as the said court shall deem reasonable, together with the necessary costs and charges of obtaining such order, to be paid by the said company out of the monies to be received by virtue of this act, and the said company shall, from time to time, pay such sums of money for such purposes as the said court shall direct.

Compensation exceeding £50 to be settled by arbitration or jury, at the option of the party claiming compensation.

XLV. *And be it further enacted,* That if the compensation claimed or offered in any case shall exceed thirty pounds, and if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice, in writing,

ing, to the promoters of the undertaking, before they have made application to a justice of the peace for a warrant to the provost-marshal-general to summon a jury in respect of such lands, under the provisions herein contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled accordingly, but unless the party claiming compensation shall, as aforesaid, signify his desire to have the question of such compensation settled by arbitration, or if, when the matter shall have been referred to arbitration, the arbitrators, or their umpire shall, for three months, have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury as hereinbefore provided.

XLVI. *And be it further enacted*, That when any question of disputed compensation, by this act authorized or required to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall nominate and appoint an arbitrator, to whom such dispute shall be referred, and every appointment of an arbitrator shall be made, on the part of the promoters of the undertaking, under the hands of the said promoters, or any two of them, or of their manager; and, on the part of any other party, under the hand of such party; or, if such party be a corporation aggregate, under the common seal of such corporation; and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if, for the space of fourteen days after any such dispute shall have arisen, and after a request, in writing, in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then, upon such failure, the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Appointment of arbitrator when questions are to be determined by arbitration.

XLVII. *And be it further enacted*, That if, before the matters so referred shall be determined, any arbitrator, appointed by either party, die, or become incapable, the party by whom such arbitrator was appointed may nominate and appoint, in writing, some other person to act in his place; and if for the space of

Vacancy of arbitrator to be supplied.

seven days after notice, in writing, from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed "*ex-parte*," and every arbitrator, so to be substituted as aforesaid, shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability as aforesaid.

Appointment of umpire.

XLVIII. *And be it further enacted*, That where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this act; and if such umpire shall die, or become incapable to act, they shall forthwith, after such death or incapacity, appoint another umpire in his place; and the decision of every such umpire, on the matters so referred to him, shall be final.

Court of chancery to appoint an umpire on neglect of the arbitrators, &c.

XLIX. *And be it further enacted*, That if, in either of the cases aforesaid, the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration, neglect to appoint an umpire, the court of chancery, on petition in any case in which a railway company shall be one party to the arbitration, shall, on the application of either party to such arbitration, appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this act, shall be final.

In case of arbitrator's death the matters to begin *de novo*.

L. *And be it further enacted*, That if, when a single arbitrator shall have been appointed, such arbitrator shall die, or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this act, in the same manner as if such arbitrator had not been appointed.

If either arbitrator refuse to act, the other to proceed *ex-parte*.

LI. *And be it further enacted*, That if, where more than one arbitrator shall have been appointed; either of the arbitrators refuse, or for seven days neglect to act, the other arbitrator may proceed "*ex-parte*," and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

If arbitrators fail to make their award within twenty-one days, the matter to go to the umpire.

LII. *And be it further enacted*, That if, where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the

the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

LIII. *And be it further enacted*, That the said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties, or their witnesses, on oath, and administer the oaths necessary for that purpose.

Power of arbitrators to call for documents, etc.

LIV. *And be it further enacted*, That before any arbitrator or umpire shall enter into the consideration of any matters referred to him, he shall, in the presence of a justice, make and subscribe the following declaration; that is to say,

Arbitrator or umpire to make a declaration.

"I, A. B. do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me, under the provisions of the act (here insert the title of this act.)

A. B.

*Made and subscribed in the presence of*

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire, having made such declaration, shall wilfully act contrary thereto, he shall be guilty of a misdemeanor.

LV. *And be it further enacted*, That the arbitrators shall deliver their award, in writing, to the promoters of the undertaking, and the said promoters shall retain the same, and shall forthwith, on demand, furnish a copy thereof to the other party to the arbitration, and shall at all times produce the said award, and allow the same to be inspected or examined by such party, or any person appointed by him for that purpose.

Award to be delivered to the promoters of the undertaking.

LVI. *And be it further enacted*, That the submission to any such arbitration may be made a rule of the supreme court, on the application of either of the parties.

Submission may be made a rule of supreme court.

LVII. *And be it further enacted*, That no award, made with respect to any question referred to arbitration under the provisions of this act, shall be set aside for irregularity, or error in matter of form.

Award not void through error in form.

LVIII. *And be it further enacted*, That the said company shall, and they are hereby authorized, to take down, or cause to be taken down, all houses and other erections, and buildings whatsoever which shall be purchased or taken by virtue of this act, or such of them, or such part thereof, as they shall think proper to be taken down, and to level and clear the ground whereon the same shall

Power to clear ground, and sell materials.



shall stand, and all other the grounds to be purchased or taken by virtue of this act, in such manner as they shall think proper; and to sell, or cause to be sold, the materials of the houses, and other erections and buildings to be taken down and removed pursuant to this act; and the monies to be produced by the sale thereof, after deducting the expenses of taking down such houses, erections, and buildings, and of such sale, and also the rents and profits of the said houses, erections, and buildings, lands, tenements, and hereditaments, to be purchased or taken by virtue of this act, until the same shall be taken down or cleared, shall be applied and disposed of for and towards the purposes of this act.

Enabling company to sell lands not wanted.

Proviso for preference to parties whose lands adjoin.

LIX. *And whereas* by means of the purchases which the said company are empowered and required to make by virtue of this act, they may happen to be seized of more lands, tenements, or hereditaments than will be necessary for effecting the purposes of this act, or of lands, tenements, or hereditaments not wanted for, or applicable to the purposes hereof: *Be it therefore enacted*, That it shall be lawful for the said company to sell, and, by any deed under their common seal, to convey, any part of such lands, tenements, or hereditaments, or of any estate or interest purchased by the said company in such lands, tenements, or hereditaments, or any part thereof, either together or in parcels, by public auction or private contract, as they shall deem most advantageous to such persons as shall be willing to contract for and purchase the same; and such conveyances from the said company shall be valid and effectual, anything in this act contained, or any other law, statute, or custom to the contrary notwithstanding: *Provided always*, That the said company, before they shall dispose of any such lands, tenements, or hereditaments shall first offer to sell such lands, tenements, or hereditaments to the person or to the persons successively, in such order as the said company shall deem meet, whose lands or premises shall immediately adjoin the lands, tenements, or hereditaments so proposed to be sold, the person from whom such lands, tenements, or hereditaments shall have been purchased, if the owner of adjoining lands, tenements, or hereditaments to be always preferred, such persons being in or represented in the island and conveniently found, and being capable of entering into a contract for the purchase of such lands, tenements, or hereditaments; and such respective persons, in case they shall be desirous of purchasing the same, preference in pre-emption of such respective persons, if more than one, being according to the order of making such offers, shall signify such their desire and intention in that behalf to the said company, within thirty days after such offer of sale shall have been made; and in case such persons shall refuse or decline to avail themselves of such offer, or shall neglect or omit to signify their desire and intention to purchase such lands, tenements, or hereditaments, for the said space  
of

of thirty days, an affidavit, made and sworn before a master, or master extraordinary in the high court of chancery, or before any justice of the peace for the parish in which such land is situate, by some person not interested in the same lands, tenements, or hereditaments, stating that the person or persons entitled to such right of pre-emption was not in or represented in the said island, or was not found, or was not capable of entering into a contract for the purchase of such lands, tenements, or hereditaments, or that such offer was made by, or on behalf of the said company, and that such offer was refused or declined, or was not accepted or agreed to by the person to whom the same was made, within the space of thirty days from the day or time of making the same, shall, in all courts whatsoever, be sufficient proof that such offer was made, and was refused or declined, or was not accepted and agreed to within the time aforesaid (as the case may be,) by the person to whom such offer was made; and, in case such person shall be desirous of purchasing the same, and he and the said company shall not agree with respect to the price thereof, then the price thereof shall be ascertained by a jury in the manner by this act directed, with respect to the disputed value of premises to be purchased by the said company in pursuance thereof; and the expense of hearing and determining such difference shall be borne and paid in like manner as in this act is directed with respect to lands, tenements, or hereditaments to be taken or used by the said company (*mutatis mutandis*;) and the money produced by the sale, which may be made by the said company, of any such lands, tenements, or hereditaments as aforesaid, shall be applied to the purposes of this act.

**LX.** *Provided always, and be it further enacted,* That upon payment of the money which shall be levied and raised, or shall arise from any mortgages or sales under the provisions herein contained, or upon payment of any money under this act, upon any account whatsoever, it shall be lawful for the treasurer for the time being to the said company to sign and give receipts for the money which shall be so levied and raised, or shall arise from any such mortgages or sales, or upon any other account as aforesaid, which receipts shall be sufficient discharges to all persons for the money which in such receipts respectively shall be expressed to be received; and such persons, having paid the same, shall not be answerable or accountable for any loss, misapplication, or non-application of such money, or any part thereof, or be obliged to inquire into the necessity, regularity, or propriety of any such mortgage or sale under the provisions herein contained, or any such payments as aforesaid.

Treasurer, upon payment of money, to give receipts.

**LXI.** *And be it further enacted,* That in every conveyance to be made by the said company under or in pursuance of this act, the word "grant" shall operate as, and be construed and adjudged

The word "grant" in conveyances from the company, to amount to certain covenants.

judged in all courts of judicature to be express covenants to or with the grantees therein, and the successors, heirs, executors, administrators, or assigns of such grantees, according to the quality or nature of the grantees therein, and the estate or interest therein expressed to be thereby conveyed by or from the said company, for themselves and their successors; that they the said company, notwithstanding any act or default done by them, were, at the time of the execution of such conveyance, seized or possessed of the lands, tenements, and hereditaments thereby granted for an indefeasible estate of inheritance in fee simple, free from all incumbrances done or occasioned by them or otherwise, for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them; that the purchasers thereof, their successors and assigns, heirs and assigns, or executors, administrators, and assigns (as the case may be,) shall quietly enjoy the same against the said company, and their successors, and all claiming under them, and be indemnified and saved harmless by the said company, and their successors, from all incumbrances committed by the said company, and also for further assurance of such lands, tenements, and hereditaments by the said company, and their successors, and all claiming under them, unless, except, and so far as the same shall be restrained and limited by express particular words contained in such conveyances; and such grantees, and their several successors, heirs, executors, administrators, and assigns respectively, according to their respective quality or nature; and the estate or interest expressed to be conveyed, shall and may, in all actions to be brought, assign breach thereupon as they might do in case such covenants were expressly inserted in such conveyances.

One half of the capital to be subscribed before work is commenced.

**LXII.** *And whereas* the probable expense of making the said railway and other works, hereby authorized, will amount to the sum of five hundred thousand pounds: *Be it therefore enacted*, That one half, at the least, of the said sum of five hundred thousand pounds shall be subscribed for, before any of the powers given by this act shall be put in force.

Proprietors to raise money amongst themselves, for the undertaking, the sum of 500,000*l.* to be divided into 25,000 shares of 20*l.* each.

**LXIII.** *And be it further enacted*, That it shall be lawful for the said company to raise, amongst themselves, the money for making the said railway, and other works by this act authorized, amounting to the sum of five hundred thousand pounds, the whole to be divided into twenty-five thousand shares, of twenty pounds each; and the said shares shall be, and are hereby vested in the several persons so raising the same, and their several and respective successors, executors, administrators, and assigns, to the proper use and benefit, proportionally to the sums they shall severally contribute; and all persons, and their several and respective successors, executors, administrators, and assigns, who shall

shall severally subscribe for one or more share or shares (or such sum as shall be demanded in lieu thereof,) towards carrying on and completing the said undertaking, and other the purposes of the said subscription, shall be entitled to, and receive (at such time as the said company, or the directors of the said company, to be appointed as hereinafter mentioned shall direct and appoint,) in proportionable parts, according to the respective sums so by them respectively paid, the net profits and advantages which shall arise or accrue by the rates, tolls, and other sums of money to be raised, recovered, or received by the said company as and when the same shall be divided by the authority of this act; and every person having such property in the said undertaking as aforesaid shall bear and pay a proportionable sum towards carrying on the same to the full amount of their respective shares in the said undertaking, but not further or otherwise.

LXIV. *Provided always, and it is hereby further enacted,* That the said company shall be at liberty, for the purposes aforesaid, to raise a further sum, by way of capital, of five hundred thousand pounds, to be divided into twenty-five thousand other shares, at twenty pounds each, to be issuable by the directors, to be hereafter appointed, of the said company, on such terms and conditions as shall be set forth and provided in the deed of settlement hereafter referred to for the management and regulation of the said company.

Proviso for raising further capital of 500,000*l.* to be divided into 25,000 shares of 20*l.* each.

LXV. *And be it further enacted,* That all the shares and proportions of and in the said undertaking, or the joint stock or fund of the said company, shall be deemed personal estate, and be transmissible as such, and shall not be deemed to be of the nature of real property.

Shares to be personal property.

LXVI. *And be it further enacted,* That the several persons who shall subscribe for or towards the said undertaking shall, and are hereby required to pay the respective sums of money by them respectively subscribed for, or such parts or proportions thereof as shall, from time to time, be called for by the directors of the said company, under and by virtue of the powers and directions of this act, and of the deed of settlement, at such times and places as shall be directed by the said directors; and in case any person shall refuse or neglect to pay the money by him so subscribed, or the part thereof so called for at the time and in the manner required for that purpose, it shall be lawful for the said company, or for the said directors to sue for and recover the same in any court of law or equity in the name of the said company.

To compel payment of subscription.

LXVII. *And be it further enacted,* That no shareholder of the company shall be liable for, or charged with the payment of any debt

Shareholder not liable for debt, &c. beyond extent of his share.



celled or destroyed, and another similar certificate or ticket be given under the hands of two of the said directors, or under the common seal of the said company, to the party in whom the property of such certificate or ticket, and the share or shares therein mentioned, shall be at that time vested; or in case such certificate or ticket shall be lost or burned, or totally destroyed, then, upon due proof thereof, a similar certificate or ticket shall be given to the person who was the proprietor of, or entitled to the certificate or ticket so lost, burned, or destroyed; and a due entry of the transfer of such certificate or ticket (if any such have been made,) shall be entered by the clerk of the said company in manner herein directed, the said clerk receiving, for every such certificate or ticket, which shall be so given or exchanged, no more than the sum of two shillings and six pence.

LXX. *And be it further enacted,* That it shall be lawful for the company, from time to time, with the consent of three-fourths of the votes of the shareholders present in person, or by proxy, at any general meeting of the company, upon due notice for that purpose, given as herein provided, to consolidate all or any part of the shares then existing in the capital of the said company, and, in respect whereof, the whole money subscribed shall have been paid up into a general capital stock, to be divided amongst the shareholders, according to their respective interests therein.

Power to consolidate shares into stock.

LXXI. *And be it further enacted,* That after such conversion or consolidation shall have taken place, all the provisions herein contained, which require or imply that the capital of the company shall be divided into shares of any fixed amount, shall, as to so much of the capital as shall have been so converted or consolidated into stock, cease, and be of no effect; and the several holders of such stock may thenceforth transfer their respective interests therein, or any parts of such interests, in the same manner, and subject to the same regulations and provisions as, according to which any share or shares in the capital of the company might be transferred, under the provisions herein contained; and the company shall cause an entry to be made in some book, kept for that purpose, of every such transfer; and for every such entry they may demand any sum not exceeding two shillings and six pence.

Proprietors of stock may transfer the same.

LXXII. *And be it further enacted,* That the said company shall, from time to time, cause the names of the several parties, who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book, to be kept for that purpose, and to be called "THE REGISTER OF HOLDERS OF CONSOLIDATED STOCK," and such book shall be accessible, at all reasonable times, to the several holders of shares or stock in the said company.

Register of stock.

Proprietors of stock entitled to dividends.

LXXIII. *And be it further enacted*, That the several holders of such stock shall be entitled to participate in the dividends and profits of the company, according to the amount of their respective interests in such stock; and such interest shall, in proportion to the amount thereof, confer on the holders thereof, respectively, the same privileges and advantages for the purpose of voting at meetings of the company, qualifications for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any aliquot parts of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively.

Proprietors may raise an additional sum if necessary by mortgage, but not exceeding 125,000*l*.

LXXIV. *And be it further enacted*, That so soon as one moiety of the original capital of five hundred thousand pounds, hereby authorized to be raised by subscription, as hereinbefore mentioned, shall have been paid up for purposes of this act, it shall be lawful for the said company, by order of any general, or special general meeting of the said company, from time to time to borrow and take up, at interest, any further or additional sum, not exceeding in the whole the sum of one hundred and twenty-five thousand pounds, on the credit of the said undertaking, and of any lands, tenements, or hereditaments belonging to the said company, or of any part or proportion thereof, as to them shall seem proper; and the said company, or the directors of the said company, after an order shall have been made for that purpose by any general meeting, or special general meeting, are hereby authorized and empowered to mortgage, assign, and charge the property of the said undertaking, and the rates, tolls, and other sums arising, or to arise by virtue of this act; and any lands, tenements, or hereditaments belonging to the said company, or any part or proportion thereof, (the costs and charges of mortgaging, assigning, and charging the same, to be paid out of the money so to be raised as aforesaid, or out of such rates, tolls, or sums,) as a security for any such further sum of money to be borrowed as aforesaid, with interest to, or for the benefit of the party, or to his trustee, who shall advance the same, all which said mortgages, assignments, and charges, shall be made under the common seal of the said company, in the words or to the effect following, or with such variations therein as the circumstances of the case may render necessary; (that is to say),

Form of mortgage.

“THE NORTH JAMAICA RAILWAY COMPANY.”

Number

*By virtue of an act, passed in the*      *year of the reign of queen*  
*Victoria, intituled (here set forth the title of this act),*  
*we,*

*we, the proprietors of the North Jamaica Railway Company, incorporated by and under the said act, in consideration of the sum of* \_\_\_\_\_ *to us in hand paid by A. B. of* \_\_\_\_\_ *do assign unto the said A. B. his executors, administrators, and assigns, the said undertaking, and all and singular the rates, tolls, and other sums arising by virtue of the said act, and all lands, tenements, and hereditaments held by, and belonging to us, under and by virtue of the said act, or some part or proportion thereof (here state the part or proportion to be assigned), and all the estate, right, title, or interest of, in, and to the same, to hold unto the said A. B. his executors, administrators, and assigns, until the said sum of* \_\_\_\_\_ *together with interest for the same, after the rate of* \_\_\_\_\_ *for every one hundred pounds for a year, shall be fully paid and satisfied.*

*Given under our common seal, this* \_\_\_\_\_ *day*  
*of* \_\_\_\_\_ *in the year of our Lord* \_\_\_\_\_

And the respective parties to whom such mortgages, assignments, and charges shall be made, shall be entitled to their proportions of the said undertaking, and the said rates, tolls, and sums, lands, tenements, or hereditaments, according to the respective sums in such mortgages, assignments, and charges mentioned to be advanced, and be paid such sums on an equal footing, and without preference, by reason of priority in date of any such mortgage, assignment, or charge, or on any other account whatsoever; and an entry or memorial of every such mortgage, assignment, or charge, containing the number and date thereof, and the names of the parties, with their proper additions, to whom the same shall have been made, and of the sums borrowed, together with the rate of interest to be paid thereon, shall, within fourteen days after the date thereof, be entered in some book, to be kept by the clerk of the said company, which said book may be perused at all reasonable times by any of the proprietors or creditors of the said undertaking, or other persons interested therein, without fee or reward, and all persons to whom any such mortgage, assignment, or charge shall have been made as aforesaid, or who shall be entitled to the money due thereon, may, from time to time, transfer their respective rights and interests therein to any other person, and every transfer thereof shall and may be in the words, or to the effect following; that is to say,

“*I, A. B. of* \_\_\_\_\_ *in consideration of the sum of* \_\_\_\_\_  
*paid by C. D. of* \_\_\_\_\_ *do hereby transfer a certain mort-*  
*gage, No.* \_\_\_\_\_ *made by the company of proprietors of the*  
*North Jamaica Railway Company, to* \_\_\_\_\_ *bearing date*  
*the* \_\_\_\_\_ *day of* \_\_\_\_\_ *for securing the sum of* \_\_\_\_\_ *and*  
\_\_\_\_\_ *interest,*

Form of transfer of mortgage.





due and unpaid as aforesaid, may be sued for, and recovered with costs, by an action of debt in any of her majesty's courts of record in the said island.

LXXVI. *Provided always, and be it further enacted,* That no person to whom any such mortgage, assignment, or charge shall be made, shall be deemed a proprietor of any share, or be capable of acting or voting as such at any meeting of the said company for or on account of his having advanced any money on such mortgage, assignment, or charge.

Creditors not to vote.

LXXVII. *And be it further enacted,* That in case the said company shall raise the whole, or any part of the said additional sum of one hundred and twenty-five thousand pounds by mortgage, assignment, or charge, and shall afterwards be required, or shall be desirous to pay off, or shall have paid off, all or any part of the principal sum secured by any such mortgage, assignment, or charge, then, and in every such case, it shall be lawful for the said company immediately, or at any time thereafter, again to raise, in lieu of the principal so paid off, or to be paid off by them, such sums of money as they shall, from time to time have paid off, or be required, or be desirous to pay off to the holders of the mortgages, or any of them, or any part thereof, and so from time to time, as often as the same shall happen, but so nevertheless that the said company shall not, in any event, borrow upon mortgage, assignment, or charge, in such manner or to such extent as that more than the sum of one hundred and twenty-five thousand pounds in the whole be owing at any one time on mortgage, assignment, or charge of the said undertakings; and when and as soon as the principal money, interest, costs, and charges secured by any mortgage, assignment, or charge, which shall be made in pursuance of the provisions of this act, shall have been fully paid and satisfied, the person to whom such mortgage, assignment, or charge shall be made as aforesaid, his executors, administrators, or assigns, shall, and he is hereby empowered, to re-convey to the said company, at the expense of the said company, the hereditaments comprized in the said mortgage, assignment, or charge, or so much thereof as shall not have been previously sold or absolutely foreclosed.

In case mortgages paid off, company may raise money again.

LXXVIII. *And be it further enacted,* That all subscriptions and money to be raised by the said company under the powers of this act, shall be laid out and applied in the first place in paying and discharging all costs, charges, and expenses incurred in applying for, obtaining, and passing this act, and all other expenses preparatory or relating thereto; and the remainder of such money shall be applied in or towards purchasing lands, tenements, and hereditaments, and of any mortgages, sales, and reconveyances, and the costs and expenses incident thereto, together with all necessary carriages, waggons, engines, horses, and other necessaries for making

Application of money to be raised.

making and maintaining the said railway, and other works, and in otherwise carrying this act into execution.

Deed of settlement to be entered into for the due government of all, &c.

LXXIX. *And be it further enacted*, That the appointment of all directors, and the appointment and management of all officers and servants of the said company, and all and every the regulations for meetings of the said company, or the shareholders or the directors thereof, or of boards, or quorums thereof, and the making of all rules, bye-laws, orders, and regulations, and the repeal or modification thereof, the increasing of the shares of the said company, and the disposal thereof, and all and every the matters of detail in the management of the internal affairs and regulations of the said company, not by this act already provided for, shall be governed by a deed of settlement, to be executed by every proprietor, or his or her representative, in whatever capacity; such deed of settlement to be considered as part of this act, to be binding on all and every the proprietors or shareholders of the said company, whether executed by them or not: *Provided always*, That no proprietors or shareholders, who shall not have duly executed such deed of settlement, shall be at liberty to vote at any general or special meeting or meetings of the shareholders on any question whatsoever: *Provided also*, That no rule, regulation, or bye-law, contained in, or made under the authority of the said deed of settlement, shall, at the will or pleasure of any party, authorize the closing of the said railway, or prevent the passage of carriages thereon at reasonable times, except at any time when, in consequence of any of the works being out of repairs, or from any other sufficient cause, it shall be necessary to close the said railway, or any part thereof, until such repairs are completed.

Proviso.  
No proprietor who shall not have signed the deed of settlement to vote.

Proviso.  
No bye-law, &c. to authorize closing of railway, except for repair, &c.

Clerk of the company to keep list of proprietors.

LXXX. *And be it further enacted*, That the clerk of the said company shall, in some proper book to be provided by the said company for that purpose, enter and keep a true account and list of all the proprietors of the said undertaking, as also of their locality or places of abode (whether corporations or individuals), and all changes of such places of abode as the same shall be reported to, or become known by him, and of the several bodies and persons who shall from time to time, by transfer or otherwise, become proprietors thereof, or be entitled to any share therein; and every proprietor of the said undertaking (or being a corporate body, by their clerk or agent, duly appointed,) may, at all convenient times, have recourse to, and peruse the same, gratis, and may demand and have copies thereof, or of any part thereof, paying at and after the rate of one shilling for every one hundred words, so to be copied; and if any such clerk of the company, hereby incorporated, shall refuse to permit any such proprietor, or agent, as aforesaid, to peruse such book, at all convenient times, or refuse to make such copy within a reasonable period at the rate aforesaid, he shall, for

for every such offence, forfeit and pay the sum of five pounds for the benefit of the said undertaking.

LXXXI. *And be it further enacted*, That the said directors shall have power, from time to time, to make calls for money from the subscribers to, and proprietors of, the said undertaking, to defray the expenses of, or to carry on the same, as they, from time to time, shall find necessary for those purposes, so that no such call shall exceed the sum of five pounds upon each share which any person shall or may be possessed of, or entitled unto, in the said undertaking; and such calls shall not be made but at the distance of three calendar months at the least from each other, and thirty days' notice at least shall be given of all such calls by circular addressed to each shareholder by the treasurer or clerk of the company for the time being, the placing of which in the post-office nearest to the residence of such treasurer, or clerk, shall be considered legal delivery thereof, which monies, so called for, shall be paid to such persons, and in such manner as the said directors shall, from time to time, direct and appoint for the use of the said undertaking; and every owner of any share in the said undertaking shall pay his rateable proportion of the monies to be called for as aforesaid, to such persons, and at such times and places as the said directors shall, from time to time, direct and appoint; and if any owner of such share shall not so pay such his rateable proportion, then, and in such case, and so often as the same shall happen, such owner shall pay interest for the same after the rate of five pounds *per centum per annum*, from the day appointed for the payment thereof up to the time when the same shall be actually paid; and if any owner of any such share shall neglect or refuse so to pay such his rateable proportion, together with the interest for the same, for the space of three calendar months after the day appointed for the payment thereof, then it shall be lawful for the said directors, in the name of the said company; to sue for and recover the same in any of her majesty's courts of record, by action of debt on the case, or by bill, suit, or information, wherein no essoin, protection, or wager of law, nor more than one imparlance shall be allowed; or the said directors may, and they are hereby authorized to declare the shares belonging to any person so refusing or neglecting to pay any such calls, together with interest in manner last aforesaid, and all monies, by way of deposits, calls, or otherwise paid thereon respectively, to be forfeited, and subject to be sold in manner hereinafter directed: *Provided nevertheless*, That no advantage shall be taken of any forfeiture of any share in the said undertaking until notice, in writing, under the hands of the treasurer or clerk of the said company, of such share having been declared by the said directors forfeited, shall have been given or sent by the post unto, or left at the last known usual place of abode of, the owner of such share or shares, or until the declaration of forfeiture of the

Power of directors  
to make calls.

Proviso for notice.

the said directors shall have been confirmed, either at a general meeting of the said company, or at a special general meeting of the said company, to be called for that purpose, and to be respectively held after the expiration of one month at the least from the day on which such notice of forfeiture shall be proved to have been given, and, after such forfeiture shall have been confirmed by such general meeting, or special general meeting, the said company shall have power to direct the said directors to dispose of the shares so forfeited.

If purchase-money for such shares be more than sufficient to pay the arrears of calls, &c. surplus to be paid to owners.

LXXXII. *Provided always, and be it further enacted*, That in case the money produced by the sale of any such share as shall be forfeited by reason of the non-payment of any call as herein authorized, shall be more than sufficient to pay all such arrears of calls as aforesaid, and legal interest thereon as aforesaid, and the expense attending the sale thereof, the surplus of such purchase-money shall, on demand, be paid to the party to whom such forfeited share shall have belonged: *Provided also*, That the said company, or their directors, shall not, by virtue of this act, sell or transfer more of the shares of such defaulter, in payment of calls, than shall be sufficient, as near as may be at the time of such sale, to pay the arrears due from such defaulter for or on account of such call, and the interest and expenses attending the same; and from and after payment of such call, and the interest and expenses aforesaid, any share, vested in the said company, as aforesaid, which shall remain in their hands unsold, shall revert to and again become the property of the person to whom such share shall have belonged immediately before such forfeiture as aforesaid, in such manner as if such call had been duly paid.

Proviso.

Proceedings in actions for calls.

LXXXIII. *And be it further enacted*, That in any action to be brought by the said company, or by any two of the said directors against any proprietor of any share in the said undertaking, to recover any money due and payable to the said company for or by reason of any call made by virtue of this act, it shall be sufficient for the said company, or the said directors, to declare and allege that the defendant, being a proprietor of so many shares in the said undertaking, is indebted to the said company in such sum of money as the calls in arrear shall amount to, for so many calls of such sums of money upon so many shares belonging to the said defendant, whereby an action hath accrued to the said company by virtue of this act, without setting forth the special matter; and, on the trial of such action, it shall only be necessary to prove that the defendant, at the time of making such calls, was a proprietor of some share in the said undertaking, and that such calls were in fact made, and that such notice thereof was given as is directed by this act, without proving the appointment of the directors who made such calls, or any other matter whatsoever; and the said company shall thereupon be entitled to recover what shall appear due,

due, including interest, computed as aforesaid on such calls, unless it shall appear that any such call exceeded five pounds, for every share of twenty pounds, or was made within the distance of three months from the last preceding call, or without notice given by circular as aforesaid; and, in order to prove that such defendant was a proprietor of some share in the said undertaking, as alleged, the production of the book in which the clerk of the said company is by this act directed to enter and keep the names and additions of the several proprietors of shares in the said undertaking with the number of shares they are respectively entitled to hold, and of the locality or places of abode of the several proprietors of the said undertaking, and of the several persons and bodies who shall from time to time become proprietors thereof, or be entitled to any share therein, shall be *prima facie* evidence that such defendant is a proprietor, and of the number or amount of his shares therein.

LXXXIV. *And whereas* in cases where any proprietor of any share in the said undertaking shall die, become insolvent, or bankrupt, or go out of the kingdom, or shall transfer his right and interest therein to some other person, and no register shall have been made of the transfer thereof with the clerk of the said company, it may not be in the power of any officer acting for the said company to ascertain who is the proprietor of such share, in order to give him, or his executors, administrators, successors, or assigns, notice of calls to be made on such share, or to maintain any action, suit, or proceeding against him or his executors, administrators, successors, or assigns, for the recovery of the same: *Be it therefore enacted*, That in all the cases aforesaid, where the right of property of any share in the said undertaking shall pass from the original subscriber, or any proprietor thereof, to any other person, or to any body corporate, by any other legal means than by a transfer or conveyance thereof in the form or manner herein specified, or herein otherwise provided, an affidavit shall be made and sworn to by two credible persons before any of her majesty's justices of the peace, stating the manner in which such share hath been passed to such other person, or to such body corporate, and such affidavit shall be delivered to, and left with the clerk of the said company, to the intent that he may preserve the same, and enter and register the name of every such other proprietor, or the description of every such body corporate in the register book, or list of proprietors in the said undertaking, to be kept in the office of the said company.

For ascertaining the proprietorship of shares in certain cases.

LXXXV. *And be it further enacted*, That it shall be lawful for the said directors, under the deed of settlement hereinbefore mentioned, from time to time to make, ordain, and establish all such rules, bye-laws, orders, and regulations for the good government of the said directors, and of the treasurer, clerk, and other the officers and servants of the said company, and other persons

Directors empowered to make rules and regulations.

appointed or employed under or by virtue of this act, and to repeal, annul, amend, add to, or alter such rules, bye-laws, orders, and regulations as to them the said directors shall seem meet, and to affix and appoint reasonable penalties (not exceeding ten pounds) for any one offence for the non-observance, non-performance, or other breach of all, or any of such rules, bye-laws, orders, or regulations, or any part of them: *Provided*, That such rules, bye-laws, orders, and regulations shall not be contrary to the statutes or laws of the said island, or of that part of the united kingdom of Great-Britain and Ireland, called England, or to any of the provisions in this act contained.

Shares may be sold.

LXXXVI. *And be it further enacted*, That it shall be lawful for the several proprietors of shares in the said undertaking, and their respective successors, executors, administrators, and assigns, to sell and dispose of any shares to which they shall be entitled therein, subject to the rules, bye-laws, and conditions herein mentioned; and the form of transfer of shares may be in the following words, or to the like effect, varying the names and descriptions of the contracting parties, as the case may require:

Form of transfer of shares.

" I, A. B. of  
sum of

the said C. D.

*of and in the said undertaking, called the North Jamaica Railway Company, to hold unto the said C. D. his executors, administrators, and assigns (or successors and assigns,) subject to the same conditions as I held the same immediately before the execution hereof, and I, the said A. B. do hereby agree to accept and take the said share (or shares) subject to the same conditions, and to sign the deed of settlement of the company when required so to do. As witness our hands and seals, the*  
day of

*in consideration of the  
paid to me by C. D. of*

*do hereby assign and transfer unto  
share (or shares, as the*

Minute of transfer to be taken and kept by clerk, who shall endorse the same on back of deed of transfer.

And on every such sale the deed or transfer (being executed by the seller and purchaser of such share,) a minute thereof shall be taken and kept by the clerk of the said company, who shall enter the same in some book. to be kept for that purpose, and endorse the entry of such minute on the said deed of sale or transfer, for which no more than two shillings and six pence shall be paid; and the said clerk is hereby required to make such entry or memorial accordingly, and on request, a certificate of each transfer shall be delivered by him to the purchaser for his security, and for which certificate no more than two shillings and six pence shall be paid, and until such memorial shall have been made and entered, as above directed, such purchaser shall have no part or share of the profits of the said undertaking, nor any interest for such share paid to him, nor any vote in respect thereof as a proprietor of the said undertaking.

LXXXVII. *And*

LXXXVII. *And be it further enacted*, That the said directors shall, and they are hereby required to cause a true, exact, and particular account to be kept and annually made up and balanced twice in every year, (that is to say) on the thirtieth day of June, and the thirty-first day of December in each year, of the money received by or for the use of the said company, by virtue of this act, and of the charges and expenses attending the making, maintaining, and carrying on the said undertaking, and of all other the receipts and expenditure of or for the said company up to that period; and it shall be lawful for the said company, and they are hereby empowered, from time to time, at the annual general meeting of the proprietors of the said undertaking, or at any special general meeting, to be from time to time held as aforesaid, or at some adjournment thereof, to declare a dividend out of the clear profits of the said undertaking, if the majority of the proprietors present at any such meeting shall think proper so to do, and such dividend shall be at and after the rate of so much per share upon the several shares held by the members thereof in the joint stock of the said company, as such meeting shall determine: *Provided always*, That no dividend shall be made whereby the capital of the said company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call of money in respect thereof, until such call shall have been paid.

After a call no share to be sold until call shall be paid.

Proviso.

LXXXVIII. *And whereas*, by the death, or by other aftermentioned events happening to proprietors, or by the marriage of female proprietors of shares in the said undertaking, it may be difficult to ascertain to whom the dividends, arising or becoming due upon such shares, ought to be paid, or may belong: *Be it therefore enacted*, That before any person, who shall claim any part of the profits of the said undertaking, in right of marriage with any female proprietor, shall be entitled to receive the same, or be entitled to vote in respect of any share, an affidavit (or solemn affirmation by any person of the society of Quakers), in writing, containing a copy of the register of such marriage, or other particulars of the celebration thereof, and identifying the wife as the proprietor of the share, in respect whereof any such claim may be made and sworn to, or solemnly affirmed by some credible persons before some master, or master extraordinary, in chancery, or any of her majesty's justices of the peace, and shall be transmitted to the clerk of the said company, who shall file the same, and make an entry thereof in the book, which shall be kept by the said clerk for the entry of transfers or sales of shares; and before any person, who shall claim any part of the profits of the said undertaking, by virtue of any bequest or will, or in the course of administration, shall be entitled to receive the same, or be entitled to vote in respect of any share, the said will, or the probate thereof, or the letters of administration, shall be produced  
and

For ascertaining the proprietorship of shares in case of the marriage or death of the proprietors.



and shewn to the said clerk, or a copy of so much of the said will as shall relate to the share of the testator or intestate, shall be made and sworn to, or solemnly affirmed by the executors of the said will, or the administrators of the intestate, before some master, or master extraordinary, in chancery, or any of her majesty's justices of the peace as aforesaid, and shall also be transmitted to the said clerk, who shall file and enter the same as hereinbefore mentioned; and in all cases other than as hereinbefore mentioned, when the right and property of any share of the said undertaking shall pass from any proprietor thereof to any other person by any other legal means than by a transfer and conveyance thereof, duly made and executed as hereinbefore directed, an affidavit, or solemn affirmation, in writing, shall be made and sworn to, or solemnly affirmed to by some credible person before some master, or master extraordinary, in chancery, or any one of her majesty's justices of the peace as aforesaid, stating the manner in which such share hath been passed to such other person, and such affidavit, or solemn affirmation, shall be transmitted to the clerk of the said company, who shall thereupon enter and register the name of every such new proprietor in the register book, or list of proprietors of the said company, and the said clerk shall be entitled to receive, for each such entry as is hereinbefore directed, no more than two shillings and six pence, and the said company shall not be bound to see to the execution of any trust (whether express or constructive,) to which any share aforesaid shall be subject or liable.

Receipt of one proprietor of a share sufficient.

LXXXIX. *And be it further enacted,* That the receipt of the person, or of any one of the persons in whose name or names any share in the said undertaking shall stand in the books of the said company, shall, from time to time, be a sufficient discharge to the said company, or to the directors or treasurer for the time being of the said company, for any dividend or other sum of money which shall become payable and be paid for or in respect of such share, notwithstanding any uses or trusts upon, or to which such share shall be then settled, conveyed, or assigned; and the said company shall not be bound to see to the application of the money mentioned in such receipt.

Receipt of a parent or guardian of a minor sufficient.

XC. *And be it further enacted,* That in all cases where money shall be payable under the provisions of this act to any proprietor who shall be a minor, idiot, or lunatic, the receipt of the guardian, if any, or if not, of the parent of such minor, or of the committee, if any, or if not, of the parent, or if none, of a brother or sister of such idiot, or lunatic, shall be a sufficient discharge to the said company, and their treasurer, for the same.

Power to take tolls for coaches and other carriages using the railway, &c.

XCI. *And be it further enacted,* That it shall be lawful for the said company, from time to time, and at such time or times as they may think proper, to demand, receive, and recover, to and for the use

use and benefit of the said company, for and in respect of carriages, not belonging to the said company, which shall be moved or propelled upon the said railway, for the conveyance of passengers, or cattle, animals, or other live or dead stock, and otherwise, or of produce, and any articles, matters, or things whatsoever, any rate or toll, not exceeding the following ; that is to say :

For all dung, compost, and all sorts of manure, lime, and limestone, and for all undressed materials for the repair of public roads or highways, the sum of six pence *per ton per mile*.

For all coals, coke, culm, charcoal, cinders, hay, grass, firewood, building, pitching, and paving stones, dressed bricks, tiles, slates, clay, and ironstone, pig, bar, rod, hoop, sheet, and all other descriptions of wrought iron and castings, not manufactured into utensils, or other articles of merchandize, the sum of nine pence *per ton per mile*.

For all sugar, coffee, rum, pimento, grain, corn, salt, salt-fish, salted provisions, flour, cheese, candles, soap, dye-woods, earthenware, lumber, staves, shingles, deals, metals (except iron), nails, anvils, vices, and chains, the sum of ten pence half-penny *per ton per mile*.

For all cotton and other wool, hides, drugs, manufactured goods, and other wares, merchandize, articles, matters, or things, the sum of one shilling *per ton per mile*.

For every person conveyed in or upon any carriage, the sum of four pence *per mile*.

For every parcel not exceeding twenty-eight pounds, a toll of six pence for any distance.

For every ditto not exceeding one hundred pounds, a toll of one shilling for any distance.

For every horse, mule, ass, or other beast of draft or burden, and for every ox, cow, bull, or neat cattle conveyed in, or upon any carriage, the sum of three pence *per mile*.

For every calf, sheep, lamb, goat, or pig conveyed in, or upon any such carriage, the sum of one penny *per mile*.

For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, the sum of six pence *per mile*; and for every such carriage weighing more than one ton, the sum of nine pence *per ton per mile*, and so on in proportion for every fraction of a ton.

For

For every carriage, of whatever description, not belonging to the said company, but properly adapted for use on the said railway, to be approved of by the engineer of the said company, not weighing more than one ton, moved or propelled by the motive power used on the said railway, the sum of six pence *per* mile.

For every carriage of like description above one ton weight, the sum of six pence *per* ton *per* mile, according to the weight, charging for all fractional parts below one hundred and twelve pounds as one hundred and twelve pounds.

Carriage and conveyance of passengers, produce, animals, &c. at such rates as the company may fix.

**XCII.** *And be it further enacted,* That it shall be lawful for the company, and they are hereby authorized, to carry and convey upon the said railway all such passengers, produce of all sorts, goods, articles, matters, and things, and all such cattle and other animals as shall be offered to them for that purpose, and to demand, receive, and recover to and for the use and benefit of the said company, for such carriage and conveyance as aforesaid, of all passengers, goods, articles, matters, and things, cattle, animals, and persons carried and conveyed upon the same, in addition to the several rates and tolls hereinbefore authorized to be charged and received, such sum of money as the said company, or the said directors, may from time to time fix and require.

Tolls must be charged equally to all persons.

**XCIII.** *And be it further enacted,* That all tolls for the use of the railway shall be at all times charged equally to all persons, and after the same rate *per* mile, or *per* ton *per* mile, or otherwise, in respect of all passengers, and all goods, animals, or carriages, of a like description, and conveyed or propelled by a like carriage or engine, and that all tolls for carriages, and the use of locomotive power, shall be at all times charged equally to all persons, and after the same rate, whether *per* mile, or *per* ton *per* mile, or otherwise, in respect of all passengers, and of all goods, animals, or carriages, of a like description, and conveyed or propelled by a like carriage or engine, passing on the same portion of the line of railway under the like circumstances; and no reduction or advance in any such tolls for the use of the railway, or for conveyance by the company, or for the use of any locomotive power, to be supplied by them, shall be made directly or indirectly in favour of, or against any particular company or person travelling upon or using the same portion of the railway; and the said company shall have, and be entitled to exercise, a general lien in respect of the carriage and conveyance of all produce, goods, articles, matters, and things, and all cattle and other animals carried and conveyed by the said company, and shall and may seize and detain any produce, goods, articles, matters, or cattle, or other animals carried and conveyed by them, not only for the carriage and conveyance of the particular produce, goods, articles, matters, things, cattle, or other animals, but also of any other produce, goods, articles, matters,

matters, or things, cattle, or other animals, at any time or times heretofore carried and conveyed by the said company, and the price or charges, for the carriage and conveyance of which shall be then due or owing to the said company, from the person or persons by or to whom the same shall be addressed, until payment shall be made, as well for any such general balance or sum due, as of the sum due for the carriage of the articles seized, together with reasonable charges for such seizure and detention; and if any such articles, matters, or other things as aforesaid shall be seized and detained for the causes aforesaid, and shall not be redeemed within ten days next after the taking thereof, the same may be appraised and sold as the law directs in the case of distresses for rent; and in case any dispute shall arise concerning the amount due for carriage, or concerning the charges occasioned by any such seizure or distress, such dispute shall be ascertained and determined in the manner hereinafter provided in cases of dispute respecting rates and tolls due to the company, and the justice determining such dispute shall have the like power to award and enforce the payment of the costs of any application hereunder, as is hereinafter given in cases aforesaid.

**XCIV.** *And be it further enacted,* That neither the said company, nor any person using the railway as a carrier, shall, at any time, demand or take a greater amount of toll, or make any greater charges for the carriage of passengers or goods than the company are by this act authorized to demand; and, upon payment of the tolls from time to time demandable, all persons shall be entitled to use the railway with carriages properly constructed as by this act directed, subject nevertheless to the regulations to be from time to time made by the company, by virtue of the powers in that behalf herein conferred upon them.

Free use of railway on payment of rates, but company or carriers not to charge higher rates than allowed by act.

**XCv.** *And be it further enacted,* That it shall be lawful for the said company, from time to time, and as often as they shall think fit, to reduce all or any of the rates, tolls, or sums by this act authorized to be taken as hereinbefore mentioned, and afterwards from time to time again to raise the same, or any of them, so that the same shall not at any time exceed the amount by this act authorized.

Power to reduce the tolls, rates, etc.

**XCvi.** *And be it further enacted,* That the respective owners, or persons having the care of carriages passing upon the said railway, shall give an exact and true account, in writing, signed by them, to the collectors of the rates, tolls, or sums, by this act authorized to be taken, at the places where they shall attend for that purpose, of the respective number of passengers, cattle, or animals, and of the quantity of live and dead stock, or of any articles, matters, or things as aforesaid, which shall be in the carriages so belonging to them, or under their care; and in case any such owner,

Owners of carriages to give account of lading.

or other person as aforesaid, shall neglect or refuse to give and deliver such account, or to produce his bill of lading to any collector demanding the same, or shall give a false account, with an intent to avoid payment of any of the said rates, tolls, or sums, and shall be thereof convicted before any justice of the peace acting within his jurisdiction, every person so offending shall, for every such offence, forfeit and pay to the said company any sum not exceeding twenty pounds, over and above the rate, toll, or sum, the payment of which shall be attempted, or intended to be evaded.

Legislature may purchase railway, under certain conditions.

**XCVII. And be it further enacted.** That from and after the end or expiration of twenty years next following the first day of January, one thousand eight hundred and forty-nine (if the net rate of divisible profits of the said company shall then be at least equal to fifteen *per cent. per annum* on the capital outlay of the said company,) the legislature of this island shall, at any time or times thereafter, be at liberty to purchase the said line of railway, trunk, branch, and junction lines, and all and singular the hereditaments and premises, with the appurtenances thereunto belonging, at the price or rate of not less than twenty-five years of the net annual divisible profits of such railway; such divisible profits to be calculated by, or upon the average of, three years preceding such purchase.

And revise the fares where profits exceed 15, guaranteeing 15 per cent. to proprietors.

**XCVIII. And be it further enacted,** That it shall and may be lawful for the said legislature of this island, from time to time, as may be expedient, from and after the expiration of the said twenty years aforesaid, to be computed from the first day of January, one thousand eight hundred and fifty-three, in case the said divisible profits shall, for three years prior thereto, have exceeded fifteen *per cent.* on the capital outlay of the said company, revise the fares and charges on the line, in such manner as shall, in the judgment of the legislature of this island, be calculated to reduce the said divisible profits to not less than fifteen *per cent. per annum.*

Upon revision, and change in tolls, 15 per cent. to be guaranteed.

**XCIX. Provided always, and be it further enacted,** That the said legislature of this island, upon such revision of the tolls aforesaid, do guarantee to the said company, during the period of such changes in the tolls, to make good to the said company the divisible profits of the said railway, equal to fifteen *per cent.* as aforesaid.

How railway accounts are to be kept, and profits ascertained.

**C. And be it further enacted.** That the accounts of such line, branch, or junction lines of railway, and the disbursements and profits thereof, shall be kept in regular books of account by the said company, and shall be liable to the inspection of, and be produced for that purpose to, the officer or officers duly authorized and appointed by the governor, for the time being, of this island, for that purpose, at all reasonable and proper times, so as not to  
create

create inconvenience or hindrance to the said company; and if any dispute shall arise as to the actual amount of divisible profits in any given years, the matter in question shall be referred to the arbitration of two indifferent persons, to be elected, one by the governor of the said island, and the other by the said company, or the directors, or managers thereof, with the power to such arbitrators, in case they disagree, to appoint an umpire, whose award shall be final.

CI. *And be it further enacted*, That it shall be lawful for the said company, by writing, under the common seal of the said company, at any time to let to farm the rates, tolls, and sums hereby made payable, or any part thereof, unto any person for any term which the said company, or the said directors, shall think proper, not exceeding five years from the commencement of any such lease, and to commence in possession upon or within three calendar months next after granting the same; and every such lease shall be valid and effectual, and the respective lessees thereof, and also such persons as such lessees shall appoint to collect and receive the rates, tolls, or sums so let, shall, during the continuance of such lease, be deemed the collectors of the rates, tolls, or sums so let, but for the proper use of the lessees, and shall have the same power and authority for collecting and recovering the same, as if they had been appointed for that purpose by the said company: *Provided*, That public notice of the intention to let the said rates, tolls, and sums, or the parts thereof intended to be let, shall be given, in writing, by the said directors, or by the clerk of the said company, by advertisement, published in some two or more island newspapers, at least fifteen days prior to any general meeting at which it may be intended or proposed that the said rates, tolls, and sums, or any part thereof, shall be let as aforesaid.

Company empowered to lease the rates, tolls, &c.

Proviso,

CII. *And be it further enacted*, That in case any of the rates, tolls, or sums arising by virtue of this act, shall be demised or let to farm to any person in any manner whatsoever, and the lessee or farmer thereof shall neglect or refuse to perform the terms and conditions on which the same shall be so demised or let, or any of them, or in case all or any part of any rent, agreed to be paid by such lessee or farmer, shall be in arrear or unpaid for the space of thirty days next after any of the days on which the same ought to be paid, pursuant to the lease, agreement, or contract for demising or letting the same rates, tolls, or sums, or in case any temporary or other collector of any of the said rates, tolls, or sums shall be discharged from his office by virtue of this act, or shall die, abscond, or absent himself, and any such collector, who shall be so discharged, or the wife, widow, or any of the children, or family, or any representative of any such collector, who shall die, abscond, or absent himself, or be discharged, or any other person being in possession thereof, shall refuse to deliver up, or shall not deliver

Power of re-entry;

no possession of any toll-house, weighing machine, or other building, with the appurtenances thereto respectively belonging, to be erected or provided under the powers of this act, for or within the space of three days after demand thereof made, in writing, given, or left at such toll-house, weighing machine, or building, or at any of such toll-houses, weighing machines, or buildings which shall be, or have been, in the possession or occupation of such collector or other person, such demand, in writing, to be signed by any two or more of the said directors (although not assembled at a meeting), or by the clerk or treasurer for the time being of the said company, or in case any such lease, agreement, or contract shall in any manner become void or voidable, then, and in any of the said cases, it shall be lawful for any justice of the peace, acting within his jurisdiction, upon application made by the said directors, or by the treasurer or clerk for the time being of the said company, by warrant under his hand and seal to order any constable or other peace officer, with such assistance as shall be necessary, to enter upon and take possession of every or any such toll-house, weighing machine, or other building, with the appurtenances thereto belonging, and to remove and put out such lessee, or farmer, or other person who shall be found therein, together with his goods, from and out of the same, and the possession thereof, and from the collection of such rates, tolls, or sums, and to put the said company, or their agents, or their new lessee, farmer, or collector, into the possession thereof, and thereupon it shall be lawful for the said directors, if they shall see fit, to vacate and determine the lease, contract, or agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all intents and purposes (save as to the covenants and agreements for payment of the rent thereby reserved or otherwise unperformed, or broken obligations, covenants, or agreements, on the lessees' part,) and it shall be lawful for the said directors, in every such case, either during such proceedings, or on the termination thereof, again to demise or let to farm the said rates, tolls, and sums, to any other person, or cause them to be collected in such and the same manner as if no former demise, contract, or agreement had been made relative thereto.

List of tolls, rates, etc. to be affixed in conspicuous places.

III. *Provided always, and be it further enacted,* That the said company shall cause to be painted on boards, and affixed, and continued, and renewed as often as the same shall be obliterated or defaced, in some conspicuous place at the commencement and termination of the said railway, in large and legible characters, an account or list of the several rates or tolls which the said company shall from time to time direct and appoint to be taken, and of the prices or sums of money to be taken for the carriage of passengers, articles, matters, or things as aforesaid, upon the said railway, in manner herein directed, and in case any owner or master of, or person having or assisting in, the charge of any carriage passing upon

upon the said railway, or any collector of the said rates, tolls, or sums, aforesaid shall, after and whilst such account or list shall be affixed as aforesaid, demand or take more than the amount therein specified, such owner, master, collector, or other person as aforesaid, shall forfeit any sum not exceeding twenty pounds for every such offence.

**CIV.** *Provided always, and be it further enacted,* That it shall not be lawful for the said company to demand or take any of the rates, tolls, or sums by this act granted, except during such time as the board, on which such rates, tolls, or sums shall be so painted as aforesaid, shall remain affixed as aforesaid.

Tolls, rates, etc.  
only payable whilst  
board remains.

**CV.** *And be it further enacted,* That if any person shall wilfully pull down, deface, or destroy any board whereon any bye-laws, orders, or rules, rates, tolls, or sums shall have been painted as aforesaid, or shall concur or aid therein, he shall, on conviction, forfeit and pay to the said company a sum not exceeding fifty pounds for every such offence.

Penalty on persons  
defacing the boards.

**CVI.** *And be it further enacted,* That any collector of the rates, tolls, or sums hereby authorized, shall be, and is hereby required to place his Christian name and surname painted on a board in legible characters in the front, or on some other conspicuous part of the place at which any of the said rates, tolls, or sums shall be collected or received whereat he shall be on duty, immediately on his coming on duty, each of the letters of such names to be at least two inches in length, and of a breadth in proportion, and painted either in white letters on a black ground, or in black letters on a white ground, and shall continue the same so placed during the whole time he shall be upon duty as aforesaid, and if any collector shall omit so to do, or shall demand or take a greater or less rate, toll, or sum than he shall be authorized to do by virtue of the power of this act, or of the orders and resolutions of the said company, made in pursuance thereof, or shall demand or take a rate, toll, or sum from any person who shall be exempt from payment thereof, and claim such exemption, or shall refuse to permit, or shall not permit any person to read, or shall in anywise hinder any person from reading, the inscription on the board to be affixed and placed as aforesaid, or shall refuse to tell his Christian name or surname to any person who shall demand the same, on having paid the legal rates, tolls, or sums, or shall, in answer to such demand, give a false name, or upon the legal rate, toll, or sum being paid or tendered, shall unnecessarily detain, or wilfully obstruct, or hinder any passenger from passing on the said railway, or shall make use of any scurrilous or abusive language to any such passenger, or to any treasurer, clerk, engineer, or other officer of the said company, then, and in every such case, every such toll-collector, shall forfeit and pay any sum not exceeding ten pounds for every such offence.

For preventing toll-  
collectors misbehav-  
ing.

**CVII.** *And*



Recovery of rates,  
tolls, etc.

**CVII.** *And be it further enacted,* That the rates, tolls, and other sums hereby authorized to be taken, shall be paid to such persons, at such places, upon, or near, the said railway, and in such manner, and under such regulations, as the said directors shall, by notice, to be annexed to the account, or list of rates, tolls, or sums, direct or appoint; and in case of refusal or neglect, on demand, to pay such rates, tolls, or sums as may have accrued due to the person appointed to receive the same as aforesaid, the said directors may, in case such tolls or sums shall amount to the sum of fifty pounds, or upwards, sue for and recover the same by action of debt, or upon the case, in any of her majesty's courts of record; or the person to whom such rates, tolls, or sums ought to have been paid, may, and he is hereby empowered, whether such rates, tolls, or sums shall amount to the sum of fifty pounds or not, to seize the articles, matters, or other things for or in respect whereof any such rates, tolls, or sums ought to be, or to have been paid, or any part thereof, and the carriages laden therewith, and detain the same respectively until such payment shall be made, together with reasonable charges for such seizure and detention; and if such articles, matters, or other things as aforesaid, shall not be redeemed within ten days next after the taking thereof, the same shall be appraised and sold as the law directs in cases of distress for rent: *Provided always,* That in case such rates, tolls, or sums, so due as aforesaid, shall not amount to the sum of fifty pounds, it shall not be lawful for the said company to sue for the same by action of debt, or on the case, but the same shall and may be recovered by distress and sale only, as is herein mentioned.

Proviso.  
If under 50*l.* recovered by distress and sale.

Disputes about the amount of rates, tolls, &c. to be determined by a justice.

**CVIII.** *Provided always, and be it further enacted,* That if any dispute shall arise concerning the amount of the rates, tolls, or sums due to the said company, or concerning the charges occasioned by any distress to be taken by virtue of this act, it shall be lawful for the collector, or person distraining, to detain such distress, or, as the case may require, the proceeds of the sale thereof, until the amount of the rates, tolls, or sums due, or as the case may require, the amount of the charges of seizing, distraining, keeping, or selling such distress, shall be ascertained by some justice of the peace acting within his jurisdiction, who, upon application made to him for that purpose, shall examine the said matter upon oath of the said parties, or other witnesses, and determine the amount of the rates, tolls, or sums due, as the case may be, of the said charges; and it shall be lawful for the said justice to assess and award such costs, to be paid by either of the said parties to the other of them, as he shall think reasonable; and in case of non-payment thereof on demand, such costs shall be levied by distress and sale of the goods and chattels of the party directed to pay the same, by warrant under the hand and seal of such justice.

Owners to put their names on the outside of their carriages.

**CIX.** *And be it further enacted,* That the respective owners of carriages passing along the said railway, shall cause their names and places of abode, and the numbers of their respective carriages, to be entered

tered with the clerk of the said company, and shall also cause such names, and places of abode, and numbers, to be painted and continued in large conspicuous white or coloured capital letters and figures on a black or colored ground, two inches in length at least, and of a proportionate breadth, on some conspicuous part of the outside of each such respective carriage, so as to be always open to view; and every owner of, or other person having the care of, any such carriage, who shall conduct the same upon the said railway without having such names, residence, and figures marked thereon respectively, as hereinbefore directed, or who shall alter, erase, deface, or hide such names, residence, or figures, or any of them, or any part thereof, or shall affix thereon any false name, residence, or figures, shall forfeit and pay any sum, not exceeding twenty pounds, for every such offence.

*CX. And be it further enacted,* That the respective owners of carriages passing upon the said railway, shall be, and they are hereby respectively made answerable for any trespass, damage, or mischief which may be done by such their respective carriages, or by any persons belonging to or employed by them respectively, to the said railway, or to any of the other works made under the authority of this act, either by loading or unloading of such respective carriages, or by any means whatsoever; and every such owner shall, for every such trespass, damage, or mischief, upon conviction of any such person so employed as aforesaid, before some justice of the peace of the parish or precinct in which such offence shall occur, either by the confession of the party offending, or upon the oath of some credible witness, pay to the said company, or to the person injured, the damages, to be ascertained by such justice, so that the same do not exceed the sum of fifty pounds; and also shall, over and above such damages, forfeit and pay to the informer any sum not exceeding five pounds, and all costs, charges, and expenses attending such conviction; all which damages, penalties, costs, charges, and expenses shall be levied by distress and sale of the goods and chattels of the owner of such respective carriage, by warrant under the hand and seal of such justice, and the overplus (if any) of the proceeds of such sale, after deduction of such damages, penalties, costs, charges, and expenses, together with the costs and charges of such distress and sale, shall be returned, upon demand, to the owner of such goods and chattels, but if the value or amount of such trespass, damages, or mischief shall exceed the sum of fifty pounds, the owner of such respective carriage, and his executors, or administrators, may be sued and prosecuted for the same in any of her majesty's courts of record; and if a verdict or judgment shall be given against him, either upon proof made, or by default, or demurrer, the plaintiff in every such cause shall recover damages thereby sustained, with full costs of suit.

*CXI. Provided always, and be it further enacted,* That in case any owner of any such carriage, passing upon the said railway, shall be compelled to pay any penalty, or to make any satisfaction for any damage

Owners of carriage to be accountable for damage done by their servants.

Owners may recover from their servants any sums paid for their neglect, &c.

mage, by reason of any wilful act, neglect, or default of any of his servants, every such servant shall be liable to pay such penalty or satisfaction for damages, or both, as the case may be, with the costs attending the same, to such owner; and in case of non-payment thereof on demand, and oath made by such owner of the payment by him of such penalty and satisfaction, or either of them, as the case may be, and that the same have not or hath not been repaid to him by such servant, although demanded, (such oath, being made before some justice, acting within his jurisdiction,) such penalty and satisfaction, or either of them (as the case may be,) and the costs aforesaid, shall be levied by warrant under the hand and seal of such justice, by distress and sale of the goods and chattels of such servant, together with all costs and charges attending such distress and sale, and the said penalty and satisfaction, or either of them (as the case may be,) and costs and charges as aforesaid, when recovered, shall be paid to such owner, in discharge of such penalty and satisfaction, or either of them, and the costs, so by him paid for the wilful neglect or default of such servant aforesaid; and in case no sufficient distress can be had, such justice shall, and is hereby required, to commit such servant to some common gaol or house of correction for the county within which such offence shall arise, there to remain without bail or mainprize for any time not exceeding three calendar months.

Penalty on persons obstructing free course of railway.

CXII. *And be it further enacted*, That if any person shall wilfully throw, place, scatter, or drop any gravel, stone, rubbish, or other matter or thing upon any part of the said railway, unless by authority of the said company, or shall wilfully obstruct or prevent any person in the execution of this act, or shall do any act, matter, or thing to obstruct the free passage of the said railway, or any part thereof, he shall forfeit and pay any sum not exceeding one hundred pounds, nor less than forty shillings, for every such offence.

\*Penalty for destroying works.

CXIII. *And be it further enacted*, That if any person shall wilfully, and to the injury of the said undertaking, or of the said company, injure, break, throw down, destroy, steal, or take away any part of the said railway or other works erected or made by virtue of this act, or any part of the materials thereof respectively, every person, being lawfully convicted of any such offence, shall be subject and liable to the like pains and penalties as in cases of felony, and the court, by and before whom such person shall be tried and convicted, shall have power and authority to cause such person to be transported for the term of seven years, or, in mitigation of such punishment, such court may award such sentence as the law directs in cases of simple larceny.

\*Company to regulate the passage on railway.

CXIV. *And be it further enacted*, That it shall be lawful for the said directors from time to time to make such orders, bye-laws, and regulations as they shall think proper for or relating to carriages passing upon the said railway, and for or relating to the power to be used

used for propelling or drawing such respective carriages, and also for or relating to the speed with which they shall travel, and also for the loading thereof respectively, and for passing upon or using the said railway, and also for the delivery of all cattle, animals, or other live or dead stock, and of all articles, matters, or things, which shall be conveyed in or upon such carriages, and generally for using and working such railway and other works by this act authorized, and all such orders and regulations shall be submitted to two or more justices of the peace, acting within their jurisdiction, not being proprietors of the said company, and, when ratified by such justices, shall be binding upon and be conformed to by the said directors, and by all owners of and persons having the care or conduct of such respective carriages, and by all persons using or working such railway or other works as aforesaid, upon pain of forfeiting a sum not exceeding ten pounds for every default.

CXV. *And be it further enacted,* That if any carriage, using the said railway, shall be suffered to remain on any part of the said railway, or other works connected therewith, so as to obstruct the passage or working thereof, and the person having the care of such carriage shall not immediately, upon request made, remove the same, then and in any such case such person shall forfeit and pay, for every such offence, any sum not exceeding five pounds for every hour during which such disturbance shall continue after the making such request, and so in proportion for any less period than an hour, and it shall be lawful for any agent or officer of the said company to cause any such respective carriage to be removed in such manner as shall be proper for preventing, terminating, or removing such obstruction, and to detain such respective carriage until the charges occasioned by such removal shall be paid, and the said company shall not, nor shall any officer, agent, or other servant of the said company be liable or accountable for any damage or loss occasioned by any such removal, or for any delay occasioned thereby, nor in any other way relating thereto, except for wilful damage done to any such respective carriage so removed, nor shall they or he be liable for the safe custody of any such carriage so removed, unless the same shall be wrongfully detained by the said company, or by the said agent or officer, and then only so long a time as the same shall be so detained.

Penalty on obstructing railway, by leaving carriages, etc.

CXVI. *Provided always, and be it further enacted,* That it shall be lawful for the respective owners and occupiers of any lands, through which the said railway and works shall be made to connect the said railway and works by arches, mounds, or other means with the adjoining lands, or with any houses or buildings which may be erected upon the said adjoining lands, (but without prejudice to the said railway, or any of the works by this act authorized to be erected and built,) and provided the same be done under the superintendance and to the satisfaction of the engineer or surveyor to the said company.

Owners of land may connect same with railway.

Company to erect gates, etc. for protection of adjoining lands.

CXVII. *And be it further enacted*, That the said company shall, at their own expense, after any part of the said railway shall have been laid out and formed, forthwith make and set up, and from time to time maintain such and so many convenient gates in, and upon, or adjoining the said railway, and such bridges, arches, hollows, culverts, fences, ditches, drains, and passages over, under, or by the side of, or leading to, or from such railway, of such dimensions and in such manner as two justices of the peace for the parish within which the same shall be situate, shall from time to time judge necessary and appoint, (in case there shall be any dispute about the same,) for the use of the owners and occupiers of lands through which such railway shall be made, or for protecting the said lands from fire, trespass, or the cattle or other property of the owners or occupiers thereof from straying or escaping thereout by reason of such railway, or any other matter or thing to be done in pursuance of this act, and all such gates, bridges, arches, hollows, culverts, fences, ditches, drains, and passages, so to be made as aforesaid, shall, from time to time, and at all times thereafter be maintained in sufficient repair and condition by the said company; and, for the purpose of enabling the said company to make and set up such gates, bridges, arches, hollows, culverts, fences, ditches, drains, and passages, and from time to time to maintain the same, the said company, their agents, surveyors, and workmen, are hereby empowered to enter into and upon all lands adjoining the said railway, and to load and carry the materials for making or repairing such gates, bridges, arches, hollows, culverts, fences, ditches, drains, and passages, in carts and other carriages, across or along such lands, in such manner as to do as little damage as may be to the same; and in case the said company shall refuse or neglect to make, or set up, or to maintain such gates, bridges, arches, hollows, culverts, fences, ditches, drains, and passages as hereinbefore directed, or any of them, for the space of thirty days next after the time to be appointed for those purposes respectively by such justices, it shall be lawful for the respective owners or occupiers of the said lands, who shall find themselves aggrieved by such neglect or refusal, to make and set up, as the case may require, to repair and maintain such gates, bridges, arches, hollows, culverts, fences, ditches, drains, and passages, as the said justices shall have before directed or appointed to be made and set up as aforesaid, so that in making, or repairing, and maintaining such gates, bridges, arches, hollows, culverts, fences, ditches, drains, and passages as aforesaid, the said railway, or any of the works by this act authorized to be made and erected by the said company, shall not be obstructed for any longer space of time, or be used in any other manner than shall be unavoidably necessary for the doing thereof, and all the reasonable costs and charges thereof, to be settled and allowed by the said justices, shall be repaid to the respective owners or occupiers of the said lands, who shall have so made and set up, repaired, or maintained such gates, bridges, arches, hollows, culverts, fences, ditches, drains, and passages as aforesaid by the said company, within the space of thirty days next after the

the same shall have been so settled and allowed, and an account and demand in writing shall have been delivered to and made from the said company, and in default of payment of the said costs and charges within the time aforesaid, the said justices are hereby required, by warrant under their hands and seals, to levy the said costs and charges by distress and sale of any of the goods and chattels of the said company for the use of the party to whom such costs and charges shall have been allowed, rendering to the said company the overplus (if any), after deducting the reasonable charges of making such distress and sale, to be settled by the said justices; and the said owners or occupiers, upon refusal or neglect by the said company to pay the said costs and charges as aforesaid, shall and may also have such and the like remedy against them for the recovery thereof, by action at law, to be commenced and prosecuted in such manner as in other cases is by this act directed: *Provided always*, That no bridge or arch shall be required to be erected or made, or shall be erected or made over or under the said railway, or any part thereof, at or in any place or manner, at or in which the same would, if so made, prevent or obstruct the working or using of the said railway.

Proviso.

CXVIII. *Provided always, and be it further enacted*, That if any of the owners or occupiers of any lands through which the said railway shall be made, shall at any time find that any of the gates, bridges, arches, culverts, fences, ditches, drains, or passages, which the said justices shall have so directed or appointed to be made by the said company, are insufficient either in number or situation for the commodious use and occupation of the respective lands through which the said railway shall pass, it shall be lawful for any such owners or occupiers, with the consent of the said company, upon request made to them, or in case of their refusal for the space of thirty days next after such request, then with the consent of the said justices, to make and erect, at the costs and charges of such owners or occupiers, any other gates, bridges, arches, culverts, fences, ditches, drains, or passages of the same, or like construction or form, with those made and erected by the said company in, upon, along, or near to the said railway, in such places as shall be found and adjudged most necessary and convenient for the better use, cultivation, improvement, or occupation of such lands, and which shall thenceforth be repaired and maintained by and at the costs and charges of the respective owners or occupiers for the time being of the respective lands, the respective owners or occupiers of which shall have made or erected the same, so that the passage through or along the said railway be not prevented or obstructed thereby for any longer space of time, or in any other manner than the same would necessarily have been if such gates, bridges, arches, culverts, fences, ditches, drains, and passages had been made or erected by the said company.

Owners of lands empowered to erect gates, etc. on insufficiency of those erected by the said company.

CXIX. *And be it enacted*, That until the said company shall have made the bridges, or other proper communications, which they are

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Owners and occupiers of adjoining lands to pass over by

railway on certain conditions.

by this act required to make, between lands intersected by the railway, and no longer, the owners and occupiers of such lands, and any other persons whose right of way shall be affected by the want of such communication, and their respective servants may at all times freely pass and repass with carriages, horses, and other animals directly (but not otherwise,) across the part of the railway, made in or through their respective lands solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have, in his arrangements with the company, received, or agreed to receive, compensation for, or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

Passage on railway to be free on payment of tolls.

CXX. *And be it further enacted*, That all persons shall have free liberty to pass along and upon the said railway with carriages properly constructed, as by this act directed, upon payment only of such rates, tolls, and sums as shall be demanded by the said company, not exceeding the respective rates, tolls, or sums hereinbefore mentioned or referred to: *Provided always*, That the motive power to be used by all such persons shall be of the same description as that used by the company; and further, that such persons shall be subject to the rules and regulations, which shall from time to time be made by the said directors, by virtue of the powers herein granted.

Proviso.  
That the motive power used be the same as that used by the company.

Railway not to be used as a passage for horses or other cattle.

CXXI. *And be it further enacted*, That if any person (save and except the said company, and their agents, and servants employed by them, and by them only, for the purposes of the said railway,) shall ride, lead, or drive, or cause to be ridden, led, or driven, or aid or assist in leading or driving upon such railway, or any part thereof, without the license and consent of the said company, any horse, mule, or ass, or shall lead or drive, or shall cause to be led or driven thereon, or aid or assist in leading or driving thereon, any cow or other neat cattle, sheep, swine, or any other beast or animal, (except only in directly crossing the same at places to be appointed for that purpose, and except also in passing across the same as aforesaid for the necessary occupation of the respective lands through which the said railway may be laid,) every person, so offending, shall forfeit and pay any sum not exceeding fifteen pounds for every such offence.

Penalty on persons using foot railway.

CXXII. *And whereas* it might be very injurious to the said railway, and inconvenient and dangerous to the public, if the railway were permitted to be used by persons on foot: *Be it therefore enacted*, That if any person shall travel or pass on foot upon the said railway, (except for the purpose of attending any carriage under his care, and except any officer or other person in the employ of the said company, and also except the owners or occupiers of any of the lands or premises adjoining to the said railway, their servants, and workmen, in passing

passing across or along the same as hereinbefore authorized to and from their respective lands through which the said railway may be made,) every person, so offending, shall forfeit and pay any sum not exceeding ten pounds for every such offence.

CXXIII. *And be it further enacted*, That no carriage, for the conveyance of passengers, or cattle, animals, or other live or dead stock, or any articles, matters, or things, shall be permitted to pass upon the said railway, unless the same shall be constructed agreeably to the orders and regulations, and approved of by the engineer, or other agent of the said company, authorized for that purpose, which orders and regulations shall be painted on boards, and fixed upon some conspicuous place at the commencement and termination of the said railway, except in crossing and passing along the same, as hereinbefore authorized, for the convenient occupation of the respective lands through which such railway shall be laid; and if any person shall pass upon any part of the said railway with any such carriage, not constructed in the manner hereinbefore directed (except as aforesaid), he shall forfeit and pay to the said company any sum not exceeding twenty pounds, nor less than five pounds for every such offence.

Carriages not to be used unless constructed as directed by the company.

CXXIV. *And whereas* for the greater security of passengers and other persons travelling upon and using the said railway, it is expedient that the moving power, whether locomotive, or other engines and carriages, to be from time to time used in, upon, or along the said railway, should be under the controul of the said company: *Be it therefore enacted*, That no moving power, whether locomotive or otherwise, or carriage whatsoever, shall at any time be brought upon or used upon the said railway, unless the same shall have been approved of by the said company; and in case any person shall bring, and attempt to use upon the said railway any locomotive, or other engine or carriage, without having first obtained a certificate of approval thereof from the engineer or manager of the company, after notice given by the said company to remove from, or not to use upon the said railway any such engine or carriage as aforesaid, every such person shall forfeit and pay any sum not exceeding fifty pounds for every such offence, and the said company are hereby authorized to remove such engine or carriage from the said railway.

Engines used on railway to be approved by company's engineer.

CXXV. *Provided always, and be it further enacted*, That the said company shall, and they are hereby required, at their own proper charges, after any land shall be taken for the use of the said railway, or other works, to divide and separate the same, and to keep the same constantly divided and separated from the lands adjoining to such railway, or other works, with good and sufficient posts, rails, hedges, ditches, mounds, or other fences, in case the owners of such lands adjoining to such railway and other works, or any of them respectively, shall at any time desire the same to be fenced

For fencing off railway through private lands.



fenced off, or in case the said company shall think proper to fence off the same, instead of erecting gates across the same as aforesaid; and the said company shall also make and maintain all necessary gates and stiles in all such fences to be made as aforesaid, all such gates being made to open towards such lands; and in every such case the powers, provisions, directions, and regulations hereinbefore contained, with respect to the gates and other works aforesaid, shall extend and apply to the making and maintaining of such fences, and the gates and stiles in such fences, as fully and effectually to all intents and purposes as if such powers, provisions, directions, and regulations were here repeated and enacted with respect to such fences.

Company to make  
sufficient drains to  
carry water off the  
lands.

CXXVI. *And be it further enacted*, That the said company shall, and they are hereby required, at their own proper costs and charges, to make such arches, tunnels, culverts, drains, or other passages, over, under, or by the side of the said railway, and the fences on the sides thereof respectively, of such breadth, depth, and dimensions as shall be sufficient at all times to convey the water as clearly from the lands adjoining or lying near to the said railway as before making the said railway, without obstructing or impounding the same water to the prejudice of any of the said lands, and also to make proper watering places for cattle in all cases where, by means of the said railway, the cattle of any person occupying land adjacent thereto, shall be deprived of as easy access as before to their ancient watering place, and to supply the same at all times with water from such rivers, brooks, springs, or streams of water as would have supplied the cattle of such person if the said railway had not been made, or from any other source which can be readily obtained for that purpose; and it shall be lawful for the said company, and they are hereby required, from time to time, to make such and so many water-courses and drains by the side of, along, or under the said railway, or in, through, over, and across any lands thereto adjoining, of such dimensions, and in such manner, and with such proper and convenient bridges over, and tunnels for the same respectively, as any two or more justices of the peace, acting within their jurisdiction, shall from time to time judge necessary and appoint (in case there shall be any dispute about the same,) for the purpose of conveying water from such rivers, brooks, or springs, or other sources, to the said watering places respectively; and all such arches, tunnels, culverts, water-courses, drains, and other passages shall, from time to time, be supported, maintained, cleansed, and kept in good and sufficient repair by the said company; and if at any time after, thirty days' notice, in writing, shall be given by or on behalf of any owner or occupier of land adjoining or lying near to the said railway to the said company, that the said arches, tunnels, culverts, drains, water-courses, or other passages, or any of them, are not made, or being made or not cleansed, maintained, and repaired according to the true intent and meaning of this act, it shall be lawful for any person to apply for an order in writing from any two or more justices of the peace as aforesaid, from time to time, as often as there shall be occasion, and the said justices

justices are hereby authorized and empowered, at their discretion, to make and grant such orders as aforesaid, enabling such persons to make, or cleanse, and repair such arches, tunnels, culverts, water-courses, drains, and other passages accordingly, and the reasonable charges thereof (to be ascertained by such justices,) shall be defrayed by the said company; and in case of neglect or refusal to satisfy and defray such expenses for the space of thirty days, after demand thereof made upon the said company, such expenses shall and may be levied and recovered by distress and sale of the goods and chattels of the said company, in the same manner as any other costs and charges may, by virtue of this act, be levied and recovered upon or from the said company.

**CXXVII.** *And be it further enacted,* That in all cases wherein it may be necessary for any person or party to serve any summons, or demand, or any notice, or any writ or other proceedings at law or in equity upon the said company, service thereof respectively upon any one of the said directors of the said company, or upon the manager or treasurer of the said company, or left at the office of the said manager or treasurer, or at the office of the said company, shall be deemed good and sufficient service of the same respectively on the said company.

Directing what shall be good service of notice on the company.

**CXXVIII.** *And be it further enacted,* That in all cases wherein it shall be necessary for the said company to give any notice to any body politic, corporate, collegiate, or to any person whomsoever, under the provisions or directions contained in this act, such notice shall or may be in writing, or in print, or partly in writing, and partly in print, and be signed by any one of the said directors, or by the clerk for the time being of the said company, or by the treasurer of the said company, without being required to be under the common seal of the said company; and such notice shall be delivered to such person, or be left at his last or usual place of abode, or to be delivered to some member of such corporation, or be left at his last or usual place of abode, or to some clerk or other officer of such corporation, or be left at the office of such clerk or officer, or at his last or usual place of abode, except in cases in which any other mode of giving such respective notices is by this act particularly directed.

Declaring what shall be good service of notice by the company.

**CXXIX.** *And whereas* it may be considered expedient for the public convenience that branch railways should be made from the main or principal line of railway to certain points or places in the neighbourhood thereof: *Be it therefore enacted as aforesaid,* That it shall and may be lawful to and for the said company, from time to time, to connect, by branch railways, the said main line of railway with any points or places on either side thereof, not exceeding seven miles respectively therefrom: *Provided always,* That in the making or constructing of all or any such branch railways, the same shall be carried into effect with, and entitled to, all and every the rights, privileges, and immunities, (as well protective as otherwise,) and be subject

Power to make branch railways from main railway.

Proviso.

ject and liable to all and every the restrictions, limitations, and conditions in this act contained, as far as the same can apply, as fully and effectually to all intents and purposes as the said main or principal line of railway is by this act privileged, or subject, and liable to, any thing hereinbefore or hereinafter contained to the contrary thereof in anywise notwithstanding: *Provided always*, That unless the said company shall have commenced, and actually laid down one mile at least, of each and every branch intended by them to be made to communicate with the said trunk under this act, within two years after the time fixed for the completion of the said main trunk, the said company shall no longer have an exclusive right to construct branch railroad or railroads, under the authority hereinbefore contained in such respect, but it shall and may be lawful for any person or persons who shall have received the sanction of the legislature to do so, on failure of the company to comply with the provisions lastly herein to be observed, and on their own part and behalf to construct a railroad from any point or place to any other point or place within or without the limits of the space allowed to the said company for the construction of their said main trunk, or branch railroads, so that the branch or branches shall not run parallel with the said trunk.

Proviso.

Railway, etc. vested in the company.

CXXX. *And be it further enacted*, That the said railway, and other works, matters, and things thereunto belonging, and all the materials thereof, or for the constructing, making, completing, or at any time hereafter repairing the same, and all engines, tools, implements, and things, of whatsoever description the same may be, hereafter provided for any of the purposes of this act, or of the said railway, or other works, and also all books, writings, papers, and documents relating to the execution thereof, and all sums of money, and securities for money, of what kind the same may be, belonging to the said company, shall be and are hereby, vested in the said directors and their successors, for the use of the said company, under the conditions and provisions hereinbefore mentioned and provided for.

If railway abandoned by the company, land to vest in owners of adjoining land proportionably.

CXXXI. *Provided also, and be it further enacted*, That if the said railway, or any part thereof, shall, at any time hereafter, be abandoned and given up by the said company, or after the same shall have been completed for the space of five years, cease to be used and employed as a railway, then and in such case the land, with the tenements and hereditaments, or so much thereof as shall be standing, so taken, or used by the said company for the purposes of this act, or any part or portion of such railway which shall be so abandoned or given up by the said company, shall pass or be made, shall vest in the former owner or owners thereof.

For compelling witnesses to attend.

CXXXII. *And be it further enacted*, That if any person, who shall be summoned as a witness to attend and give evidence before any justices or justices of the peace, touching any matter or fact contained or involved in, or affecting any information or complaint for,  
any

any offence committed against this act, either on the part of the prosecutor, or on the part of the party summoned or accused, shall refuse or neglect to appear at the time and place to be for that purpose appointed, having been paid or tendered a reasonable sum for his costs and expenses, without a reasonable excuse for his refusal or neglect, or appearing, shall refuse to be examined upon oath, or (in the case of a Quaker on solemn affirmation,) to give evidence before such justice, then, and in either of the said cases, every such person shall forfeit and pay any sum not exceeding ten pounds for every such offence.

CXXXIII. *And be it further enacted,* That in all actions, suits at law, or in equity, and in all proceedings under this act, or otherwise, for any claim or compensation against, or for, or on behalf of the said company, and also in all prosecutions commenced or instituted by or on behalf of the said company, and in all arbitrations, references, and other proceedings, or in, or subsequent upon, or arising out of, any such actions, suits, or proceedings, it shall be lawful for the clerk for the time being of the said company, with the approbation of the said directors, and in the name of such clerk, for and on behalf of the said company, to make, sign, seal, execute, and deliver such general or other releases as may be, or may be deemed necessary for the purposes of exonerating, releasing, and discharging any person, who shall or may be produced as a witness in any such action, suit, prosecution, arbitration, reference, or other proceeding as aforesaid, from any claim or demand which may be necessary to be instituted by the said company, so as to qualify such person to give evidence as a witness in any such action, suit, prosecution, arbitration, reference, or other proceeding aforesaid; and also to do, with the approbation aforesaid, any other act, matter, or thing in any such action, suit, prosecution, arbitration, reference, or other proceeding which any plaintiff or defendant may do in any action, suit, or prosecution, arbitration, reference, or other proceeding; and every such release, act, matter, and thing, shall be as valid and effectual in all respects, and to all intents and purposes whatsoever, as if the same were made under the seal of the said company.

CXXXIV. *And be it further enacted,* That when and as often as any money shall, by any justice or justices of the peace, be ordered to be paid in pursuance of this act, as or by way of compensation or satisfaction for any materials or costs, or for any damage or injury of any nature or kind soever done or committed by the said company, or by any person acting by or under their authority, and such money shall not be paid by the said company to the party entitled to receive the same, within thirty days after demand, in writing, shall have been made from the said company, in pursuance of the direction or order made by such justice, and in which demand the order of such justice shall be stated, then, and in such case, the amount of such compensation or satisfaction shall or may be levied and recovered by distress and sale of the goods and chattels vested in the said company

Clerk of the company may grant releases to witnesses.

In case of non-payment of compensation of damages, etc. the same to be levied by distress of the goods of the company, or of their treasurer.

by virtue of this act, or of the goods and chattels of their treasurer for the time being, under a warrant, to be issued for that purpose by such justice, which warrant any such justice is hereby authorized and required to grant, under his hand and seal, on application made to him for that purpose by the party entitled to receive such money as or by way of compensation or satisfaction for any such materials, costs, damage, or injury as aforesaid; and in case any overplus shall remain after payment of such money, and the costs and expenses of hearing and determining the matter in dispute, and also the costs and expenses of such distress and sale, then, and in such case, such overplus of the money arising from such sale shall be returned, on demand, to the treasurer of the said company for the use of the said company, or of their treasurer for the time being, (as the case may be): *Provided always*, That it shall be lawful for such treasurer to retain, out of any money which he shall have received, or shall receive in pursuance of this act, all such damages, costs, charges, and expenses as he shall have sustained, or have been put unto by virtue of any such warrant as aforesaid.

Proviso.

Officers to account  
on demand.

CXXXV. *And be it further enacted*, That every officer, or person employed by the company, shall, from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account, in writing, under his hand, of all monies received by him on behalf of the company, and such account shall state how, and to whom, and for what purpose such monies shall have been disposed of, and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

Summary remedy  
against parties fail-  
ing to account.

CXXXVI. *And be it further enacted*, That if any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if, for three days after being thereunto required, he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers, and writings, property, effects, matters, and things in his possession or power, relating to the execution of these presents, or of the said act, or belonging to the company, then, on complaint thereof being made to a justice, such justice may, by warrant under his hand and seal, cause such officer to be brought before him, and upon such officer being brought before him, or if such officer cannot be found, then in his absence such justice may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and, if it appear, either upon confessing of such officer, or upon evidence, or upon inspection of the accounts, that any monies of the company are in the hands of such officer, or owing by him to the company,

company, such justice may order such officer to pay the same, and if he fail to pay the amount, it shall be lawful for such justice to grant a warrant to levy the same by distress, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months; and in any of the following cases, (that is to say), if any such officer do not appear before the justice at the time and place appointed for that purpose, or if such officer appear, but fail to make out such account in writing, or if such officer refuse to produce and deliver to such justice the several vouchers and receipts relating to such account, or if such officer refuse to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power, belonging to the company, such justice may lawfully commit such offender to gaol; and in every such case of commitment, the prisoner shall remain in custody without bail until he have made out and delivered such accounts, and delivered up the vouchers and receipts, if any, relating thereto in his possession or power, and have delivered up such books, papers, writings, property, effects, matters, and things, if any, in his possession or power: *Provided always*, That no such proceeding against, or dealing with, any such officer as aforesaid, shall deprive the company of any remedy which they might otherwise have against any surety of such officer.

Sureties not to be discharged.

CXXXVII. *And be it further enacted*, That all penalties and forfeitures inflicted or imposed by this act, or by virtue of any bye-law, rule, or order, made in pursuance thereof, (the manner of levying and recovering whereof is not herein otherwise particularly directed,) may, in case of non-payment thereof, be recovered in a summary way by the order and adjudication of some two or more justices of the peace for the parish wherein the cause or matter of complaint may have arisen, on complaint to them for that purpose made, and afterwards be levied, as well the costs (if any) of such proceedings on non-payment, by distress and sale of the goods and chattels of the respective offenders, or persons liable to pay the same, by warrant under the hands and seals of such justices; and the overplus (if any) of the money so raised and recovered, after discharging such penalty or forfeiture, and the costs and expenses as aforesaid, shall be returned, on demand, to the party whose goods and chattels shall be distrained; and all which penalties and forfeitures, not herein directed to be otherwise applied, shall be paid, one moiety to the informer, and the remainder to the treasurer of the said company, unless such penalties or forfeitures shall be incurred by the said company, in which case the same shall be paid, one moiety to the informer, and the remainder to the churchwardens of the parish or place within which the offence shall be committed, to be applied, by such churchwardens, for the benefit of the poor of such parish or place; and in case such penalties shall not be forthwith paid, it shall be lawful for such justices, and they are hereby required, to order the offenders, so convicted, to be detained in safe custody until return can be conveniently made to such warrant of distress, unless

Recovery and application of penalties.

such offender shall give sufficient security, to the satisfaction of such justices, for his appearance before such justices, or before some such justice of the peace of the said parish on such day as shall be appointed for the return of such warrant of distress, (such day not being more than eight days from the taking of such security,) and which security any of the said justices are hereby empowered to take by way of recognizance or otherwise, but if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereupon to levy the said penalties, and such costs and expenses as aforesaid, and the same shall not forthwith be paid, or in case it shall appear to the satisfaction of such justices, upon the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such penalties, forfeitures, costs, and expenses could be levied, if a warrant of distress should be issued, such justices shall not be required to issue such warrant of distress, but in such case it shall be lawful for such justices, and they are hereby required, by warrant under their hands and seals, to commit such offender to some common gaol or house of correction for the county within their jurisdiction, there to remain without bail or mainprize for any time not exceeding three calendar months, or until such penalty or forfeiture shall be sooner paid or satisfied, together with all costs and charges attending such proceedings as aforesaid, to be ascertained by such justices, or until such offender shall otherwise be discharged by due course of law.

Damages and charges in case of dispute to be settled by justices.

CXXXVIII. *And be it further enacted*, That in all cases wherein damages or charges are by this act authorized to be paid, and the manner of ascertaining the amount thereof is not specified or provided for, such amount, in case of non-payment, or of any dispute respecting the same, shall be ascertained and determined by any two justices of the peace of the parish or precinct in which the same shall have occurred, who are hereby required and authorized to investigate the same on oath or otherwise; and where, by this act, any damages or charges are directed to be paid, in addition to any penalty for any offence, the amount of such damages, and charges, in case of non-payment, or of any dispute respecting the same, shall be settled and determined by the justices by or before whom any offender shall be convicted of such offence, and such justices respectively are hereby authorized and required, on non-payment of the damages in any of the cases aforesaid, to levy such damages and charges by distress and sale of the offender's goods and chattels in manner directed by this act for the levying of any penalties or forfeitures.

Justices may proceed by summons in recovering penalties.

CXXXIX. *And be it further enacted*, That in all cases in which by this act any penalty or forfeiture is made recoverable by information before any two justices of the peace before whom complaint shall be made for any offence committed against this act, to summon before them the party complained against, and on such summons to hear and determine the matter of such complaint; and, on proof of the offence

offence, to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed in the recovery of the same, although no information, in writing, shall have been exhibited before such justices; and all such proceedings by summons, without information, in writing, shall be as valid and effectual to all intents and purposes, as if an information, in writing, had been exhibited.

CXL. *And be it further enacted*, That if any person, against whom the company shall have any claim or demand, become bankrupt, or take the benefit of any act for the relief of insolvent debtors, it shall be lawful for the manager, secretary, or treasurer of the company, in all proceedings against the estate of such bankrupt, or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt, or insolvent, to represent the company, and act on their behalf in all respects, as if such claim or demand had been the claim or demand of such manager, secretary, or treasurer, and not of the company.

Proofs of debts in  
bankruptcy.

CXLI. *And be it further enacted*, That it shall and may be lawful for either of their honors the custodes, or senior magistrates for the time being of the several parishes respectively, through which the said railway shall pass, and one or more justice or justices of either parish, acting within their jurisdiction, from time to time to appointment such fit and proper persons as shall be nominated by the managers and treasurer, or any three of the directors of the said company for that purpose, to be special constables within the said railway, and other works, and every or any part thereof, and every person, so appointed, shall make a declaration, in due form of law, before any one of the said justices (who is authorized and required to administer the same,) duly to execute the said office of constable for the said premises; and every person, so appointed and sworn as aforesaid, shall have power to act as a constable for the preservation of the peace, and for the security of persons and property against felonies, and any unlawful acts within the limits of the said premises, and shall have, use, exercise, and enjoy all such powers, authorities, protections, and privileges for the apprehending offenders, as well by night as by day, and for doing all acts, matters, and things for the prevention, discovery, and prosecution of all felonies and other offences, for the preservation of the peace, as constables duly appointed now have by the laws and statutes of this your majesty's island of Jamaica, or by the common law of Great-Britain; and it shall be lawful for the said justices, on proper representation of the said company, or of the managers thereof, or for the said managers and treasurer, or any three of the directors of the said company, to dismiss or remove any such constable from his office of constable, and, upon every such dismissal or removal, all powers, authorities, protections, and privileges, by virtue of such appointment as aforesaid, vested in any person so dismissed or removed, shall wholly cease.

For appointing special  
constables for  
railway, etc.

CXLII. *And*





him, but all persons aggrieved by such defect or irregularity, shall and may recover full satisfaction for the special damage in an action upon the case.

CXLV. *And be it further enacted*, That all bodies and persons, who may think themselves aggrieved by any bye-law, rule, or order of the said company, or any order or judgment made or given in pursuance of any bye-law, rule, or order of the said company, or of the said directors, and the said company, and all bodies and persons who may think themselves aggrieved by any order, judgment, or determination of any justice or justices of the peace, relating to any matter or thing in this act mentioned or contained, and for which no power of appeal is by this act specifically given, may, within three calendar months next after such order, judgment, or determination shall have been made or given, appeal to the chairman of quarter-sessions at the period of holding any general or quarter-sessions for the parish wherein the cause of appeal shall happen to arise, first giving fourteen days' notice, in writing, of such intention to appeal, and of the ground and nature thereof, to the party against whom such complaint is intended to be made, or to the said company, as the case may be, and forthwith after such notice, entering into such recognizance before some justice of the peace, with two sufficient sureties, in a sum sufficient to cover the penalty and costs, and also costs of appeal, conditioned to try such appeal, and abide by the order and award of the said chairman thereon, and the said chairman shall, in a summary way, either hear and determine the said complaint at such period aforesaid, or, if he thinks proper, adjourn the hearing to the period of holding the following general or quarter-sessions of the peace to be held for such parish; and the said chairman may, if he see cause, mitigate any penalty or forfeiture, or may order any money to be returned, which shall have been levied in pursuance of such bye-law, rule, order, judgment, or determination, and may also order any such further satisfaction to be made to the party injured, as they shall judge reasonable, and may also order such costs to be paid to the party aggrieved by the party aggressing, as they, in their judgment, shall think just and reasonable: *Provided always*, That when the judgment of the chairman, and the sentence or penalty shall not exceed the sum of five pounds, independent of costs, the party convicted shall, within three days after such conviction, give notice and particulars of his appeal, as well to the chairman as to the prosecuting party, and enter into good and sufficient recognizance for the penalty or sentence, and costs, as hereinbefore mentioned, such notice to be served at least fourteen days prior to the holding of the court of appeal.

Persons aggrieved may appeal to quarter-sessions.

Proviso.

CXLVI. *Provided always, and be it further enacted*, That in all cases of prosecution for offences against the rules, bye-laws, or orders, and regulations of the said company, the production of a written or printed paper, purporting to be the rules, bye-laws, orders, and regulations of the said company, and signed by one of the said directors, or by the manager, clerk, or treasurer of the said company respectively

Authenticated bye-laws to be evidence.

ly

ly for the time being, shall be evidence of the existence of such rules, bye-laws, orders, and regulations, and it shall be sufficient to prove that such rules, bye-laws, orders, and regulations shall have been made public, by exhibiting, in conspicuous places, at the termini of the said railway, for the time being, and in or upon every toll-house of the said company, a written or printed copy thereof.

Proceedings not to be quashed for want of form.

CXLVII. *And be it further enacted*, That no proceedings to be had or taken in pursuance of this act shall be quashed or vacated for want of form, or be removed by *certiorari*, or by any other writ or proceeding whatsoever in any of her majesty's courts of record in the said island, or elsewhere, any law or statute to the contrary notwithstanding.

Limitation of action.

CXLVIII. *Provided always, and be it further enacted*, That no action, suit, or information, nor any other proceeding of what nature soever, shall be brought, commenced, or prosecuted against any person for any thing done, or to be done in pursuance of this act, or in the execution of the powers or authorities, or any of the orders made, given, or directed in, by, or under this act, unless twenty-eight days previous notice, in writing, shall be given by the party intending to commence and prosecute such action, suit, or information, to the intended defendant, nor unless such action, suit, or information shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within three calendar months next after the doing or committing such damage shall have ceased, nor unless such action, suit, or information shall be laid and brought in the county or place where the matter in dispute, or cause of action shall arise; and the defendant in such action, suit, or information may plead the general issue, and give this act, or the said deed of settlement, and the special matter in evidence at any trial to be had thereupon, and that the same was done by the authority of this act, and if it shall appear to have been so done, or that such action, suit, or information shall have been brought otherwise than as hereinbefore directed, then, and in every such case, the jury shall find for the defendant; upon which verdict, or if the plaintiff shall become nonsuited, or suffer a discontinuance of his action, suit, or information, after the defendant shall have appeared thereto, or if a verdict shall pass against the plaintiff therein, or if, upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall have costs, and shall have such remedy for recovering the same, as defendants have for recovering costs of suits by law in any other cases.

Plaintiff not to recover after tender of amends.

CXLIX. *Provided also, and be it further enacted*, That no plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this act, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding before such action brought; and in case

no tender shall have been made, it shall be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall think fit, whereupon such proceedings, order, and adjudication shall be had and made in and by such court, as in other actions where defendants are allowed to pay money into court.

CL. *Provided always, and be it further enacted,* That nothing herein contained shall be deemed, construed, or taken to alter, take away, abridge, or in any manner interfere with any rights, powers, authorities, provisos, penalties, forfeitures, matters, and things heretofore granted by any act or acts of the legislature of this island, or to any bodies corporate, or any other person or persons whomsoever. Saving of rights,

CLI. *And be it further enacted,* That the said company shall publish, or cause to be published, once at least in each of the Kingston daily papers, quarterly, and every quarter, a true and correct statement and account of the number of passengers, carriages, horses, mules, asses, neat cattle, sheep, goats, and pigs, and the number of tons weight of goods, wares, and merchandize carried or conveyed by such company during such quarter, under a penalty of twenty pounds for each refusal or neglect, which penalty shall be recovered in a summary manner before any two justices of the peace for the parish in which the offence should be committed, by distress and sale of the company's goods and chattels. Company to publish quarterly statement and account of passengers, carriages, etc.

CLII. *And be it enacted by the authority aforesaid,* That before the said company shall be permitted to exercise any rights or privileges under this act, it shall be incumbent on them to have recorded, in the secretary's office of this island, a certified copy of the deed of settlement or other agreement, whereby the shareholders are bound under seal to pay up the amount of their respective subscriptions, a certified copy of the signatures of the various parties being likewise annexed thereto. Deed of settlement to be recorded before exercise of privileges, etc.

CLIII. *And be it further enacted,* That this act shall not prevent the owners or occupiers of lands adjoining to the railway, or any other persons, from laying down upon their own lands, or upon the lands of other persons, with the consent of such persons, any tramways for the conveyance of produce from one part of such lands to another part, in carriages moved by animal power, across the said railway, on a level, with all necessary gates, to be erected and kept up by such owner, or occupier, or other person, at his own expense; and the said company shall, if required, at the expense of such owners, and occupiers, or other persons, make openings in the rails, and such conveniences as may be necessary for effecting such crossings in places where the crossings can be made with safety to the public, and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate, or toll, or other monies, for the crossing of any produce, by means of such tramroads so to be Act not to prevent owners of lands adjoining railway from laying down tramways.

Subject to certain restrictions.

made as aforesaid: *Provided nevertheless*, That this enactment shall be subject to the following restrictions:

No such tramroad shall cross the railroad otherwise than at right angles.

The company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose, with which such crossing would interfere, nor upon any inclined plane or bridge, nor in any tunnel.

That no such owner or occupier shall be entitled to lay down any such tramway, unless his lands, so adjoining the said company, and to be connected as aforesaid, shall exceed fifty acres.

The persons making or using such tramroad shall be subject to all bye-laws and regulations of the railway company from time to time made with respect to crossing the railway.

No other than owners of lands adjoining railway to lay down tramway.

*And provided further*, That no person, other than the owners or occupiers of lands adjoining the said railway shall, under the provisions herein contained, have any right to lay down such tramway across the said railway, except under an act of the legislature, to be obtained for that purpose, or with the consent of the owners or occupiers of the lands through which such tramway may pass, and the consent of the said company.

Payment for tolls or traffic not to be paid till the line reaches Port-Maria.

CLIV. *And be it enacted*, That the said company shall not be permitted to exercise any of the rights and privileges of exacting tolls, or payment for traffic, on the said railway, until the same shall have been completed and opened for traffic to the points on the said line of railway from Annotto Bay nearest to Port-Maria; and from Montego-Bay nearest to Falmouth; and that in like manner they shall not be permitted to exercise the rights and privileges aforesaid on those portions of the line beyond Port-Maria, and beyond Falmouth, until the same shall be completed to the points on the said line of railway from Port-Maria nearest to Ocho-Rios, and from Falmouth nearest to Rio-Bueno; and that in like manner they shall not be permitted to exercise the rights and privileges aforesaid on those portions of the line beyond Ocho-Rios and beyond Falmouth until the same shall be completed to the intended station or point in or near Saint Ann's Bay: *Provided always*, That in regard to all those portions of the said line, which may have been completed and opened for traffic within the time specified in this act, the said company shall be at liberty to exercise all the rights, privileges, and immunities conferred by this act on the entire line of railway, notwithstanding the entire length of railway may not have been completed by the said company.

Falmouth.

Rio-Bueno.

St. Ann's Bay: Proviso.

Company not entitled to benefit of act till £333,333 6s. 8d. subscribed for, and till 5 per cent. on same paid.

CLV. *And be it enacted*, That the said company shall not be entitled to the benefits of this act before and until the sum of three hundred and thirty three thousand three hundred and thirty three pounds, six shillings, and eight pence, at the least, being two-thirds of the original capital of the said company, shall have been subscribed for;

nor before and until five pounds *per centum* on the amount of such subscribed capital shall have been actually called for and paid up.

CLVI. *And be it further enacted*, That the fact of two-thirds of the said original capital having been subscribed for, and five pounds *per centum* on the amount subscribed being actually paid up, and the names and residences of the subscribers declared, shall be clearly stated on affidavit of the secretary, or other qualified agent of the company; and such affidavit shall be duly recorded in the office of the secretary of this island: *Provided always*, That the said two-thirds of the said original capital shall be subscribed for, and the said five pounds *per centum* thereon shall be paid upon or before the thirty-first day of December, one thousand eight hundred and forty-eight.

Subscribers' names, two-thirds of paid up capital, and 5 *per cent.* on amount subscribed, to be sworn to, and recorded.

Proviso as to time limited for payment.

CLVII. *And be it further enacted*, That where, in this act, any words shall be used importing the singular number or the masculine gender only, the same shall be understood to include several matters as well as one matter, several persons as well as one person, and females as well as males, and bodies politic, corporate, and collegiate, aggregate, or sole, ecclesiastical, and lay, as well as individuals, unless in any of the cases aforesaid it be otherwise specially provided, or there is something in the subject or context repugnant to such construction.

Rules for the interpretation of this act.

CLVIII. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others, in any of the courts of the said island, without being specially pleaded.

Public act.

### C A P. XLIX.

*An act to enable Alexander Gordon Fyfe and James Adam Gordon, esquires, to facilitate and promote improvements in the manufacture and preparation of the agricultural products, and for the establishment of a traffic in the timber woods of this island.*

WHEREAS the improvement of the manufacture and preparation of sugar, and other the staple exports of this your majesty's island of Jamaica, would be promoted by the separation thereof from the practice of agriculture: *And whereas* the establishment of a traffic in the timber woods of this island for home use, and exportation, would also be productive of public benefit: *And whereas* the several persons hereinafter named are desirous of being incorporated, and united into a company, for effecting the objects aforesaid, upon condition that the powers, privileges, advantages, and immunities hereinafter set forth, be conferred upon them: *May it please your majesty that it may be enacted, and be it enacted by the governor, council, and assembly of this island, and by the authority of the same,*

Enacted.

A. G. Fyfe and others constituted a body corporate, under name of "Jamaica Central Factory Company."

That Alexander Gordon Fyfe, of the parish of Metcalfe, in the county of Surry, in the island of Jamaica, esquire, and James Adam Gordon, of Naish, in the county of Gloucester, in Great-Britain, esquire, and their respective executors, administrators, successors, and assigns, and such of them as shall from time to time be possessed of any share or shares in the undertaking hereby authorized to be commenced and carried on, and also every and all such other person and persons, bodies politic, and corporate, as shall from time to time become, and be possessed of any share or shares therein, in manner hereinafter provided, and his and their respective executors, administrators, successors, and assigns, shall be, and hereby are, for the purposes aforesaid, united into a company, and constituted one body politic and corporate, by the name and style of "THE JAMAICA CENTRAL FACTORY COMPANY," and by that name shall have perpetual succession, and a common seal, and by that name may sue, and be sued, and shall also have full power and authority to purchase and hold lands, tenements, and hereditaments, to them, their successors and assigns, for the use and purposes of the said corporation, and absolutely to alienate, sell, and dispose of the same, and any part thereof.

Who may contribute among themselves a sum not exceeding £300,000.

II. *And be it further enacted*, That it shall be lawful for the said company to raise, and contribute amongst themselves, such sum or sums of money, not exceeding the sum of three hundred thousand pounds, as they shall think necessary for carrying out the purposes of the said incorporation; and the money, so to be raised as aforesaid, or a sufficient part thereof, shall be laid out and applied, in the first place, in payment, satisfaction, and discharge of the costs, charges, and expenses attending the applying for, obtaining, and passing of this act, and the residue of such money, or so much thereof as shall be necessary, shall be applied to, and disposed of in carrying out the undertaking and objects of the said company, and the purposes of this act.

To be divided into six thousand shares of £50 each.

III. *And be it further enacted*, That the said sum of three hundred thousand pounds shall be divided into six thousand shares, of fifty pounds each, and that no person shall take or subscribe for less than one share in the said undertaking, and each of such shares shall have a number appropriated to it, and shall for ever afterwards, be thereby distinguished; and the said six thousand shares, and each of them, shall be, and they are hereby vested in the several persons and bodies politic and corporate respectively subscribing for, and undertaking to raise and contribute the same, and their respective executors, administrators, successors, and assigns to and for their own respective use and benefit; and all persons, and bodies politic, and corporate, and their respective executors, administrators, successors, and assigns, who shall subscribe for any share or shares in the said undertaking, and pay such sum or sums as shall be duly demanded on account thereof, towards carrying out the objects and purposes of the said company, as authorized by this act, shall be entitled, according to their respective shares in the paid up capital, to a due and just proportion

proportion of the clear profits and proceeds which shall or may arise and accrue to the said company, or corporation, in the prosecution of such their objects and purposes aforesaid.

IV. *And be it further enacted*, That all and every the shares and proportions of all bodies politic, and corporate, and all other persons, of and in the said undertaking, or of and in the joint stock or fund of the said company, shall be deemed personal estate, and transmissible as such, and not of the nature of real property.

Shares to be considered personal property.

V. *And be it further enacted*, That the said company shall, as soon as the same can or may be done, cause the names and additions of the several persons who shall be entitled to any share or shares in the said undertaking, and the number of shares to which they shall be respectively entitled, and also the proper number by which each of such shares shall be distinguished, to be fairly and distinctly entered into a register book, to be kept by the secretary to the said company; and, after such entry, to cause the common seal of the said company to be affixed thereto, which said book shall, from time to time, be altered or corrected, and new books from time to time shall be sealed with the said common seal, as the change of proprietors, and transfers of shares shall render necessary or expedient; and the said secretary shall also cause as many tickets or certificates to be prepared as there shall be shares in the said undertaking, bearing respectively the same numbers as in the said books, and bearing also the common seal of the said company; and thereupon to cause to be delivered to every subscriber towards the said undertaking, upon demand, certificates, or a certificate, specifying the share or shares to which he, she, or they is, or are entitled in the said undertaking; and every such subscriber shall pay to the secretary of the said company two shillings and six pence, and no more, for every such ticket, or certificate; and every such ticket, or certificate, shall be admitted as evidence in all courts whatever of the title of such subscriber, his, her, or their administrators, executors, successors, or assigns, to the share therein specified.

Company must have register book of shareholders.

VI. *And be it further enacted*, That the appointment of all directors, and the appointment and management of all officers and servants of the said company, and all and every the regulations for meetings of the said company, or the shareholders or directors thereof, or of boards or quorums thereof, and the making of all rules, bye-laws, calls for payment, on account of the shares in the said company, orders, and regulations, and the repeal or modification thereof, the appropriation and allotment of the original shares in the said company, and the terms of such appropriation, the transfer of shares, and all and every the matters of detail in the management of the internal affairs and regulations of the said company, not by this act provided for, shall be governed by a deed of settlement, to be executed by every proprietor; such deed of settlement to be considered as part of this act,

Appointment of directors, officers, &c. to be regulated by deed of settlement.



Proviso.

act, and to be binding on all and every the proprietors or shareholders of the said company, whether executed by them or not: *Provided always*, That no proprietors or shareholders, who shall not have duly executed such deed of settlement, shall be at liberty to vote at any general or special meeting or meetings of the shareholders on any question whatever.

Proprietors may sell shares, subject to rules.

VII. *And be it further enacted*, That it shall be lawful for the several proprietors of shares in the said undertaking, and their respective successors, executors, administrators, and assigns, to sell and dispose of any shares to which they shall be entitled therein, subject to the rules, bye laws, and conditions herein mentioned, and hereby authorized to be made and imposed; and the form of transfer of shares may be in the following words, or to the like effect, varying the names, and descriptions of the contracting parties, as the case may require:

“ I, A. B. of \_\_\_\_\_ in consideration of the sum of \_\_\_\_\_ paid to me by C. D. of \_\_\_\_\_ do hereby assign, and transfer unto the said C. D. \_\_\_\_\_ share (or shares as the case may be,) of and in the undertaking, called “THE JAMAICA CENTRAL FACTORY COMPANY,” to hold unto the said C. D. his executors, administrators, and assigns, (or successors and assigns) subject to the same conditions as I held the same, immediately before the execution hereof, and I, the said C. D. do hereby agree to accept and take the said share (or shares), subject to the same conditions, and to sign the deed of settlement of the company, when required so to do.

*As witness our hands and seals, the*  
*day of*

And, on every such sale, the deed, or transfer (being executed by both the seller and the purchaser of such shares,) shall be produced to the secretary of the company, and a minute thereof shall be taken and kept by him, and entered in some book to be kept for that purpose; and the certificates of such shares shall, at the same time, be given up to be, and shall be, cancelled, and new certificates shall be thereupon issued, and granted to the purchaser of such shares; and the sum of two shillings and six pence, and no more, shall be paid to the company, on the transfer of shares, for registering each transfer, and granting a new certificate or certificates; and upon the production of any such transfer for registration, and certificate for cancellation, the said secretary is hereby required to make such entry, or memorial, and grant and deliver such new certificate or certificates in the manner hereinbefore prescribed; and until such minute of transfer shall have been entered, and the old certificates delivered up, and a new certificate or new certificates issued and granted, as above directed, such purchaser shall have no part or share of the profits of the said undertaking, nor any interest for such share paid to him, nor any vote in respect thereof, as a proprietor of the said undertaking.

VIII. *And*



Proviso.]

or leased as aforesaid, or to use them in the tillage of lands for others : *Provided*, That nothing in this act shall be construed to authorize the said company to cultivate, for their own use, by themselves or their agents, any of the lands so purchased or taken on lease.

And build factories, for manufacture of sugar, &c.

XII. *And be it further enacted*, That the said company shall have power to erect and build, on their lands, factories for the manufacture and preparation of sugar, and other the staple exports, and all other the products of the soil of this island, present and future, and to erect saw mills for the purpose of converting timber trees and wood into beams, planks, shingles, posts, lathes, staves, and hoops ; and on such lands to set up and erect all such machinery as may be deemed by them necessary for the due exercise and perfection of such manufacture, preparation, and conversion, as aforesaid.

And enter into contracts for manufacture of produce, &c.

XIII. *And be it further enacted*, That it shall be lawful for the said company to enter into contracts for the manufacture and preparation for consumption of the produce of this island, and to lend money, being the assets of the company, to planters and farmers in the said island, on security of their growing crops, cattle, horses, mules, live stock, implements, utensils, goods, and chattels, for the purpose of assisting and enabling such planters and farmers to cultivate and improve their lands, and to cut, gather, and get in, their growing crops : *Provided always*, That such loan, to any one person or partnership firm, shall not in any case exceed one thousand pounds, and the maximum total outstanding at any one time shall not exceed twenty thousand pounds.

Proviso.

And hire ships, &c. for transport of produce.

XIV. *And be it further enacted*, That it shall be lawful for the said company to hire and charter ships and vessels for the transport of produce of this island, being the property of the said company, from the factories of the said company, as well to the several parts of this island, as to any other parts of the world ; and also for the importation of machinery, and all materials necessary or conducive to the effectual prosecution of the objects of the incorporation of the said company, and the purposes of this act.

May construct tramways from factory to estates, &c.

XV. *And*, for the purpose of facilitating the transport of timber, and other produce, to the mills and factories of the said company, and from the mills and factories to the wharves, or places of export, *be it enacted*, That the said company may construct tramways leading from their said mills and factories to the lands of the said company, and to the several estates and lands, with the proprietors, lessees, or possessors, whereof the said company shall have entered into any contract hereinbefore authorized ; and, on the said tramways, may use animal power only for such transport as aforesaid ; and, for the purpose of constructing such tramways, may enter upon, and take possession of, lands, tenements, and hereditaments, under the conditions, and subject to the restrictions, hereinafter imposed.

XVI. *And*

XVI. *And be it further enacted*, That all owners, and occupiers of any lands through, in, or upon which the said tramways, and other works hereby authorized, or intended to be made and erected, or of any share, estate, or interest therein, may accept and receive purchase-money, satisfaction, or recompense for the value of such lands, or the interest therein by them or him conveyed, and also compensation for and on account of any damage sustained by them, or him, by reason of the severing or dividing of any such lands, or by reason or on account of the making or erection of any of the works by this act authorized, or of the execution of any of the powers of this act, in such sums as shall be agreed upon between the said owners and occupiers respectively and the said company; and in case the said company, and such parties respectively, shall not agree as to the amount or value of such purchase-money, satisfaction, recompense, or compensation, the same respectively, or either of them, concerning which they shall not so agree, shall be ascertained and settled by the verdict of a jury (if required,) as hereinafter directed.

Owners of lands upon or through which tramways are made, may receive satisfaction, &c.

XVII. *And be it further enacted*, That the said company, by their agents, servants, or workmen, shall not, except by the consent of the owners and occupiers, and except as hereinafter provided, enter upon any lands which shall be required to be purchased, or permanently used for the purposes, and under the powers of this act, until the said company shall have paid to every party having any interest in such lands, either the purchase-money, or the compensation agreed to be paid to such parties respectively, for their respective interests therein: *Provided always*, That for the purposes merely of surveying, and taking levels of such lands, and of boring, or probing to ascertain the nature of the soil, and of setting out the lines of the works, it shall be lawful for the said company, after giving not less than seven days, nor more than twenty-one days' notice to the owners or occupiers thereof, to enter upon such land without previous consent, making compensation for any actual damage thereby occasioned to the lands so entered upon.

Lands not to be entered upon till paid for.

Proviso.

XVIII. *And be it further enacted*, That in all cases wherein any party shall claim any satisfaction, recompense, or compensation for or in respect of any unexpired term or interest which he shall claim, under or by virtue of any demise, lease, or grant to be possessed of, or entitled to in any lands, tenements, or hereditaments through, in, under, or upon which the said tramways, or other works hereby authorized are intended to pass or be made, raised, or erected, the said company is hereby authorized to require such party to produce or shew to them the lease, demise, or grant in respect of which such claims to satisfaction, recompense, or compensation shall be made, or an official copy from the secretary's office of this island; and unless such lease, demise, or grant, or such copy thereof be so produced, or shewn within thirty days after the setting up of such claim, the party claiming such satisfaction, recompense, or compensation shall be considered as holding only from year to year.

Company may require production of lease, &c. where satisfaction is demanded by lessee, &c.

The L. of

Land on either side of tramway, less than half an acre, must be purchased by company.

XIX. *And be it further enacted*, That if, in the execution of the powers of this act, any land shall be cut through and divided, so that what shall be left thereof on both sides, or on either side of the said tramways, shall be less than half an acre in quantity, and if the owner of any such land shall not have any other land adjoining to that which shall be so left, then, and in every such case, if such owner shall so require, but not otherwise, the said company shall also purchase the land so left on both or either side of the said tramways, being less than half an acre in quantity as aforesaid, the value thereof to be ascertained in the same manner as is directed concerning any land to be taken or used for the purposes of this act; or in case such owner as aforesaid shall have any other land adjoining to that which shall be so left, he may require the said company, at their expense, to throw the same into the adjoining land of such owner, by removing the fences, and levelling the side thereof, and soiling the same in a sufficient and workmanlike manner.

A jury to value land where parties do not agree.

XX. *And*, for settling all differences which may arise between the said company and the several owners and occupiers of any lands which shall, or may be taken, used, damaged, or injuriously affected by the execution of any of the powers hereby granted, *be it further enacted*, That if any corporation, vestry, or other party so interested, and entitled and capacitated to sell, contract, or agree as aforesaid, shall not agree with the said company as to the amount of such purchase-money, satisfaction, recompense, or other compensation as aforesaid; or if any such party shall refuse to accept such purchase-money as shall be offered by the said company, and shall give notice thereof, in writing, to the said company within twenty-one days after such offer shall have been made, and the party giving such notice shall therein request that the matter in dispute may be submitted to the determination of a jury, or if any such party as aforesaid shall, for the space of thirty days next, after notice, in writing, shall have been given to him, or in case of any corporation, or vestry, to the clerk, agent, or principal officer of any such corporation, or vestry, either personally, or by being left at his last or usual place of abode respectively, or with the tenant, or occupier of any lands required for the purposes of this act, neglect or refuse to treat, or shall not agree with the said company for the sale, and conveyance of their respective estates, and interest therein, or the respective estates, and interest therein, which they respectively are hereby capacitated to convey or dispose of, or for the satisfaction, recompense, or compensation to be paid to them for any damage, loss, or injury whatsoever, as aforesaid; or shall, by reason of absence, be prevented from treating, or shall, by reason of any impediment or disability, not provided for by this act, be incapable of making such agreement as shall be necessary or expedient for enabling the said company to proceed in making the said tramway, and other works aforesaid, or shall not disclose and prove the state of the title to the premises of which he may be in possession, and claim to be entitled unto, or interested in

in; or in any other case where agreement for compensation for damages incurred, in execution of any of the powers of this act, cannot be made, then, and in every such case (except as hereinafter excepted,) the said company shall and may, and they are hereby required, from time to time, to make application, grounded on affidavit or affidavits of the facts, to any one or more justice or justices of the parish or precinct wherein the matter of dispute arose, for a warrant under his or their hand and seal, or hands and seals, (and which he or they are hereby required to grant,) directed to the provost-marshal-general of this island, or to his lawful deputy, for such parish or precinct, if not interested in the subject matter (and, if interested, to such other responsible person, to be appointed by the said provost-marshal-general for that especial purpose,) commanding him, the said provost-marshal-general, or his lawful deputy, or the person so specially appointed, to empanel, summons, and return, and the said provost-marshal-general, or his lawful deputy, or other person so appointed by him as aforesaid, is hereby accordingly empowered and required to empanel, summons, and return a jury of at least twenty-four sufficient and disinterested men, qualified according to the laws of the said island, to be returned for trial of issues in her majesty's courts of record in the said island; and the persons so to be empanelled, summoned, and returned are hereby required to appear before the said justice or justices, at such time and place, as in such warrant shall be appointed as most convenient, and to attend from day to day until duly discharged, and out of such persons, so to be empanelled, summoned, and returned, a jury of twelve men shall be drawn by lot by the said provost-marshal-general, or his lawful deputy, or other person to be by him appointed, in such manner as juries for trials of issues joined in her majesty's courts of record in the said island are by law directed to be drawn, and in case a sufficient number of jurymen shall not appear at the time and place so to be appointed as aforesaid, the said provost-marshal-general, or his lawful deputy, or other person as aforesaid, shall return other honest and disinterested men of the standers-by, or of others that can be speedily procured to attend that service, being so qualified as aforesaid, to make up the said jury to the number of twelve; and all parties concerned may have their lawful challenges against any of the said jurymen, but shall not challenge the array; and the justice or justices is and are hereby empowered and required to summon before him or them all persons who shall be thought necessary to be examined as witnesses touching the matters in question, and may, on the application of either party, order and authorize the said jury, or any six or more of them, either before or after they shall be sworn, to view the place or matter in controversy, and the said justice or justices shall have power to adjourn such meeting from day to day, as occasion shall require, and to command such jury, witnesses, and parties to attend until such affairs for which they were summoned shall be concluded; and such jury shall, upon their oaths, or, being of the society called Quakers, upon their solemn

affirmations, (which oaths and solemn affirmations, as well as the oaths and solemn affirmations of all persons who shall be called upon to give evidence, the said justice or justices is, and are hereby empowered and required to administer,) inquire of, assess, and ascertain, and give a verdict for the sum of money to be paid for the purchase of such lands, and also the sum of money to be paid by way of satisfaction, recompense, or compensation, either for the damages which shall, before that time, have been done or sustained as aforesaid, for or by reason of the severing or dividing the same from the lands whereof, wherein, or whereto any such parties or persons as aforesaid shall be seized, possessed, interested, or entitled for future, temporary, perpetual, or recurring damages, which shall have been or may be done or sustained as aforesaid, and the cause or occasion of which shall have been in part only obviated, removed, or repaired by the said company, and for damage, loss, or injury as aforesaid; and the said justice or justices shall accordingly give judgment for such purchase-money, satisfaction, recompense, or compensation as shall be assessed by such jury; which said verdict, and the judgment thereon to be pronounced as aforesaid, shall be signed by such justice or justices, and be binding and conclusive to all intents and purposes upon all parties and persons whomsoever: *Provided always*, That no less than fourteen days notice, in writing, of the time and place at which such jury are so required to be returned, shall be given by the said company to the party with whom such controversy shall arise, by leaving such notice at the then or last dwelling-house of the person, or of the clerk, or agent, or principal officer of any such corporation or vestry as aforesaid, or with some tenant, or occupier of the premises intended to be valued, or respecting which, or any damage to which, any such question shall arise.

Proviso.

Two justices may decide, where value shall not exceed £30.

XXI. *Provided always, and be it further enacted*, That if the compensation, or purchase-money, claimed in any case herein mentioned, shall not exceed the sum of thirty pounds, the same shall be settled by two justices for the parish or precinct wherein the subject of dispute arose, who are hereby authorized and required to investigate the same, and for such purpose to hear evidence, on oath, on both sides, if required; and if either party to any such question fail to appear at the time and place appointed for entertaining such question, without reasonable excuse, made to the satisfaction of such justices, due notice having been given to such party in default, it shall be lawful for the said justices to proceed and decide on *ex parte* hearing.

Compensation for damages to be ascertained separately from value of lands.

XXII. *Provided also, and be it further enacted*, That in ascertaining the money to be paid for the purchase of any lands, to be taken or used for the purposes of this act, and the satisfaction, recompense, and compensation to be made for any damages which shall or may be sustained by any parties or persons respectively interested in such lands, such satisfaction, recompense, and compensation for damages shall,

shall, if required by the parties, or either of them, be settled and ascertained separately and distinctly from the value of the lands so to be taken or used as aforesaid.

XXIII. *And be it further enacted*, That the said juries shall, and they are hereby respectively empowered, if thereunto required, to settle what shares and proportions of the purchase-money, or satisfaction, recompense, or compensation for damages, which shall be assessed as aforesaid, shall be allowed to any tenant, or other person having a particular estate, term, or interest in possession, reversion, or remainder in the premises, for his interest therein.

Juries shall settle proportions of tenants, or other persons.

XXIV. *And be it further enacted*, That the said verdicts, and judgments, being first signed by the person presiding at the taking of such verdict, and pronouncing of such judgments respectively, shall be delivered to, and kept by, the clerk of the peace for the parish, in which the matter in dispute shall have arisen, amongst the records of the quarter-sessions of such parish, and shall be deemed records to all intents and purposes; and the same, or true copies thereof, shall be allowed to be good evidence in all courts whatsoever; and all persons shall have liberty to inspect the same, paying for such inspection the sum of one shilling, and to take and make copies thereof, paying for every copy after the rate of six pence for every one hundred and sixty words.

Verdicts and judgments to be delivered to clerk of the peace, and kept by him, &c.

XXV. *And be it further enacted*, That every such jury, and juryman, as aforesaid, shall be subject to the same regulations, pains, and penalties, as if such jury and juryman had been returned for the trial of any issues joined in any of her majesty's courts of record in the said island, and all persons who, in any examinations, to be taken by virtue of this act, upon their oaths, shall wilfully and corruptly give false evidence before such jury, justice, or justices of the peace, acting as such in the execution of this act, shall be holden and deemed guilty of perjury, and shall be liable to the pains and penalties to which persons guilty of wilful and corrupt perjury shall and may by law be subject.

Regulation of juries.

XXVI. *And be it further enacted*, That the jurors, so warned as aforesaid, shall be entitled to receive and be paid the sum of one pound one shilling for each case in which they shall attend and be sworn; and the said provost-marshal-general, or his lawful deputy, to the sum of three pounds three shillings for each jury so warned; and the witnesses shall be paid at the same rate as witnesses are entitled to be paid for attending at the assize courts.

Jurors entitled to 21s. each.

XXVII. *And be it further enacted*, That in every case, in which the verdict of a jury shall be given for a greater sum than shall have been previously offered by the said company for the purchase of any lands, to be used or taken by them for the purposes of this act, or

Where verdict exceeds sum offered by company, the latter to pay expenses, &c.



as satisfaction, recompense, or compensation for any damage, loss, or injury, which may happen, or arise in, or be occasioned by, the execution of any of the powers conferred by this act; or in case a verdict shall be given for any sum of money as a satisfaction, recompense, or compensation for any damage, loss, or injury, where no sum of money shall have been previously offered by the said company, then, and in every such case, all the reasonable costs, charges, and expenses of causing and procuring such recompense, value, or compensation respectively, to be assessed and awarded as aforesaid, and of so assessing and awarding the same, shall be borne and paid by the said company, and such costs and expences shall be settled and determined by the said justice or justices of the peace; and in case such costs and expences shall not be paid to the party entitled to receive the same, within thirty days thereafter, the same shall and may be levied and recovered by distress and sale of any of the goods and chattels of the said company, under a warrant, to be issued for that purpose by a justice of the peace, which warrant, such justice is hereby authorized and required to issue under his hand and seal, on proper application made to him for that purpose, disclosing the facts of the case, by any party entitled to receive such costs and expences; but if the verdict of the jury shall be given for the same sum, or for a less sum than shall have been previously offered by, or on behalf of, the said company, or in case the said company shall have required a statement of the manner in which any amount of money demanded as a satisfaction, recompense, or compensation, has been computed and made up, and the jury shall be of opinion that no sufficient statement was delivered by the claimant to enable the said company to make a proper offer, then, and in every such case, all the costs and expences attending the same (to be settled and determined as aforesaid), shall be defrayed by the party with whom the said company shall have such controversy or dispute, and the same shall and may be deducted out of the money awarded to be paid to such party as aforesaid, if such money shall exceed the amount of such costs and expences, and be sett off as so much money advanced to and for his use; and the payment, or tender of the remainder of such money, shall be deemed and taken to all intents and purposes to be a good tender, and satisfaction for the whole thereof: *Provided always*, That in case where, by reason of his or her absence in foreign parts, or from any other cause or disability not hereinbefore provided for, any person shall have been prevented from treating or agreeing as aforesaid, the whole of such costs and expences (to be settled and determined in manner hereinbefore directed,) shall be borne and paid by the said company.

Proviso.

Company may pay purchase-money, &c. into receiver-general's hands, in certain cases, and take possession of lands.

XXVIII. *And be it further enacted*, That upon payment, or legal tender of such sum or sums of money as shall have been agreed upon between the parties, or awarded by a jury, in manner aforesaid, as the purchase-money for any lands, tenements, or hereditaments, or for any estate or interest therein, or as a satisfaction, recompense, or compensation for any damages, as hereinbefore mentioned,

mentioned, to the respective proprietors of such lands, tenements, or hereditaments, and other person respectively interested therein, and entitled to receive such money, or satisfaction, recompense, or compensation respectively, or if the parties so respectively entitled, or interested as aforesaid, cannot be found, or shall refuse to receive such money as aforesaid, or shall refuse, neglect, or be unable to make a good title to, or shall refuse to execute the necessary conveyances of, the premises, or in case such money shall be liable to be invested in the purchase of other lands, tenements, or hereditaments, then, and in any of such cases, upon payment of such money into the receiver-general's office of the said island, within three calendar months after the same shall have been so agreed upon, or awarded, or, after such tender, refusal, neglect, or disability shall be made or discovered for the use of the party entitled thereto, it shall be lawful for the said company forthwith to enter upon and take possession of such lands, tenements, and hereditaments, and to make and construct the works by this act authorized, and in respect of which such satisfaction, recompense, or compensation shall have been agreed upon, or awarded; and the lands, tenements, and hereditaments, whereupon such entry shall have been made, and whereof such possession shall have been taken, and the fee simple, and inheritance thereof, and all the estate, use, trust, and interest of every person whomsoever therein, shall thenceforth be vested in, and become the sole property of, the said company, to and for the purposes of this act; and such payment, tender, or investment, shall merge outstanding and other terms for years, and shall bar every claim of dower, and all estates tail, and other estates therein, whether in possession, reversion, or remainder.

XXIX. *And be it further enacted*, That the lands, to be taken or used for the line of the said tramways, shall not exceed thirty feet in breadth, except in places where a greater breadth shall be judged necessary for any approach to the tramways, or for any station, or building connected therewith, or for carriages to turn out, remain, or pass each other; and not above one hundred feet in any place, except at the respective termini, and intermediate stations of the said tramway, unless with the consent, in writing, of the owners or occupiers of any lands which the said company shall be desirous of appropriating, in order to obtain greater space for the purposes of this act.

XXX. *And be it further enacted*, That if any person shall wilfully throw, place, scatter, or drop any gravel, stone, rubbish, or other matter, or thing upon any part of the said tramways, unless by authority of the said company, or shall wilfully obstruct or prevent any person, in the execution of this act, or shall do any act, matter, or thing to obstruct the free passage of the said tramways, or any part thereof, he shall forfeit and pay any sum not exceeding one hundred pounds, nor less than forty shillings, for every such offence, to be recovered before any two justices of the peace for the parish in which the offence shall be committed.

XXXI. *Provided*

Lands for tramways not to exceed 30 feet, except in certain places.

Persons wilfully throwing gravel, &c. on tramways, punishable.

Owners of lands, through which tramways are made, may pass and re-pass at all times.

Proviso.

Tramways may be laid across streets, &c.  
Proviso.

Company to make and keep up gates.

Proviso.

How penalties are to be recovered.

XXXI. *Provided always, and be it further enacted by the authority aforesaid,* That it shall be lawful for the respective owners and occupiers of any lands, through which the said tramways shall be made, and their servants, and workmen, at all times, to pass and re-pass directly over and across such part of the said tramway as shall be made in and upon the said lands; and also along and upon the same, so far as their own lands extend and adjoin upon such tramways, not damaging or obstructing the same, or the passage thereof, so that they shall not pass across, along, or upon, any other part of the said tramways: *Provided also,* That it shall be lawful for the respective occupiers of any lands, through which the said tramway shall be made, and their servants, to ride, lead, or drive any horse, mule, or ass, or any other neat cattle, sheep, swine, or any other beast across the said tramway, but only where, and to the extent of, the lands in their occupation, for the purposes only of occupying the same lands; such persons not damaging or obstructing the said tramway, or the passage thereof.

XXXII. *And be it further enacted,* That it shall be lawful for the said company to lay the said tramways across any roads, streets, ways, lanes, or other public paths: *Provided always,* That when any tramways shall cross any road, street, way, lane, or other public pass on the level thereof, the ledge, or flanch of such tramway, for the purpose of guiding the wheels of the carriages thereupon, shall not rise above, nor sink below, the level of such road, street, way, lane, or other public passage or place, more than one inch.

XXXIII. *And be it further enacted,* That the said company shall, and they are hereby required, at their own proper costs and charges, to make, and at all times hereafter to maintain, such and so many convenient gates and passages over or by the sides of, or leading to, or from the said tramway, as shall be necessary for the purposes of making good any interruption caused by the said tramway, to the use of lands through which the said tramway shall be made; and such works shall be made forthwith after the part of the said tramway passing over, or by such lands, shall have been laid out or formed, or during the formation thereof, also all necessary tunnels, drains, and other passages, either under, across, or by the sides of the said tramway, of such dimensions as will be sufficient, at all times, to convey the waters clearly from the lands laying near, or affected by the said tramway, as before the making of the said tramway, or as nearly so as can be: *Provided always,* That the said company shall not be required to make such gates, drains, or other works, in such manner as will prevent or obstruct the working or using the said tramway, nor to make any such works, with respect to which the respective owners or occupiers of the lands shall have agreed to receive, or shall have received compensation, instead of the making the same.

XXXIV. *And be it further enacted,* That all penalties and forfeitures,

feitures, hereinbefore inflicted or imposed by this act, (the manner of levying and recovering whereof is not otherwise herein particularly directed,) may, in case of non-payment thereof, be recovered in a summary way by the order and adjudication of two or more justices, on complaint to them for that purpose made, and afterwards to be levied, as well the costs (if any) of such proceedings on non-payment, by distress and sale of the goods and chattels of the respective offenders, or persons liable to pay the same, by virtue of a warrant under the hands and seals of such justices; and the overplus (if any) of the money so raised and recovered, after discharging such penalty or forfeiture, and the costs and expenses as aforesaid, shall be returned, on demand, to the party whose goods and chattels shall be distrained, and all which penalties and forfeitures, not herein directed to be otherwise applied, shall be paid, one moiety to the informer, and the remaining to the said company; and in case such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such justices, and they are hereby required, to order the offender, so convicted, to be detained in safe custody, until return can conveniently be made to such warrant of distress, unless such offender shall give sufficient security, to the satisfaction of such justices, for his appearance before them, or some other justices of the peace of the said parish, on such day as shall be appointed for the return of such warrant of distress (such day not being more than eight days from the taking of such security, and which security any of the said justices are hereby empowered to take by way of recognizance or otherwise,) but if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereupon to levy the said penalty, and such costs and expences as aforesaid, and the same shall not forthwith be paid; or in case it shall appear to the satisfaction of such justices, upon the confession of the offender, or otherwise, that he has not sufficient goods and chattels whereupon such penalties, forfeitures, costs, and expences could be levied, if a warrant of distress, should be issued, such justices shall not be required to issue such warrant of distress, but in such case it shall be lawful for them, and they are hereby required, by warrant under their hands and seals, to commit such offender to the common gaol, or house of correction for the county within which they exercise jurisdiction, there to remain, without bail or mainprize, for any time not exceeding three calendar months, or until such earlier time as such penalty or forfeiture shall be paid and satisfied, together with all costs and charges attending such proceedings as aforesaid, to be ascertained by such justices, or until such offender shall be otherwise discharged by due course of law.

XXXV. *And be it further enacted*, That in all cases in which, by this act, any penalty or forfeiture is made recoverable by information before any two justices, before whom complaint shall be made for any offence committed against this act, the said justices are hereby empowered and directed to summon before them the party complained

Justices to summon parties complained against.

against, and, on such summons, to hear and determine the matter of such complaint; and, on proof of the offence, convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed in the recovery of the same, although no information, in writing, shall have been exhibited before such justices; and all such proceedings, by summons, without information, in writing, shall be as valid and effectual to all intents and purposes, as if an information, in writing, had been exhibited.

Company not to issue bills of exchange promissory notes, &c. &c.

XXXVI. *Whereas* it would be beneficial to restrict the general dealings of the said company to cash transactions: *Be it enacted*, That nothing in this act contained shall authorize the said company, or any person or persons acting in its behalf, to make or issue any inland bills of exchange, promissory notes, bonds, bills of sale, debentures, or other securities whatsoever, for monies, goods, chattels, or effects, in the way of credit to the said company; and all such bills of exchange, notes, bonds, bills of sale, debentures, or other securities, shall be, and the same are hereby declared, absolutely void: And, if any such bill of exchange, note, bond, bill of sale, debenture, or other security, be so made or issued as aforesaid, the said company, and each and every person and persons so acting in its behalf, and also each and every person to whom any such bill of exchange, note, bond, bill of sale, debenture, or other security, shall be so made or issued as aforesaid (or who shall be a party or parties to the transaction,) shall forfeit the sum of one hundred pounds for each and every transaction; and such sum shall be recovered by action of debt in the supreme court of judicature, and the sum, when recovered, shall, after the expences of recovering the same have been deducted, be paid into the hands of the receiver-general, to the credit of this island: *Provided always*, That nothing in this act contained shall be construed to prevent the said company from drawing and negotiating bills of exchange on the strength of bills of lading for produce shipped from this island to Great-Britain, or elsewhere.

Proviso.

No action to be brought till 28 days' notice has been given, in writing.

XXXVII. *Provided always, and be it further enacted*, That no action, suit, or information, nor any other proceeding of what nature soever, shall be brought, commenced, or prosecuted against any person for any thing done, or to be done, in pursuance of this act, or in the execution of the powers or authorities, or any of the orders made, given, or directed in, by, or under, this act, unless twenty-eight days previous notice, in writing, shall be given by the party intending to commence and prosecute such action, suit, or information; nor shall be brought or commenced, unless within six calendar months next after the fact committed; or, in case there shall be a continuation of damage, then within three calendar months next after the doing or committing such damage shall have ceased, nor unless such action, suit, or information shall be laid and brought in the county or place where the matter in dispute, or cause of action, shall arise; and the defendant in such action, suit, or information, may plead the general issue, and give

give this act, or the said deed of settlement, and the special matter, in evidence at any trial to be had thereupon; and that the same was done by the authority of this act; and if it shall appear to have been so done, or that such action, suit, or information shall have been brought otherwise than as hereinbefore directed, then, and in every such case, the jury shall find for the defendant; upon which verdict, or if the plaintiff shall become nonsuited, or suffer a discontinuance of his action, suit, or information, after the defendant shall have appeared thereto, or if a verdict shall pass against the plaintiff therein, or if, upon demurrer, or otherwise, judgment shall be given against the plaintiff, the defendant shall have costs, and shall have such remedy for recovery of the same, as defendants have for recovering costs of suit by law, in any other cases.

XXXVIII. *Provided also, and be it further enacted*, That no plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding, made or committed in the execution of this act, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding, before such action brought; and, in case no tender shall have been made, it shall be lawful for the defendant, in any such action, by leave of the court, where such action shall depend at any time before issue joined, to pay into court such sum of money as he shall think fit, whereupon such proceeding, order, and adjudication, shall be had and made in and by such court, as in other actions where defendants are allowed to pay money into court.

Plaintiff not to recover for irregularity, &c.

XXXIX. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others, and be pleaded in any of the courts of this island.

Act declared a public one.

... and the court shall have power to make such orders as it may think fit for the purpose of giving effect to the provisions of this Act, and to enforce the same, and to do all such other things as may be necessary for the purpose of giving effect to the provisions of this Act.

Section 100 of the Act

... and the court shall have power to make such orders as it may think fit for the purpose of giving effect to the provisions of this Act, and to enforce the same, and to do all such other things as may be necessary for the purpose of giving effect to the provisions of this Act.

Section 101 of the Act

... and the court shall have power to make such orders as it may think fit for the purpose of giving effect to the provisions of this Act, and to enforce the same, and to do all such other things as may be necessary for the purpose of giving effect to the provisions of this Act.

T A B L E

THE ANNUAL LAWS

THE SESSION OF 1843

THE ANNUAL LAWS

OF

TENTH VICTORIA.

and witnesses to crown witnesses  
contained in part of every  
and other papers; and to amend  
the two several laws of the said

of the power.

[Printed by W. G. & Co., 1843.]

6. An act to amend the laws in force in  
United Kingdom, the duties on  
goods, and other duties  
and to amend the laws in force  
in the said Kingdom.

7. An act for having a duty on con-  
sumption for regulating the duty of  
duties payable on (except in  
to be revised, and to enable the  
order general to impose and  
also general and other  
duties.

[Printed by W. G. & Co., 1843.]

1. An act to amend the laws in force in  
the said Kingdom.

not for establishing and keeping  
the said laws in force.

2. An act to amend the laws in force in  
the said Kingdom, and to amend the  
order general, and to amend the  
laws in force in the said Kingdom.

3. An act to amend the laws in force in  
the said Kingdom, and to amend the  
order general, and to amend the  
laws in force in the said Kingdom.  
From special justice; for granting a  
duty more equal for imposing  
the supreme court of justice to  
the order general, and to amend the  
duty of the order general, and to amend the  
laws in force in the said Kingdom.



A

**T A B L E**

OF

**T H E A N N U A L A C T S**

OF

THE SESSION OF 1846—47.

*Shewing the Number of the Page on which each Act commences.*

ANNUAL ACTS.

[*Passed 14th December, 1846.*]

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daily subsistence to crown witnesses confined in goal for want of security, and for other purposes; and to amend the twenty-second clause of the said act, and to legalize the fees of the clerk of the crown

Page.

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[*Passed 18th December, 1846.*]

- |  |   |    |
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THE

# ANNUAL LAWS OF JAMAICA.



ANNO REGNI DECIMO VICTORIÆ.

C A P. I.

*An act to continue in force, for a limited period, an act, entitled "An act for establishing and declaring rules and articles of war."*

**W**HEREAS an act, passed in the ninth year of her present majesty's reign, entitled "*An act for establishing and declaring rules and articles of war.*" Preamble. *And whereas*, by the sixth clause of the said recited act, it is enacted that the said act shall continue and be in force until the thirty-first day of December, in the present year, one thousand eight hundred and forty six: *And whereas* it is expedient to continue the said act in force for a longer period than is therein enacted: *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same*, That the said act, entitled an "*An act for establishing and declaring rules and articles of war,*" and every article, clause, matter, and thing in the said recited act contained, be continued in force, from the first day of January next, and be and stand in as full force and effect as if the same were herein and hereby re-enacted, until the thirty-first day of December, one thousand eight hundred and forty-seven. Former act continued in force till 31st December, 1847.

II. *And be it enacted*, That this act may be amended, altered, or repealed, during the present session of assembly. Act may be altered or repealed.

A.

C A P.

## C A P. II.

*An act appointing certain commissioners to inspect the books of the receiver-general, and to settle and adjust the public accounts, and for other purposes.*

Preamble.

WHEREAS it is necessary that commissioners should be empowered to inspect the books of the receiver-general, and to arrange, settle, and adjust all accounts relating to the public funds: *We, your majesty's dutiful and loyal subjects, the assembly of this your majesty's island of Jamaica, do most humbly beseech your majesty that it may be enacted: Be it therefore enacted by the lieutenant-governor, council, and assembly of the said island, and it is hereby enacted and ordained by the authority of the same,* That the honorable the speaker and members of the assembly for the time being, be, and they are hereby appointed, commissioners for the purposes aforesaid; and that the said commissioners, or any number not less than five of them, shall form a board, which board of commissioners shall be, and they are hereby authorized and empowered to arrange, settle, and adjust all accounts relating to the public funds, to inspect all books wherein such accounts shall be entered, to look into and count over the cash which shall be at any time in the receiver-general's hands belonging to the public, to join in the signature of all certificates which shall hereafter be issued for debts due by the public, and to give such orders and directions, from time to time, as may be consistent with the laws of this island, and necessary in all matters, and to all persons concerned, in the collection, receipt, disposal, and accounts of the public funds; and that the said board of commissioners are hereby authorized and empowered to send for, and cause to come before them, all such persons as they shall think proper, and to examine them upon oath, if they see fit; and also to send for all books, papers, vouchers, and writings whatsoever, which they shall think requisite and necessary, at all times, and whenever they shall see fit.

Commissioners of accounts appointed.

Five of whom to be a quorum.

Their powers.

Mode of keeping the receiver-general's books and accounts to be determined in future by a full board of the commissioners, &c.

II. *And be it further enacted by the authority aforesaid,* That the mode of keeping the receiver-general's books and accounts shall in future be determined by a full board of the commissioners of public accounts, especially convened for that purpose, during the sitting of the house of assembly; and the receiver-general, and all other persons, whose duty it is to keep such books and accounts, shall keep the same in the manner so directed, under the penalty

penalty of five hundred pounds for every neglect or refusal so to do.

III. *And be it further enacted by the authority aforesaid,* That the receiver-general for the time being shall, under the penalty of five hundred pounds for every neglect or refusal, render, produce, and deliver in, within forty days after the thirty-first day of December, one thousand eight hundred and forty-six, before the said commissioners, or at their office, a true and faithful account of all public monies whatsoever that have been received or paid by him from the thirtieth day of September last, until the said thirty-first day of December, one thousand eight hundred and forty-six, together with all certificates, orders, bills, receipts, vouchers, and papers whatsoever relative thereto; which account, after being carefully examined, regularly audited, and duly approved of, shall be passed by and before a board of the said commissioners, and a certificate thereof shall be in consequence signed by them, when thereunto required by the said receiver-general; and also that the said receiver-general shall, under a like penalty of five hundred pounds for every neglect or refusal, render, produce, and deliver in before the said commissioners, within thirty days next after the thirty-first day of March, the thirtieth day of June, and the thirtieth day of September next, a like quarterly account of all public monies whatsoever that shall have been received and paid during the quarter then expired, together with all necessary papers and vouchers as aforesaid, which said account shall be examined, audited, and passed in manner and form, and certified as aforesaid.

Receiver-general, under penalty of £500, is to produce his accounts and vouchers to them quarterly, to be audited and passed.

IV. *And be it further enacted by the authority aforesaid,* That in case of the dissolution of the house of assembly, and before another house shall have been elected, and the writs duly returned, all and every the members of the then late house of assembly, at the time of the dissolution, shall continue to have the same powers as they enjoyed before the dissolution, for all and every the purposes in the two preceding clauses of this act mentioned and declared, and the presence of five or more of the said members shall form a legal board.

In the event of a dissolution, members of late assembly to enjoy the same powers as they had before it.

V. *And be it further enacted and declared,* That every member elected to any assembly shall, after the writ of election is duly returned, be considered, deemed, and taken to be a commissioner, for all and every the purposes of this act.

Every member of a new assembly declared a commissioner for the purposes of this act.

VI. *And be it further enacted,* That whenever it shall be requisite  
A 2

Certificates to be signed by receiver-  
and

general and three of the commissioners.

and necessary to grant and issue any certificate or certificates, all and every such certificate or certificates shall be signed by the receiver-general and three of the said commissioners.

Receiver general to pay all sums of money directed by the commissioners, under penalty.

VII. *And be it further enacted by the authority aforesaid,* That the receiver-general for the time being shall be, and he is hereby empowered and required to pay off all and every sum and sums of money directed to be paid by the said board of commissioners, and at the time or times by them limited and appointed, under the penalty of five hundred pounds for every neglect or refusal.

Penalties to be inflicted in cases not before provided for.

VIII. *And be it further enacted by the authority aforesaid,* That all and every person and persons, who shall refuse or neglect to do his or their duty, or shall commit any offence in any matter or thing contrary to the true intent and meaning of this act, and for which no penalty is hereinbefore laid or provided, shall forfeit the sum of twenty pounds for every such offence; which penalty shall be recovered in a summary manner before two of her majesty's justices of the peace in the parish or precinct where the offence shall be committed; which said two justices are hereby authorized and empowered to commit such offender or offenders to gaol, there to remain without bail or mainprize until he or they shall have paid the same.

Board to be held in St. Jago de la Vega during the sitting of the assembly, and in Kingston when the house is not sitting.

IX. *And be it further enacted by the authority aforesaid,* That during the sittings of the assembly, all meetings of the board shall be held in the town of Saint Jago de la Vega, on such day of the week as the board, by a resolution thereof, shall appoint; but when the house be not sitting, it shall and may be lawful to and for a board of the said commissioners, and they are hereby empowered, directed, and required to meet on the second Friday in every month at the office of the commissioners of public accounts, to be held in the county building in the city of Kingston, for the purposes aforesaid; and, if any extraordinary meeting shall be necessary, seven days' notice shall at least be given in any newspaper of such extraordinary meeting, by the clerk of the said board, which notice shall signify the time and place of, and business to be done at, such meeting.

How penalties are to be recovered and applied.

X. *And be it further enacted by the authority aforesaid,* That all penalties in this act mentioned, exceeding the sum of twenty pounds, and not declared in what manner they shall be recovered, shall be recovered in the supreme court of judicature, or in either  
of

of the assize courts of this island, by action of debt, bill, plaint, or information, wherein no essoin, protection, wager of law, imparlance, or injunction shall be allowed, or *non vult ulterius prosequi* be entered; one moiety whereof shall be to the use of her majesty, her heirs, and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him, her, or them who shall sue for the same, who shall also be entitled to his full costs out of purse attending the prosecution, to be taxed by the clerk of the supreme court.

XI. *And be it further enacted by the authority aforesaid,* That the said commissioners, or any three of them, to be appointed by a board duly constituted, be authorized and empowered to destroy such checks as are unfit for circulation.

Commissioners may destroy such checks as are unfit for circulation.

XII. *And be it further enacted by the authority aforesaid,* That the receiver-general shall, in future, number each denomination of checks, from number one upwards, without regard to the difference of the dates of the said checks, but merely keeping each denomination separate; and that the receiver general shall, in no case hereafter, send any of the blank cheques to the commissioners of accounts for signature until they shall have been numbered and dated by him.

Mode of numbering checks in future.

XIII. *And be it further enacted by the authority aforesaid,* That the said commissioners, or any nine of them, are hereby authorized and empowered to nominate and appoint a clerk or secretary, for the purpose of carrying on the executive part of the business under their direction, and for keeping the records and minutes of their transactions, and to allow him such salary, recompense, or reward as they may consider him justly entitled to, and to grant and issue their order or orders, drawn upon the receiver-general for the same, and also for such contingent charges and expences of office as may be necessarily incurred during the continuance of this act, provided the sum or sums granted for such salary, recompense, or reward, and for contingent charges of office, and all other expences whatsoever, shall not in the whole exceed the sum of two hundred and fifty pounds *per annum*, and upon neglect or misdemeanour of such clerk or secretary, to displace or remove him, and upon such removal, or upon his death, resignation, or disability, in his place and stead to choose and appoint another for the purposes aforesaid.

Commissioners to appoint a clerk, &c.

Amount of salary.

XIV. *And be it enacted,* That the said secretary, so elected by the

Secretary to attend at the office Wed



nesday and Saturday every week.

the said commissioners, shall, on Wednesdays and Saturdays in each week, attend by himself, or deputy, to be approved of by the commissioners of public accounts, at the office of the commissioners of accounts, in the city and parish of Kingston, between the hours of ten o'clock in the morning and three o'clock of the afternoon of the aforesaid days.

How resolutions taken at one board may be altered at another.

XV. *And be it further enacted by the authority aforesaid, That no resolution taken at any board of the said commissioners shall be altered by any subsequent board, unless such subsequent board shall be composed of at least nine members.*

This act to be in force till 31st December, 1847.

XVI. *And be it further enacted by the authority aforesaid, That this act shall continue and be in force, from the passing thereof, until the thirty-first day of December, one thousand eight hundred and forty-seven, and no longer: Provided nevertheless, That all offences against an act, entitled "An act for appointing certain commissioners to inspect the books of the receiver-general, and to settle and adjust the public accounts, and for other purposes," passed on the sixth day of November, one thousand eight hundred forty-five, committed before the passing of this act, shall be liable to be prosecuted within six months, either in a summary manner, or in the courts of judicature of this island, and be subject to the several pains and penalties inflicted by the said act, as effectually as if the same continued in force.*

Proviso.

All offences committed under the late act are subject to be prosecuted within six months after the expiration of said act

This act may be altered, &c.

XVII. *And be it enacted, That this act may be altered, or amended, during the present session.*

## C A P. III.

*An act to revive and continue in force, for a limited period, an act, entitled "An act for the further regulation of the service and execution of process, and the returns thereof, and rendering the duty of jurors more equal; for empowering the supreme court of judicature to grant special juries; for granting a daily subsistence to crown witnesses confined in gaol for want of security, and for other purposes; and to amend the twenty-second clause of the said act, and to legalize the fees of the clerk of the crown."*

**W**HEREAS by the act, passed on the thirty-first day of December, one thousand eight hundred and forty-five, entitled, "*An act to revive and continue in force, for a limited period, an act, entitled 'An act for the further regulation of the service and execution of process, and the returns thereof, and rendering the duty of jurors more equal; for empowering the supreme court of judicature to grant special juries; for granting a daily subsistence to crown witnesses confined in gaol for want of security, and for other purposes; and to amend the twenty-second clause of the said act, and to legalize the fees of the clerk of the crown;'*" the act, entitled "*An act for the further regulation of the service and execution of process, and the returns thereof, and rendering the duty of jurors more equal; for empowering the supreme court of judicature to grant special juries; for granting a daily subsistence to crown witnesses confined in gaol for want of security, and for other purposes,*" passed on the twenty-second day of December, one thousand eight hundred and twenty-six, was revived and continued in force until the thirty-first day of December, one thousand eight hundred and forty-six: *And whereas* it is expedient that the twenty-second clause of the said act should be amended, and that in all other respects the said act should be revived and continued for the period hereinafter mentioned, and that the fees of the clerk of the crown should be legalized: *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same,* That all crown witnesses who, from circumstances it may be necessary to confine, in order to secure their attendance at the courts, shall be allowed such sum not exceeding three shillings for each day during his or her confinement, as one of the judges of the supreme court, or the chairman of quarter sessions

Preamble.

Crown-witnesses to be allowed such sum, not exceeding three shillings per day, as the judge or chairman may direct.

9th Victoria, cap. 37,  
revived, and contin-  
ued in force until  
§ 47.

sions shall direct, and that the said act, entitled "*An act for the further regulation of the service and execution of process, and the returns thereof, and rendering the duty of jurors more equal; for empowering the supreme court of judicature to grant special juries; for granting a daily subsistence to crown witnesses confined in gaol for want of security, and for other purposes,*" and every article, clause, matter, and thing therein contained, except the allowance to crown witnesses, as hereinbefore mentioned, be revived, from the passing of this act, and continued, and be, and stand in as full force and effect, as if the same were hereby re-enacted, until the thirty-first day of December, one thousand eight hundred and forty-seven.

Clerk of crown to demand the fees hitherto paid him; in default of payment, attachment may issue.

II. *And be it enacted*, That it shall and may be lawful for the clerk of the crown to demand and take the fees heretofore payable to him by common usage; and in default of payment it shall be lawful for the supreme court to issue attachment in the same manner as it lawfully may in case of non-payment of the fees due and payable to the provost-marshal-general of this island.

Act may be altered, amended, or repealed.

III. *And be it enacted*, That this act may be altered, repealed, or amended, during the present session.

#### C A P. VIII.

*An act to continue in force, for a limited time, the duties on rum, brandy, gin, and other distilled spirits, retailed or consumed in this island.*

Preamble.

**W**HEREAS by an act, passed in the ninth year of the reign of her present majesty, entitled "*An act for laying a duty on rum, brandy, gin, and other distilled spirits, retailed or consumed within this island; and for laying a further tax on licences to be granted for the retailing of brandy, gin, rum, and other distilled spirits,*" a duty of one shilling and six pence per gallon was imposed on all rum, brandy, gin, and other distilled spirits, which, on the twenty-eighth day of September, one thousand eight hundred and forty-five, remained on hand, and which, from that day to the twenty-eighth day of September, one thousand eight hundred and forty-six, should be made in this island, except as in the said act is excepted: *And whereas* it is necessary to provide for the continuance of the said duty until the twenty-eighth day of March, one thousand eight hundred and forty-seven: *Be it therefore enacted*

*acted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same, That the duty of one shilling and six pence per gallon, imposed by the said recited act shall be, and the same is hereby continued, and shall be levied and collected upon every gallon of rum, brandy, gin, and other distilled spirits, which remained on hand on the twenty-eighth day of September, one thousand eight hundred and forty-six, and which, from that date to the twenty-eighth day of March, one thousand eight hundred and forty-seven, shall be made in this island; but nevertheless with the like exceptions as are mentioned in the said recited act.*

The duty of 1s. 6l. per gallon in recited act to be levied on spirits on hand, or to be made to 28th March.

*II. And be it further enacted, That the proprietor, attorney, overseer, or other person in charge of every sugar work, or place on which rum or other spirits are distilled, and every factor, in this island, to whom rum, brandy, gin, or other distilled spirits shall be consigned or entrusted for sale, shall, under and subject to the like penalties as in the said act contained, on the twenty-eighth day of March, one thousand eight hundred and forty-seven, or within twenty days thereafter, make a return, in form similar to that required from each of the said parties under the said recited act, of the quantity of rum, brandy, gin, and other distilled spirits remaining on hand on the twenty-eighth day of September, one thousand eight hundred and forty-six, and which shall be made or come to the hands of each such person from that day to the twenty-eighth day of March, one thousand eight hundred and forty-seven.*

Proprietors, attorneys, factors, &c. to make return of spirits remaining on hand on 28th September, and which shall be made, &c. to 28th March.

*III. And be it further enacted, That the several duties under this act shall be ascertained, raised, levied, collected, and paid in like manner, and under and subject to the like penalties, as the duties under the said recited act were directed to be ascertained, raised, levied, collected, and paid; and all and every the clauses, directions, provisions, powers, authorities, matters, and things in the said act contained, with reference to the duties and licences therein mentioned, shall be, and the same are hereby continued, and extended to the duties under the present act, as fully as if the same were herein repeated and set forth.*

Duties under this act to be ascertained and collected as under former act, and all powers, authorities, penalties, &c. of same to be enforced.

*IV. And be it further enacted, That this act may be altered, amended, or repealed, by any act to be passed in this present session.*

Act may be amended or repealed.

## C A P. IX.

*An act for laying a duty on tonnage, for regulating how the duty of gunpowder, payable on tonnage is to be received, and to enable the receiver-general to import and purchase gunpowder, under certain regulations.*

Preamble.

**W**HEREAS the keeping in repair the several forts and fortifications of this island will be a great protection to the shipping resorting thereto: In order, therefore, to increase the fund already appropriated for that purpose, *We, your majesty's dutiful and loyal subjects, the assembly of Jamaica, do most humbly beseech your majesty that it may be enacted: Be it therefore enacted by the lieutenant-governor, council, and assembly of the said island, and it is hereby enacted by the authority of the same.* That a duty of four pence *per ton* be paid to your majesty, your heirs and successors, to and for the use of the said forts and fortifications, by all ships and vessels that shall enter and clear in this island; that is to say, all ships, sloops, or vessels commonly called sugar droppers, which are or shall be employed in the coasting trade of this island, and all other British vessels trading within the Tropic of Cancer, shall pay four pence *per ton* every twelve months; and on all other vessels which shall enter and clear out of this island, four pence *per ton* shall be paid every voyage.

A duty of 4l. *per ton* to be paid for sugar droppers in the coasting trade, and British vessels trading within the Tropics once every year; and for other vessels every voyage

Masters of vessels are to make entry of the number of tons they contain, and pay the duty.

II. *And, for the better collecting the said duty, be it enacted by the authority aforesaid.* That every master of every ship or other vessel, at the time of making entry of his ship or vessel, shall also make entry, in writing, of the quantity or number of tons his ship or vessel contains, according to the register of the said ship or vessel, and shall immediately pay down the said duty to the receiver-general, in Kingston, and to the sub-collectors of customs at the several outports; and the masters of the said ships, sloops, or other vessels, trading in and about this island, shall, the first time they make entry, make such entry of their tonnage as aforesaid, and pay down the duty for the same, and shall, yearly, and every year after, be charged with and pay down the said duty.

Receiver-general to keep a separate account of these duties; which are to be applied to the forts, &c.

III. *And be it further enacted by the authority aforesaid,* That the receiver-general for the time being shall keep a distinct and separate account of all monies so received; and the same shall be laid

out

out and expended in and about the forts, fortifications, and public buildings, or in such other manner as shall be hereafter by any law or laws directed or appointed.

IV. *And whereas*, by an act of this island, for granting a revenue to her majesty, her heirs and successors, for the support of the government of this island, and for reviving and perpetuating the acts and laws thereof, the captain of her majesty's fort, or any person by him appointed, is bound to receive the gunpowder therein directed to be paid upon the tonnage of ships and other vessels, in specie, and not in gunpowder: *And whereas*, it often happens that the magazines for containing such gunpowder are full, or have a sufficient quantity of gunpowder therein to answer all the services of this island, in which cases the same being paid in money might be more convenient and beneficial: *And whereas*, on the other hand, it is but reasonable that masters and owners of vessels should know, and be prepared to pay, what may in this case be lawfully demanded: *Be it therefore enacted by the authority aforesaid*, That for the future such tax shall be paid in money, at and after the rate of eight pence *per ton*: *Provided*, That all vessels which shall be employed in the coasting trade of this island, and all British vessels trading within the Tropic of Cancer, shall only be required to pay the said rate of eight pence *per ton* once every twelve months.

8l. per ton to be taken instead of gunpowder. Coasting vessels, and British vessels trading within the Tropics, to pay annually.

V. *And*, to prevent any inconveniences which may at any time arise from a scarcity of gunpowder in consequence thereof, *be it enacted by the authority aforesaid*, That it shall and may be lawful to and for the receiver-general for the time being, and he is hereby directed, whenever he shall be thereunto required by the governor, or the person at any time exercising the office or functions of governor of this island, and her majesty's council of this island, either to import gunpowder for the use of her majesty's forts and fortifications, or purchase the same in this island, and pay for the same out of any monies in his hands, arising or to arise by reason or means of receiving money in lieu of gunpowder as aforesaid, or out of any other monies in his hands, arising from any of the annual funds.

Receiver-general empowered to import and purchase gunpowder, when required by the governor and council.

VI. *And be it further enacted by the authority aforesaid*, That when and as often as any gunpowder shall become useless, or unfit for service, or shall have been full four years in the island, the island storekeeper, or the captain of the fort, or other person ap-

Useless or unserviceable gunpowder, or such as shall have been four years in the island, may be delivered to any

person in a certain quantity, on the production of a certificate.

pointed to receive the gunpowder, is hereby authorized and required to deliver any quantity thereof, not exceeding one barrel at one time, to any person who shall produce the following certificate, which certificate shall be signed by one at least of the members of the parish in which the applicant shall reside :

Form of the certificate.

*"I do certify that A. B. is a fit and proper person to be entrusted with gunpowder from the public magazine under your charge, and you are hereby authorized and required to deliver to him pounds of gunpowder, which shall have become useless or unfit for service, or shall have been full four years in the island."*

P. oviso.

*Provided nevertheless, That before the above-mentioned certificate be granted, the following affidavit shall be made before a magistrate, and produced by the person applying for the same :*

Form of the affidavit.

*"I, A. B. do swear, that I am engaged in the erection of buildings or in the formation or improvement of a road (as the case may be), and that pounds of gunpowder are necessary for the effectual completion of the same, and that I will not apply the said gunpowder to any other than the purpose above-mentioned."*

4 Geo. IV. cap. 23, repealed, &c.

Surveyor of shipping to ascertain tonnage of foreign vessels arriving the first time.

His fee.

This act to be in force till 31st December, 1847.

And may be altered, &c.

VII. *And whereas it is expedient that British and foreign vessels should pay the same tonnage duty, be it therefore enacted by the authority aforesaid, That an act, passed in the fourth year of the reign of King George the fourth, entitled "An act to regulate the admeasurement of foreign vessels not belonging to the United States of America," shall be, and is hereby, repealed: And it shall be the duty of the surveyor and admeasurer of shipping, to be appointed by the governor, to admeasure and ascertain the tonnage of all foreign vessels on their arriving the first time at any port in this island, for which service he shall receive twelve shillings from the master of the vessel he shall have admeasured.*

VIII. *And be it further enacted by the authority aforesaid, That this act shall continue and be in force, from the thirty first day of December, in the present year, until the thirty first day of December, in the year of our Lord, one thousand eight hundred and forty-seven, and no longer.*

IX. *And be it enacted, That this act may be altered, amended, or repealed during the present session.*

## C A P. X.

*An act to organize a general police and constabulary force.*

**W**HEREAS it is expedient that provision should be made for organizing a general police and constabulary force: *Be it enacted by the lieutenant-governor, council, and assembly, and it is hereby enacted by the authority of the same,* That it shall be lawful for the governor, or person administering the government for the time being, to nominate and appoint an inspector-general, who shall be charged and invested with the general direction of the force to be established under this law, and such inspector-general shall, upon such appointment, and so long as he shall continue to hold such office, become a justice of the peace for every parish in the island: *Provided always,* That such inspector-general shall not act as a justice of the peace for the purposes of this law, or at any court of general or quarter-sessions, or on any matter out of sessions, except for the preservation of the peace, the prevention of crime, and the detection and committal of offenders.

Preamble.

Governor empowered to appoint an inspector-general of police, who is to be a justice of the peace for every parish.

Proviso.

He is not to act as such at any court of general or quarter-sessions, except for the preservation of the peace, &amp;c.

II. *And,* in order to provide for one uniform system of rules and regulations throughout the whole establishment of police, *be it enacted,* That the said inspector-general may, from time to time, subject to the approbation of the governor for the time being, frame such orders and regulations as he shall deem expedient for the general government of the men to be appointed members of the police force, the places of their residence, the classification, rank, and particular service of the several members, their distribution and inspection, the description of arms, accoutrements, and other necessaries to be furnished to them, and all such orders and regulations relative to the said police force, as the said inspector-general shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of all its duties; and the said inspector-general, and also any of the inspectors, after report made to the inspector-general, and with his sanction, may at any time suspend or dismiss from his or their employment any man belonging to the said police force whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same, and when any man shall be so dismissed, or cease to belong to the said police force, all powers vested in him as a constable, by virtue of this act, shall immediately cease and determine.

Inspector-general to frame rules, &amp;c. for the government and discipline of the police, subject to the approbation of the governor.

III. *And*



Inspector not to impose penalty exceeding 30s.

Proviso.

Oath to be taken by inspector-general and inspectors, &c.

Governor empowered to remove inspector-general or inspectors, as he shall think fit, and fill up vacancy,

and regulations framed for police government to be published.

III. *And be it further enacted*, That no order or regulation authorizing the imposition of a fine on the police, by any inspector, under the provisions hereinbefore contained, shall empower such inspector to impose or inflict a fine or penalty exceeding the sum of thirty shillings: *Provided always*, That no fine, order for suspension, or dismissal, under the second section of this act, shall be made, except after due inquiry therein, a record of which, and the evidence taken, shall be entered in a book to be kept for that purpose at the respective stations, which book shall be kept open between the hours of nine and four of the clock every day, for the inspection of any justice of the peace, or any person authorized by any justice of the peace, applying on behalf of any party aggrieved by any such fine, suspension, or dismissal.

IV. *And be it further enacted*, That the inspector-general, and inspectors to be appointed under this act, shall take the following oath before any two of her majesty's justices of the peace, and such magistrates shall forthwith give to the person taking the same a certificate thereof under their hands, to be forwarded to the governor, or to such person as he shall appoint:

"*I do swear, that I will well and truly serve our sovereign lady the queen in the office of inspector-general (or inspector,) without favour or affection, malice or ill-will; that I will see and cause her majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.*"—So help me God.

V. *And be it enacted*, That it shall be lawful for the governor for the time being, from time to time, as he shall think fit, to remove any inspector-general, or inspector, who may be appointed under this law, and upon any vacancy in the said offices by death, removal, disability, or otherwise, to nominate and appoint some other proper person to fill such vacancy.

VI. *And be it further enacted*, That the inspector-general for the time being shall, from time to time, within one month after the passing of this act, and thereafter, as may be necessary, publish, in the Jamaica Gazette, by authority, all such orders and regulations as shall be framed for the government of the police force, and have been approved of by the governor of this island for the time being.

VII. *And*

VII. *And be it further enacted*, That it shall be lawful for the governor for the time being, to nominate and appoint a medical man, duly qualified to attend each station at which the police may be distributed, at a remuneration, to such medical man for attendance and medicine, at the rate of forty shillings *per annum* for each sergeant, corporal, and policeman at such station; and it shall be the duty of such medical man, when so appointed, to attend the police, their wives, and children, at the station to which he is appointed, and to give his attendance on all casualties requiring medical or surgical aid; and that the expence of such medical men shall be paid out of the public treasury in the same manner as the other contingencies of the police force: *Provided*, That at the country stations the nearest medical man, duly qualified, willing to undertake the duties, shall be appointed; and it shall be lawful for the governor for the time being, as he shall think fit, to remove any such medical men who may be appointed under this law; and upon any vacancy in any of the said parishes or precinct by death, removal, disability, or otherwise, the governor for the time being to nominate and appoint some other proper person to fill such vacancy.

Governor to appoint medical men, who are to attend police men, &c.

Proviso.

VIII. *And be it further enacted*, That the establishment and distribution of the police shall be as exhibited in the following schedule:

Establishment and distribution of the police.

	Inspectors.	Sergeants.	Corporals.	Men.
Saint Catherine.....		1	2	20
Saint Dorothy . . . . .	} 1	1	1	8
Saint John.....		1	1	8
Saint Thomas in the Vale. . . . .	} 1	1	1	12
Kingston.....		1	4	54
Port-Royal.....	} 1	1	1	8
Town of Port Royal.....		1		4
Saint Andrew.....	} 1	1	1	12
Saint Thomas in the East.....		1	2	16
Saint David.....	} 1	1	1	8
Portland.....		1	1	8
Metcalfe.....	} 1	1	1	12
Saint George.....		1	1	12
Saint Mary.....	} 1	1	2	14
Saint Ann.....		1	2	20
Trelawny.....	} 1	1	2	24
Saint James.....		1	2	24
Hanover.....	} 1	1	2	16

	Inspectors.	Sergeants.	Corporals.	Men.
Saint Elizabeth.....	} 1	1	2	16
Westmoreland.....		1	2	20
Manchester.....	} 1	1	2	16
Clarendon.....		1	2	16
Vere.....		1	1	8

Salary of inspector-general and of inspectors.

IX. *And be it enacted*, That the salary of the inspector-general shall be at the rate of six hundred and fifty pounds *per annum*, that the salary of the several inspectors shall be at the rate of three hundred and fifty pounds *per annum*, in full of pay and all other contingencies.

Pay of the sergeants, corporals, and privates.

X. *And be it enacted*, That the pay of the sergeants shall be at the rate of one hundred pounds *per annum*, in full of pay, rations, and clothing, the pay of the corporals shall be at the rate of fifty-five pounds *per annum*, in full of pay, rations, and clothing; and that the pay of the privates shall be at the rate of fifty pounds *per annum*, in full of pay, rations, and clothing: *Provided always*, That no inspector-general, inspector, or other person, enlisted in the police force shall be eligible to hold any other appointment whatever, either public or parochial.

Proviso.  
As to holding other appointments.

No person to be enlisted under 18 or above 45 years of age, nor unless he has been two years in the island.

XI. *And be it enacted*, That no person shall be enlisted in the police force who shall be under the age of eighteen years, or above the age of forty-five years, and that no person shall be enlisted in the police as a private, who shall not have been at least two years in the island.

Rent payable for stations.

XII. *And be it enacted*, That the rent of stations in the parishes of Saint Ann, Trelawny, Saint James, Westmoreland, Saint Catherine, Saint Thomas in the East, Hanover, Saint Elizabeth, Manchester, and Clarendon, shall be at a rate not exceeding ninety pounds *per annum*, each parish; that the rent for stations in the parishes of Saint Mary, Metcalfe, Saint Andrew, Saint Thomas in the Vale, and Saint George, shall be at a rate not exceeding sixty pounds each parish *per annum*; that the rent for stations in the parishes of Saint David, Port-Royal, Portland, Vere, Saint John, and Saint Dorothy, shall be at a rate not exceeding thirty pounds *per annum*, each parish; and that the rent for stations in the city and parish of Kingston, shall be at a rate not exceeding one hundred and twenty pounds *per annum*.

XIII. *And*

XIII. *And be it enacted*, That the number and locality of the stations in the several parishes be fixed and appointed by the justices in sessions assembled.

Stations to be fixed by justices.

XIV. *And be it enacted*, That every sergeant, corporal, and private of police, so appointed or enlisted, shall, at the time of his appointment or enlistment, take the following oath before any of her majesty's justices of the peace :

Oath to be taken by sergeants and privates on enlisting.

" I, A. B. do swear, that I will well and truly serve our sovereign lady the queen in the office of constable and policeman, and that without favour or affection, malice or ill-will, I will see and cause her majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same, and that while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof in the execution of warrants and otherwise, faithfully, according to law."—So help me God.

XV. *And be it enacted*, That the inspector-general, subject to the approbation of the governor for the time being, shall, from time to time, direct a sufficient number of men, belonging to the police force, to be appointed under this law, and of such rank as shall be necessary and proper, to attend on the several courts of justice of this island during the sitting of the same, and on the justices of the peace acting in and for any city, town, parish, or precinct respectively, who shall obey and execute all the lawful warrants, orders, and commands of such justices, in all matters, civil and criminal.

Inspector-general may direct a sufficient number of men as may be necessary, to attend justices of the peace.

XVI. *And be it enacted*, That the duties of the police under this act shall be to serve and execute all summonses, warrants, and other process issuing from the several courts of general, quarter, and special sessions, and from justices of the peace throughout the island, to warn juries for coroners' inquests; to summon and warn the justices and vestry of the several parishes throughout the island to meet when required so to do; to give notice of public and parochial elections; to keep watch in towns during the night, and to preserve the public peace in towns throughout the day, and generally to do and perform all and every the duties heretofore performed by parochial constables, or by any law now in force imposed on such parochial constables.

Duties of the police.

XVII. *And be it further enacted*, That it shall be lawful for the inspector-general, subject to the direction and control of the governor,

Inspector-general to direct inspectors, and the force under them, to go to any other

parish, as may be mentioned in an order for that purpose.

vernor, from time to time, as may be deemed expedient, to order and direct that every or any of the inspectors, and the force under them, or that the whole, or any number of the police force of any parish or precinct, shall go and repair to such place or places in any other parish or precinct as shall be mentioned in such order, and shall remain there for such length of time, or remove to, or remain at, any other place or places in the same, or any other parish or precinct for such time and times; and shall return to his or their original parish or precinct at such time and times respectively as shall be mentioned or directed in or by such order, or by any other order or orders which may, from time to time, be made by such inspector-general, subject to the like direction and control; and that such inspectors, and other policemen, when so removed, shall have the same rights, powers, and authorities, and be subject to the same rules, regulations, and orders, and be in all respects in the same situation in the parish or precinct, or places to which they shall be so removed, as if they had been originally appointed in and for such parish or precinct.

Any person assaulting or resisting a policeman in the execution of his duty, on conviction before a justice, to pay 6l. or the justice may commit the offender for three months.

XVIII. *And be it enacted*, That if any person shall assault or resist any person belonging to the said police force in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being thereof convicted before any two or more justices of the peace, shall, for every such offence, forfeit and pay such sum not exceeding six pounds, as the said justices shall award; and in default of the immediate payment of such fine, then the said justices may commit any such offender, for every such offence, to the common gaol, for any period not exceeding three months.

In any action to be brought against a policeman for any act done in obedience to the warrant of a justice, he is not to be responsible for any irregularity in the issuing of the warrant, &c.

XIX. *And be it further enacted*, That when any action shall be brought against any constable or policeman for any act done in obedience to the warrant of any justice, such constable or policeman shall not be responsible for any irregularity in the issuing of such warrant, or for any want of jurisdiction in the magistrate issuing the same, and such constable or policeman may plead the general issue, and give such warrant in evidence; and upon producing such warrant, and proving that the signature thereto is the hand-writing of the person whose name shall appear subscribed thereto, and that such person is reputed to be, and acts as a magistrate of such parish or precinct (as the case may be), and that the act or acts complained of were done in obedience to such warrant, the jury, who shall try the said issue, shall give a verdict for such constable or policeman,

man, and such constable or policeman shall recover his costs of suit: *Provided always*, That any policeman or constable, acting under the authorities of this act, shall, if required so to do, in the execution of any warrant to him directed, produce the same to the party or parties taken into custody thereunder, either at the time of the caption, or at any time afterwards, while the same remains in his custody.

*Proviso.*  
Policeman to produce warrant if required.

XX. *And be it enacted*, That no constable or policeman, to be appointed under this act, shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless permitted so to do in writing by the inspector general, or inspector under whom he may be placed; and if any such constable or policeman shall so resign or withdraw himself without such previous permission, he shall, for such offence, forfeit and pay a sum not exceeding ten pounds, on conviction before any two or more justices of the peace; and it shall and may be lawful for such justices, in case such penalty shall not be paid, to commit such person to the common gaol for any period not exceeding sixty days.

No policeman allowed to resign without the authority of the inspector-general, or the inspector.

Penalty in case he resigns without permission.

If fine is not paid, justice to commit him for sixty days.

XXI. *And be it further enacted*, That when any constable or policeman, to be appointed under this act, shall be dismissed from, or shall cease to hold and exercise his office, all powers and authorities vested in him as a constable or policeman shall immediately cease and determine to all intents and purposes whatsoever; and if any such constable or policeman shall not, within one week after he shall be dismissed from, or cease to hold and exercise his office, deliver over all and every the arms, ammunition, and accoutrements, uniform, and other appointments whatsoever which may have been supplied to him for the execution of such office, to such person, and at such time and place as shall be directed by the inspector-general, or the inspector under whom he may be placed, every person making default herein shall, upon conviction for every such offence before two or more justices of the peace, be subject and liable to imprisonment in the common gaol, for any period not exceeding three calendar months, as such justices may direct; and it shall be lawful for any such justices, and they are hereby authorized and required, to commit every such offender accordingly, and to issue their warrant to search for and seize, to the use of her majesty, all and every the arms, ammunition, accoutrements, uniform, and other appointments whatsoever, which shall not be so delivered over, wherever the same shall be found.

Powers of policeman cease on his resignation or dismissal.

He must deliver over his arms, &c. within one week thereafter.

Punishment in case of default.

Justice to commit offender, and issue warrant to search for arms, which shall not be delivered over.

Penalty in case of neglect of duty or disobedience of orders, by policeman, which is to be deducted out of his salary.

If penalty is not paid, justices to commit the offender.

Penalties to be paid to inspector-general.

How and by whom complaints may be heard.

Persons giving false evidence, or taking a false oath, guilty of perjury.

Any person taken into custody by police without the warrant of a justice, to give bail to appear for examination, &c.

XXII. *And be it enacted*, That if any constable or policeman, to be appointed under this act, shall be guilty of any neglect or violation of duty in his office, or shall neglect or refuse to obey any order of any justice of the peace, or to execute any warrant lawfully directed to be by him executed, or shall be guilty of any disobedience of the orders and regulations framed as hereinbefore mentioned by the said inspector-general, or of other misconduct as a constable or policeman, save and except such disobedience as the inspector shall have controul of under the said orders and regulations, he shall, for every such offence, on conviction thereof before any two or more justices of the peace, forfeit and pay a penalty not exceeding six pounds; and the amount of such penalty shall and may be deducted from and out of any salary accruing due to such offender under this act; and it shall and may be lawful for such justices, in case such penalty shall not be paid, to commit such person to the common gaol for any period not exceeding three months; and all penalties so to be levied shall be paid to the inspector-general, to be applied and accounted for to the purposes of this act.

XXIII. *And be it enacted*, That it shall and may be lawful to and for the inspector general, to be appointed under this act, or any other person or persons to be nominated for the purpose from time to time by the governor, to examine on oath into the truth of any charges or complaints preferred against any person to be appointed under this act, of any neglect or violation of any of the rules and regulations to be made by the inspector-general, under the sanction of the governor as aforesaid, and to report thereon to the governor; and any person who, on such inquiry, or on any other occasion on which an oath may be administered under this act, shall give false evidence, or take a false oath, and be thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to.

XXIV. *And be it enacted*, That where any person charged with any misdemeanor or petty felony shall be brought without the warrant of a justice of the peace into the custody of any inspector, sergeant, or corporal of police, appointed under this act, it shall be lawful for such inspector, sergeant, or corporal of police, if he shall deem it prudent, (provided the attendance of the justice of the peace before whom the party charged with such misdemeanor or petty felony

is to be taken for examination on such charge, cannot be procured within twenty-four hours,) to take bail, by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination before a justice of the peace of some place to be specified in the recognizance, and at such earliest time then next after, when such justice of the peace shall be in attendance; and every recognizance, so taken, shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for estreating thereof, as if the same had been taken before a justice of the peace; and the name, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, shall be entered in a book to be kept for that purpose, which shall be laid before such justice as shall be present at the time and place when and where the party is required to appear; and if the party do not appear at the time and place required, or within twenty-four hours after, the justice shall cause a record of the recognizance to be drawn up, and shall return the same to the next general or quarter-sessions for the parish or precinct in which the offence charged should be brought for trial, with a certificate at the back thereof, signed by such justice, that the party or parties have not complied with the obligation therein contained, and the clerk of the peace shall make the like extracts and schedules of every such recognizance as of recognizances forfeited in the sessions of the peace; and if the party not appearing shall apply, by any person on his behalf, to postpone the hearing of the charge against him, and the justice shall think fit to consent thereto, the justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the sessions, or otherwise, the recognizances for the appearance of the party before a justice shall be discharged without fee or reward.

XXV. *And be it further enacted*, That if any person, not appointed and acting under this act, shall have in his possession any arms or ammunition, or any article of clothing, accoutrements, or other appointments supplied to any person under this act, and shall not be able satisfactorily to account for his or her possession thereof, or shall put on or assume the dress, name, designation, or description of any person or persons, or any class of persons appointed under this act, for the purpose of thereby obtaining admission into any house or other place, or of doing, or procuring to be done,

any

How the party failing to appear at the time mentioned in the bond is to be proceeded against.

Any person in possession of arms, &c. of a policeman, and not accounting satisfactorily for them, or assuming the dress, &c. of one, to pay twelve pounds in addition to any other punishment which justice may order.



any other act which such person or persons so putting on or assuming such dress, name, or designation would not by law be entitled to, or procure to be done of his or their own authority, every such person so offending shall, in addition to any other punishment to which he or she may be liable for such offence, on conviction before any two or more justices of the peace, forfeit and pay for every such offence any sum not exceeding twelve pounds, and every such penalty shall be paid over to the inspector of the parish in which the offence shall be committed, and by him paid over to the inspector-general, to be applied and accounted for to the purposes of this act, and in default of the immediate payment of such fine, then the said justices may commit such offender, for every such offence, to the common gaol or house of correction, with or without hard labour, for any period not exceeding six months.

Receiver-general to pay to the order of the commissioners of accounts the money required for the purposes of this act.

XXVI. *And be it enacted*, That the receiver-general do, and he is hereby required, out of any monies in his hands belonging to the public, to pay to the order of the commissioners of public accounts such sums of money as may be necessary for the purposes of this act.

Auditor of accounts to be appointed.

XXVII. *And be it enacted*, That the commissioners of accounts are hereby authorized and empowered to appoint a person, at a salary not exceeding one hundred pounds, to examine and audit all the accounts under this act, and the inspector-general shall direct all such accounts to be laid before such person so appointed; and the said auditor shall, once in every quarter, lay the quarterly accounts, in detail, of the disbursements incurred under the provisions of this act, before the said commissioners, and also publish an abstract of the same in the Jamaica Gazette, by authority.

Inspector-general and inspectors to transmit account of fines and penalties to auditor.

XXVIII. *And be it enacted*, That the inspector-general, and the several inspectors to be appointed under this act, shall, and they are hereby required, from time to time, to transmit to the auditor of accounts, to be appointed under this act, a separate account of all fines and penalties paid into their hands, under and by virtue of any of the provisions of this act.

Appointments, &c. under this act exempted from stamp duty.

XXIX. *And be it enacted*, That no appointment, or any proceedings under this act, shall be subject to any stamp duty.

XXX. *And*

XXX. *And be it enacted*, That the inspector-general, and the several inspectors to be appointed under this act, for the several parishes or districts, shall, so long as they remain such inspector-general, or inspector, and no longer, be exempt from the payment of public and parochial taxes, to be laid and assessed under and by virtue of any act of this island, for the house solely occupied by such inspector-general, or inspector, as well for four horse-kind, and no more: *Provided*, Such horses actually belong to, or are in the continued and permanent possession of and used by such inspector-general, or inspector, in the performance of his duty under this act: *And provided also*, That such release from taxation shall be confined to the dwelling-house only of any such inspector-general, or inspector, and that a separate valuation of premises other than one dwelling-house, either attached thereto or apart therefrom shall take place, and any such inspector-general, or inspector, possessing lands or premises attached to his dwelling shall be considered taxable for the same.

Inspectors exempted from payment of taxes.

Provide.

Provide.

XXXI. *And be it further enacted*, That each of the sergeants of police shall be exempted from the payment of taxes on two horses, and each corporal and private from the payment of taxes on one horse.

Sergeants and corporals exempt from payment of taxes.

XXXII. *And whereas* sufficient provision is made by this enactment for all the exigencies of the island, as respects a constabulary force, and it is unnecessary to continue to the public and parishes the expence of maintaining parochial constables for the preservation of the peace, the serving of process, civil and criminal, and attendance on the courts of justice: *Be it therefore enacted by the authority aforesaid*, That an act, passed in the fourth year of the reign of his late majesty king William the fourth, chapter thirty-seven, entitled "*An act for providing constables to attend in the several courts of this island*;" also so much and such part of the tenth section of another act, passed in the sixth year of the reign of his said late majesty, chapter thirty-two, as empowers the justices and vestries to raise money for the payment of constables, be and stand repealed, and the same are hereby repealed accordingly.

Such part of 4 Wm. IV. c. 37, and 6 Wm. IV. cap. 32, as empowers justices to raise money, &c. repealed.

XXXIII. *And be it enacted*, That no person appointed to the police force under the provisions of this act, during the time he shall continue to hold such appointment, shall, under pain of dismissal from his office, give his vote for the election of a member to serve

No person appointed under this act to vote for members of assembly, or parochial officers.

in

in the house of assembly, or for the election of churchwarden, vestryman, or other parochial officers; nor shall any such person, under the like penalty, by word, message, writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a member in the house of assembly, churchwarden, vestryman, or other parochial officer: *Provided always*, That nothing in this enactment contained shall subject any constable to any penalty for any act done by him at or concerning any such election in the discharge of his duty.

Proviso.

This act to be read aloud each quarter to policemen.

XXXIV. *And be it enacted*, That this act, and every matter, clause, and thing therein contained, shall be read aloud once in each quarter by each inspector or sergeant to the men under his command; and for every refusal or neglect to assemble his men at the time and times hereinbefore directed for the purpose aforesaid, he shall forfeit a penalty of five pounds.

Recovery of fines and penalties.

XXXV. *And be it further enacted by the authority aforesaid*, That all fines and penalties imposed by this act, the means of recovering which are not specifically pointed out and directed, save and except such as are imposed by the inspectors under the rules and regulations as aforesaid, shall be recovered in a summary manner before any two or more of her majesty's justices of the peace of the parish or precinct where the offence is committed, not being the inspector-general, or any inspector, and in default of immediate payment, to be enforced by warrant of distress and sale of the offenders' goods and chattels; and should there not be sufficient goods and chattels whereon to levy, then by commitment of the offender to the gaol of the parish for any period not exceeding three calendar months; and in respect of any fines and penalties imposed by this act for any breach of the rules and regulations as aforesaid, the same shall be recovered by deducting the amount from any pay due, or becoming due to any policeman, and applying the same to the purposes of this act.

Application thereof.

XXXVI. *And be it enacted*, That all fines recovered before two or more justices under this act, the application whereof is not hereinbefore specifically directed, shall be paid over to the receiver-general, for the use of the island.

Receiver-general to pay £200 for contingencies.

XXXVII. *And be it enacted*, That a sum not exceeding eight hundred pounds be paid quarterly by the receiver-general, to provide

vide wood and water, and to meet the other contingencies of the establishment: *Provided*, That a statement of such contingencies shall have been submitted to the auditor, and approved of by the commissioners of accounts.

XXXVIII. *And be it enacted*, That this act shall continue in force from the thirty-first day of December, in the present year, until the thirty-first day of December, one thousand eight hundred and forty-seven.

This act to be in force till 31st December, 1847.

XXXIX. *And be it enacted*, That this act may be altered, amended, or repealed, during the present session.

Act may be altered or repealed.

### C A P. XIII.

*An act to continue in force, for a limited period, an act, entitled "An act for the encouragement of immigration."*

WHEREAS an act, passed in the ninth year of her present majesty's reign, entitled "*An act for the encouragement of immigration*," will shortly expire: *And whereas*, by the eighteenth clause of the said recited act, it is enacted that the said act shall continue and be in force until the thirty-first day of December, in the present year, one thousand eight hundred and forty-six: *And whereas* it is expedient to continue the said act in force for a longer period than is therein enacted: *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same*, That the said act, entitled "*An act for the encouragement of immigration*," and every article, clause, matter, and thing in the said recited act contained, be continued in force, from the first day of January next, and be and stand in as full force and effect, as if the same were herein and hereby re-enacted, until the thirty-first day of March, one thousand eight hundred and forty-seven.

Preamble.

Former act continued in force till 31st March, 1847.

II. *And be it enacted*, That this act may be amended, altered, or repealed, during the present session of assembly.

Act may be amended or repealed.

## C A P. XV.

*An act to continue in force, for a limited period, an act, entitled "An act appointing commissioners for superintending the buildings belonging to the public, and for appropriating the grants allotted thereto."*

Preamble.

WHEREAS an act, passed in the ninth year of her present majesty's reign, entitled "*An act appointing commissioners for superintending the buildings belonging to the public, and for appropriating the grants allotted thereto,*" will shortly expire: *And whereas*, by the seventeenth clause of the said recited act, it is enacted that the said act shall continue and be in force until the thirty-first day of December, in the present year, one thousand eight hundred and forty-six: *And whereas* it is expedient to continue the said act in force for a longer period than is therein enacted: *Be it therefore enacted by the lieutenant-governor, council, and assembly of this island, and it is hereby enacted by the authority of the same*, That the said act, entitled "*An act appointing commissioners for superintending the buildings belonging to the public, and for appropriating the grants allotted thereto,*" and every article, clause, matter, and thing in the said recited act contained, be continued in force, from the first day of January next, and be and stand in as full force and effect as if the same were herein and hereby re-enacted, until the thirty-first day of March, one thousand eight hundred and forty-seven.

Former act continued in force till 31st March, 1847.

Act may be amended or repealed.

II. *And be it enacted*, That this act may be amended, altered, or repealed, during the present session of assembly.

## C A P. XXI.

*An act to raise a revenue by duty on all articles imported into this island for internal consumption, and to grant a drawback of such duties on certain articles when exported from this island, and on which the import duties have been paid.*

**W**HEREAS it is requisite to provide means to meet the exigencies of the island: *Be it therefore enacted by the governor, council, and assembly of this island, and it is hereby enacted and ordained by the authority of the same,* That from and after the fifth day of April next, and until the thirty-first day of July, in the present year, one thousand eight hundred and forty-seven, and until the bill passed by the house of assembly, entitled "*An act to repeal certain duties of customs levied under an act of the imperial parliament, entitled 'An act to regulate the trade of the British possessions abroad,'*" shall have passed into law, there shall be raised, levied, and paid to her majesty, for the use and benefit of the government of this island, upon the several articles enumerated and described in the schedule hereto annexed, marked A, the several duties respectively inserted and set forth in the column of the said schedule headed "*duties under island act;*" which duties, in respect of foreign goods, shall be taken and levied above and in addition to the duties chargeable by the British act, eighth and ninth Victoria, chapter ninety-three, as shewn and set forth in the column of the said schedule, marked A, headed "*additional duties under eighth and ninth Victoria, chapter ninety-three.*"

II. *And be it further enacted,* That from and after the first day of August, in the present year, one thousand eight hundred and forty-seven, or as soon thereafter as the bill, passed by the house of assembly, entitled "*An act to repeal certain duties of customs levied under an act of the imperial parliament, entitled 'An act to regulate the trade of the British possessions abroad,'*" shall have passed into law, there shall be raised, levied, and paid to her majesty, for the use and benefit of the government of this island, upon the several articles enumerated and described in the schedule hereto annexed, marked B, the several duties respectively inserted and set forth in the said schedule: *Provided nevertheless, and it is hereby further enacted,* That in case the bill, which passed the house of assembly of this island on the third day of March, in the present year, one thousand eight hundred

Preamble.

After the 5th April next, duties to be levied according to the schedule herunto annexed.

From and after the 1st of August next, the duties to be levied according to schedule B.

In case bill passed on 3d March, 1847, does not become law, then schedule B to be void, and duties

to be paid under  
schedule A.

hundred and forty-seven, entitled "*An act to repeal certain duties of customs levied under an act of the imperial parliament, entitled 'An act to regulate the trade of the British possessions abroad,'*" shall not become law, or shall cease to be in operation, then the schedule hereunto annexed, marked B, shall become void, and of no effect; and all duties herein imposed shall be raised, levied, and paid upon the several articles enumerated and described in the schedule marked A, alone, and no other.

The duties to be  
levied and recovered  
by the officers of the  
customs, under a  
British act.

III. *And be it further enacted*, That the duties referred to in the preceding clause shall be levied, recovered, and received by her majesty's officers of customs in this island, under the regulations and by the means and powers of an act, passed the parliament of the united kingdom of Great-Britain and Ireland, in the eighth and ninth years of her majesty queen Victoria, entitled "*An act to regulate the trade of the British possessions abroad.*"

Duties received to  
be paid to the re-  
ceiver-general.

IV. *And be it further enacted*, That the produce of the duties so received by the means and powers of the said act, shall be paid by the said officers of the customs, each and every month, into the hands of the receiver-general, to be applied to such uses as shall be directed by the legislature of this island.

Provision as to the  
increase of the offi-  
cers of the customs

V. *And whereas* it may be necessary, for the purpose of carrying into effect the provisions of this act, that an increase should be made to the establishment of her majesty's officers of customs in this island, particularized in an act, passed in the seventh year of her majesty, chapter nine, entitled "*An act to provide salaries in lieu of fees to the custom-house officers, by a duty on shipping:*" *And whereas*, it is necessary to provide for payment of the expense of such increased establishment: *Be it further enacted*, That a sum not exceeding one thousand five hundred pounds shall be paid by the receiver-general of this island, out of any monies in his hands unappropriated, to the order of the collector and controller of customs at Kingston for the said purpose, such sum to be paid by quarterly payments: *Provided always*, That if, at any time, there shall be a surplus of the money so granted as aforesaid, and which may not be required for the payment of the salaries occasioned by the increase of the establishment of the officers of her majesty's customs, it shall and may be lawful for the collector and controller aforesaid to apply the same to the liquidation of any incidental charges arising from the operation of this act, provided an account of the incidental expenses so paid shall be laid before the house of assembly.

Proviso.  
Application of the  
surplus of any mo-  
ney granted as  
aforesaid.

VI. *And*

VI. *And be it further enacted*, That in all cases where the duties imposed by this or any other act upon the several articles enumerated and described in the schedule hereunto annexed on importation into this island are charged, not according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be taken to be the first cost of the articles, including packages, at their place of shipment, without the addition of any shipping or other charges thereon, [and] shall be ascertained by the oath of the importer of such articles, or his known agent, in manner and form following, (that is to say)

Where duties are charged, not according to weight, gauge, or measure, but according to value, the same shall be ascertained by oath of the importer.

"I, A. B. do hereby make oath that the invoice now produced is a true and faithful invoice of the goods imported by me in the master, from \_\_\_\_\_, and set forth in the said invoice; and that I verily believe such invoice price is the current value of the goods at the place from whence the said goods were imported; and I further make oath, that I am not in possession of, nor is there to my knowledge any other invoice for the said goods than that now produced.—So help me God.

A. B.

Sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_ 184  
C. D. J. p."

Which oath shall be attached to the invoice, and produced to the collector, controller, or other proper officer, at the time of paying the duty on such goods; and such collector, controller, or other proper officer are hereby empowered and required to demand such invoice, with such oath thereunto attached, previous to the entry of any goods on which an "ad valorem" duty may be due under this or any other act for the regulation of her majesty's customs; and if any person shall be convicted of making a false oath, touching any of the facts relating to such invoice or invoices, every such person, so convicted as aforesaid, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury: *Provided always*, That on the declaration of the importer, or his known agent, that no invoice of the articles about to be entered has been received, then, and in such case, the articles shall be examined by two competent persons to be nominated and appointed, one by the collector and controller, or other proper officer, the other by the importer of the articles in question; and such persons shall declare, on oath, before any justice of the peace, what is the true and real value of such articles at the time of importation; and the value, so declared on the oaths of such persons, shall be deemed to be the true and real value of such

Which is to be attached to the invoice, and produced to the collector or controller, &c. previous to entry of goods.

Punishment of persons guilty of perjury.

Proviso.  
In cases where invoice has been received.



such articles, and upon which the duties imposed by this act shall be charged and paid.

Application of monies to arise by this act.

VII. *And be it further enacted by the authority aforesaid,* That all and every sum and sums of money, to arise by virtue of this act, shall be paid and applied to the use of the public, in discharge of any claim, demands, or services provided for or directed to be paid by any act now in force, or passed, or to be passed, during this present or next session of assembly.

Collector of customs may demand security from clerks.

VIII. *And be it enacted,* That the collector and controller of her majesty's customs at the port of Kingston are hereby authorized and required to take such security from all and every person or persons appointed, or to be appointed as clerks for the purpose of carrying into effect this act, as to them shall seem necessary to their own protection, in any sum to the extent of five hundred pounds sterling, for the faithful discharge of his or their duties, such bond to be taken in the names of the collector and controller for the time being, with one or more surety or sureties.

On certificate of delivery of articles other than stated in entry, receiver-general to return the difference of duty.

IX. *And whereas* it happens, on the measurement of lumber, and the reckoning of staves and shingles, that the quantity turns out to be different from what appears in the manifest or account delivered in at entry by the master: *Be it enacted,* That upon a certificate from the officers of customs, showing an actual delivery of a lesser quantity of such articles than was stated in the entry, and duty paid thereon, it shall be lawful for the receiver-general to return such difference of duty, provided the amount thereof upon the whole of the cargo shall not be under two pounds.

Further exceptions.

X. *And be it further enacted,* That the importation of fresh meats, fresh fish, poultry, fruits, and vegetables, (not being dutiable articles,) on board a vessel laden with ice, shall not subject such vessel to tonnage duty.

British goods entitled to drawback on exportation.

XI. *And be it further enacted,* That all British manufactured goods, or goods the produce of British possessions within the limits of the East India company's charter, imported into this island, on which an *ad valorem* duty has been duly paid, at the rate of four pounds *per cent.* shall be entitled, on exportation from this island within three years of the date of their first importation, to the drawback granted under the respective acts by which such duties shall have been levied, on the production of a like certificate as required by the next section of the present act.

XII. *And*

XII. *And be it further enacted,* That no drawback shall be allowed upon the exportation from this island of any British goods, or goods the produce of British possessions within the limits of the East-India company's charter, unless such goods shall have been entered in the name of the person who was the real owner thereof at the time of entry and shipping, or of the person who had actually purchased and shipped the same; and that such owner, or person, shall make and sign an affidavit, in writing, according to the form set forth in this act, that the goods mentioned therein have been duly imported by him, or that he purchased the same from the original importer, and that the *ad valorem* duty of four *per cent.* imposed by this act, or any former act, has been duly paid thereon, and that the said goods are intended for shipment on board the  
 master, for

No drawback allowed on goods exported, unless entered in the name of the real owner, or of the person who actually purchased and shipped the same.

XIII. *And be it further enacted,* That no drawback shall be allowed upon the exportation of any British goods, or goods the produce of British possessions within the limits of the East-India company's charter, upon which the *ad valorem* duty of four pounds *per cent.* has been paid, unless such goods be shipped within three years after the payment of the duties inwards thereon, and that no drawback shall be allowed upon any British goods, which, by reason of damage or decay, shall become of less value for home use than the amount of such drawback; and all goods so damaged, which shall be cleared for any drawback, shall be forfeited, and the person who caused such goods to be so cleared, shall forfeit the sum of two hundred pounds.

Nor unless shipped within three years of the payment of the duties inwards.

Nor on damaged goods exported.

XIV. *And be it further enacted,* That if any British goods, which have been cleared to be exported for any drawback, shall not be duly exported to parts beyond the seas, or shall be re-landed in any part of this island (such goods not having been duly re-landed, or discharged as short shipped under the care of the proper officers), the same shall be forfeited, together with any ship, vessel, boat, or craft, which may have been used in so re-landing or carrying such goods; and any persons by whom, or by whose means or orders, such goods shall have been so re-landed or carried, shall forfeit a sum equal to treble the value of the said goods.

Goods cleared for exportation and re-landed, forfeited with vessel, and shipper mulcted in treble the value of the goods.

XV. *And be it further enacted,* That for the purpose of computing and paying any drawback payable upon any British goods duly entered, shipped, and exported, and upon which an *ad valorem* duty of four pounds *per cent.* has been paid, a debenture shall, within ten  
 days

A debenture to be prepared by person claiming drawback, within ten days after sailing of the vessel.

days after the sailing of the exporting vessel, be prepared by the party claiming the drawback, accompanied by the affidavits before-mentioned, and shall be laid before the collector and controller, who shall certify to the due entry outwards of such goods, and, from the value stated in the affidavits, shall compute the amount of duty to be returned; and which debenture, when signed by the collector and controller, shall be delivered to the party claiming the drawback, who, upon presenting the said debenture to the receiver-general, shall receive the amount of such drawback due thereon, and which the receiver-general is hereby authorized and required to pay.

Receipt on debenture to be sufficient discharge to receiver-general.

XVI. *And be it further enacted*, That the receipt of such owner, merchant, or exporter, or his known agent, on the debenture, be the discharge to the receiver-general for such drawback.

Parties valuing goods at a higher rate than when duty was paid, forfeit £100.

XVII. *And be it further enacted*, That if, on the exportation of any British goods for drawback, the value thereof shall be found to be greater than the amount at which such goods were valued at the time of importation, and on which the import duty was then paid, the party claiming the drawback shall forfeit the sum of one hundred pounds.

Penalties recoverable under British act, 8th and 9th Vic. cap. 93.

XVIII. *And be it further enacted*, That all penalties and forfeitures, which may be incurred under this act, shall and may be prosecuted, sued for, and recovered under an act, passed by the British parliament in the eighth and ninth years of the reign of Queen Victoria, chapter ninety-three, entitled "*An act for regulating the trade of the British possessions abroad.*"

How to be appropriated.

XIX. *And be it further enacted*, That all penalties and forfeitures recovered under this act shall be paid into the hands of the collector of the port or place where the same shall have been recovered, and shall be divided, paid, and applied as follows; that is to say, after deducting the charges of prosecution from the produce thereof, two-third parts of the nett produce shall be paid into the hands of the receiver-general for the use of the island, and the other third part to the person who shall seize, inform, and sue for the same.

Importer of goods found damaged must report to collector, &c.

XX. *And be it further enacted*, That in the event of any British goods, the import duty on which has been paid under this act at the time of the entry, being found at the time of landing to be damaged,

maged, the importer of such goods shall immediately (or within four days of the landing of such goods) report to the collector and controller the name of the vessel in which such goods were imported, and that he intends to claim an allowance for such damage, it shall then be lawful for the collector and controller, on proof being made to their satisfaction that such goods were so damaged, to grant a certificate, setting forth the amount of such damage; which certificate, upon being presented to the receiver-general, that officer is authorized and required to return such amount of duty as shall be set forth in the certificate of the collector and controller aforesaid.

XXI. *And be it further enacted*, That upon the exportation of any articles, the produce or manufacture of the united kingdom, or of the British North-American colonies, and fisheries, which shall have paid the duties imposed by this act, it shall be lawful for the receiver-general to return to the person exporting the said goods the whole of the duty paid thereon, such duty to be returned under the regulations set forth in the twelfth section of this act: *Provided always*, That the following goods, whether the produce and manufacture of the united kingdom, or of some other British possession, shall not be entitled to such drawback, if exported in less quantities than fifty barrels of flour, five hogsheads of bulk, or fifteen barrels of bottled ale, beer, or porter; fifty barrels of beef, pork, or pickled fish; ten thousand pounds weight of dried fish; twenty-five barrels of tongues; ten thousand feet of lumber, and twenty thousand shingles.

Duties upon British goods exported to be returned.

Proviso.

XXII. *And be it further enacted*, That upon the exportation of any foreign goods, not being bondable under the British act regulating the trade of the British possessions abroad, which shall have paid the duties imposed by this act, it shall be lawful for the receiver-general to return to the person exporting the said goods the whole of the duty paid thereon, such duty to be returned under the regulations set forth in the twelfth section of this act: *Provided always*, That the following goods shall not be entitled to such drawback, if exported in less quantities than fifty barrels of meal or other flour not wheat; fifty barrels of bread; ten thousand feet of lumber, and twenty thousand shingles.

Duties upon foreign goods exported to be returned.

Proviso.

XXIII. *And be it further enacted*, That all and every officer or officers of her majesty's army on duty within this island, and every commissioned officer or officers of her majesty's fleet serving on

Spirits or wines imported by, or sold to officers of the army or navy, exempted from duty.

Receiver-general to remit duties on certificate of collector, &c. of payment of same, accompanied by certificate of officer claiming the drawback, that the article was imported or purchased by him for private use, or for any mess.

Proviso.

this station, who shall import into this island any wines, brandy, or other distilled spirits, or who shall purchase from any importer or trader resident in this island, any quantity (not less than fifty gallons) of the aforesaid articles, expressly for his or their private consumption, or for the consumption of any military or naval mess, shall be entitled to a remission of the duties chargeable by this or any other act upon the importation of the said articles: And the receiver-general is hereby required and directed to remit such duties, on a certificate being produced to him from the collector and controller of the payment thereof, on importation, together with a certificate from the respective officer or officers claiming to receive the drawback, testifying the quantity of each article; and that the same was imported or purchased from an importer, (who in such case shall be named at length), expressly for his or their private consumption, or for the consumption of any military or naval mess, and that the said articles are in the actual possession of such officer or officers, or mess, claiming the drawback: *Provided*, That every such certificate shall be countersigned by the officer for the time being commanding her majesty's forces, or by the admiral, or officer commanding the fleet on this station, as signifying their approval thereof.

Receiver-general to pay a sum not exceeding £1600 to defray the expense of the customs' establishment, &c.

XXIV. *And whereas* certain contingent expenses of the customs' establishment of this island, formerly paid out of the old crown duties, are now unprovided for, in consequence of the repeal of those duties by the British act, fifth and sixth Victoria, chapter forty-nine: *And whereas* the duties now received by the officers of her majesty's customs under the act eighth and ninth Victoria, chapter ninety-three, are now paid over in full into the hands of the colonial treasurer, and it is necessary to make provisions for the said contingent expenses: *Be it enacted*, That a sum not exceeding in the whole one thousand six hundred pounds be paid over by the receiver-general to the collector and controller of Kingston, such sum to be paid by quarterly payments, for defraying the incidental expenses of the several customs' establishments in this island, the collector and controller of Kingston laying before the house of assembly an account of such annual expenditure up to the thirty-first day of October in each year.

XXV. *Whereas* it often occurs that importers of goods do not receive their invoices in time to enable them to pay the exact duties with which such goods are chargeable: *And whereas* it is necessary to provide for the repayment of duties so overpaid: *Be it enacted*,

*enacted*, That whenever it shall appear, by the certificate of the officers of the customs, that a larger amount of duty has been paid than ought to have been, it shall be lawful for the commissioners of public accounts to authorize and direct the receiver-general to repay the amount of duties so overpaid.

Commissioners of accounts to authorize the repayment of overpaid duties.

XXVI. *Whereas* it often occurs that goods, on being landed, are found to be so deteriorated in quality, by damage or otherwise, as not to be of the value of the duties paid thereon: *Be it enacted*, That whenever it shall appear, by the certificate of the officers of the customs, that such goods have been abandoned and destroyed, it shall be lawful for the commissioners of public accounts to authorize and direct the receiver-general to refund the amount of the duties paid thereon: *Provided*, That on all applications for remission of duties under this clause, for damage in respect to alewives and herrings imported from any of the British possessions in North America, or from the united kingdom, it shall be sufficient that the certificate of survey states that the said fish is unmerchantable, and unfit for human food, and that the same has been disposed of for agricultural purposes, and have not realized the amount of the duty, which shall be as valid for the remission of the duties by the receiver-general, as if the said fish had been actually destroyed.

They are also to direct duties to be refunded, if goods are damaged or destroyed.

Proviso, as to damaged fish.

XXVII. *And be it further enacted*, That it shall be lawful for the importer of any beef, pork, or flour, the produce of, and imported from, the united kingdom, or any of the British North-American colonies, to warehouse the same in warehouses approved of by the collector and controller of her majesty's customs at the port of Kingston, or by the sub-collectors at the respective ports of Montego-Bay and Falmouth, in this island, without payment of any duty on the first entry thereof, subject to the rules, regulations, restrictions, and conditions, set forth in the "*Act for regulating the trade of the British possessions abroad.*"

Importers of British beef, &c. may bond same.

XXVIII. *And be it further enacted*, That it shall be lawful for the importer of any rice, whether the same be of foreign production, or the production of places within the limits of the East-India Company's charter, to warehouse the same in warehouses approved of by the collector and controller of her majesty's customs at the port of Kingston, or by the sub-collectors at the respective ports of Falmouth and Montego-Bay, in this island, without payment of any duty on the first entry thereof, subject to the rules, regulations, restrictions, and conditions set forth in the "*Act for regulating the British possessions abroad.*" *Provided always*, That such

Importers of rice may bond same.

Proviso.

Proviso.

rice shall not be taken out of the said warehouses in less quantities than twenty tierces or fifty bags, either for the purpose of home consumption or exportation: *Provided nevertheless*, in the event of the bill, passed by this house, entitled "*An act to repeal certain duties of customs levied under an act of the imperial parliament, entitled 'An act to regulate the trade of the British possessions abroad,'*" shall pass into law, that from and after the first day of August next, beef, pork, wheat flour, wheat, rice, wines, spirits, cordials, tobacco, manufactured and unmanufactured, and indigo, shall be the only articles permitted to be bonded,

Wines, &c. in bond to be re-gauged on being taken out, and duty paid on actual quantity, &c.

XXIX. *And whereas*, it is only just, in principle, that parties bonding wines and spirits, under the provisions of this act, shall be relieved from payment of duties on deficiencies in quantity, arising from unavoidable loss by leakage or evaporation, whilst in the warehouse: *Be it enacted*, That all casks of wines and spirits shall be regauged, on the importers passing warrants for consumption, and the duty shall be levied only on the actual contents, and no more; and, if for exportation, then no duties whatever shall be imposed thereon.

How ale, &c. in bottles may be computed.

XXX. *And be it further enacted*, That for the better computation of any ale, beer, porter, cider, perry, wines, or spirits, in bottles, six reputed quart bottles, or twelve reputed pint bottles, shall be taken and considered to be one gallon of such ale, beer, porter, cider, perry, wines, or spirits, for the purposes of this act.

This act to take effect from 6th April, next, to 5th April, 1848.

XXXI. *And be it further enacted*, That this act shall take effect, and be in force, from the sixth day of April next, until the fifth day of April, one thousand eight hundred and forty-eight.

Returns of imports and exports to be made to receiver general according to schedules in 9th Vic. cap. 14.

XXXII. *And whereas* it is expedient to have an uniform classification of the imports and exports of this island, to enable a more perfect record to be kept: *Be it further enacted*, That all returns of imports and exports made to the receiver-general, by the several sub collectors of customs, shall be in the forms set forth in the schedules annexed to the act ninth Victoria, chapter fourteen; and that the master of every ship or vessel, entering at the customs, shall, in his manifest, together with the marks and number of package, state the contents of such packages to the best of his knowledge, agreeably to the said forms.

Act may be altered, or repealed, &c.

XXXIII. *And be it enacted*, That this act may be altered, repealed, or amended, during the present session.

SCHEDULE

## SCHEDULE A.

	Duties under Island Acts on all Goods, Wares, &c. imported into the Island of Jamaica.	Additional duty on Foreign Goods, Wares, &c. under eighth and ninth Victoria, chapter ninety-three. (British statute)
	£. s. d.	
Ale, Boer, Cider, Porter, or Perry, per tun	4 7 0	£4 per cent.
Asses, per head	0 5 0	Free.
Beef and Pork, salted or cured, and all cured meats, foreign, per barrel	0 15 0	3s. per cwt.
“ “ produce of united kingdom, or any British possessions, per barrel	0 15 0	Free.
Bread or Biscuit, per cwt.	0 4 0	Free.
Bricks, per thousand	0 4 0	£4 per cent.
Butter, per firkin of sixty-six pounds	0 4 0	8s. per cwt.
Candles, Wax or Composition, per box of fifty-six pounds	0 3 6	£7 per cent.
“ Tallow, per box of fifty-six pounds	0 1 6	£7 per cent.
“ Spermacetti, per box of fifty-six pounds	0 3 6	£15 per cent.
Cattle, neat, per head	0 4 0	Free.
Cheese, per hundred weight	0 5 0	5s. per cwt.
Coals and coke, for every one hundred pounds value		£4
Cocoa, for every one hundred pounds value and further, for every hundred pounds weight	4 0 0 0 9 0	1s. per cwt.
Coffee, the produce of, and imported from, any British possession, per hundred weight	1 0 0	Free.
Drugs, for every one hundred pounds value	4 0 0	Free.
Fish, dried or salted, per hundred weight	0 2 0	2s. per cwt.
“ Mackerel, pickled, per barrel	0 4 0	4s. per barrel
“ Alewives and Herrings, pickled, per barrel	0 2 0	4s. per barrel.
Pickled fish, not otherwise enumerated or described, per barrel	0 4 0	
“ Salmon, wet or salted, per barrel	0 8 0	4s. per barrel
“ smoked, per hundred weight	0 10 0	2s. per cwt.
“ Herrings, smoked, per box	0 0 6	2s. per cwt.
“ Fish, smoked, not otherwise enumerated or described, per hundred weight	0 4 0	
Flour, wheat, per barrel	0 4 0	2s. per barrel
Ginger, for every hundred pounds value and further, for every pound weight	4 0 0 0 0 3	£4 per cent.
Hams, Bacon, dried Beef, dried Tongues, and Sausages, per hundred weight	0 8 0	3s. per cwt.
Horses, Mares, and Geldings, per head	1 0 0	Free.
Indigo, for every one hundred pounds value and further, for every one pound weight	4 0 0 0 0 3	£4 per cent.
Lard, per firkin of sixty pounds	0 3 0	£4 per cent.
Meal or other Flour, not wheat, foreign, per barrel	0 1 0	Free.
Molasses, the produce of, and imported from, any British possession, per hundred weight	0 3 0	Free.

SCHEDULE



## SCHEDULE A. (continued.)

	Duties under Is-	Additional duty on
	land Acts on all Goods, Wares, &c. imported into the Island of Jamaica.	
	£. s. d.	
Mules, per head	0 10 0	Free.
Oil, Blubber, Fins, and Skins, the produce of Fish, and creatures living in the sea, of foreign fishing, for every one hundred pounds value	4 0 0	£15 per cent.
Oil from fish living in the sea, of British fishing, for every one hundred pounds value	4 0 0	Free.
Peas, Beans, Calavances, Barley, Oats, Rye, or Indian Corn, per bushel	0 0 3	Free.
Preserved Meats, Soups, Vegetables, and Fish, and all other Provisions in tin cases, or other packages, for every one hundred pounds value	4 0 0	
Rice, per hundred weight	0 4 0	Free.
“ undressed, per bushel	0 1 0	Free.
Salt, per hundred weight	0 0 9	Free.
Sheep, and Goats, per head	0 2 0	Free.
Soap, per box of fifty-six pounds	0 2 0	£7 per cent.
Spirits.—Brandy, and all other foreign Spirits, and Cordials, except Rum, per gallon	0 7 0	1s. per gallon
“ Rum, the produce of any British pos- session, per gallon	0 9 0	Free.
“ British spirits and compounds	0 3 0	Free.
Sugar, unrefined, the produce of, and imported from, any British possession, per hun- dred weight	0 10 0	Free.
“ Refined, the produce of, and refined in, foreign countries, per pound	0 0 4	£20 per cent.
“ Refined, from foreign Sugar, in bond, in the united kingdom, per pound	0 0 4	£10 per cent.
“ Refined, from British plantation Sugar	0 0 4	Free.
Swine, per head	0 4 0	Free.
Tea, unless imported direct from China, or from the united kingdom, or any British pos- session, per pound	0 2 0	1d. per lb.
“ Imported direct from China, or from the united kingdom, or any British posses- sion, per pound	0 2 0	Free.
Tobacco, manufactured, for every one hundred pounds value	25 0 0	} £7 per cent.
“ And further, for every one pound weight	0 0 3	
“ Unmanufactured, for every one hundred pounds value	20 0 0	} £4 per cent.
“ And further, for every one pound weight	0 0 3	
Wines, whether in bulk, or bottled, per tun	14 10 0	£7 per cent.
“ And further for every dozen quart bot- tles of Wine	0 2 6	
Wood, for every one thousand feet of Pitchpine		

SCHEDULE

## SCHEDULE A. (concluded.)

	Duties under Is- land Acts on all Goods, Wares, &c. imported into the Island of Jamaica.	Additional duty on Foreign Goods, Wares, &c. under eighth and ninth Victoria, chapter ninety-three, (British statute.)
	£. s. d.	
Lumber, by superficial measure of one inch thick	0 12 0	Free.
Wood, For every one thousand feet of White-pine or other Lumber, of superficial measure of one inch thick	0 8 0	Free.
" Shingles, Cypress, more than twelve inches in length, per thousand	0 8 0	Free.
" Boston Chips, and all shingles, not other wise enumerated or described, per thou- sand	0 4 0	Free.
" Woodhoops, per thousand	0 1 0	Free.
" Staves and Heading, Red or White Oak, or Ash, per thousand	0 2 0	Free.
Wheat, per bushel	0 0 6	Free.
And after these rates for any greater or less quantity of such goods respec- tively.		
Glass Manufactures, Silk Manufactures, for every one hundred pounds value	4 0 0	£15 per cent.
Cotton, Linen, Woollen, Leather, Paper Manu- factures, Mock Jewellery, Hardware, Clocks and Watches, Corks, Cordage, and Oakum, for every one hundred pounds value	4 0 0	£7 per cent.
On all Goods, Wares, and Merchandize, Planta- tion Supplies, Clothing, and effects of every description, not previously enumerated, for every one hundred pounds value	4 0 0	£4 per cen .
Except the following, which shall not be liable to any duty under this act :—Coin, Bullion, Books and Printed Papers, Diamonds, fresh Fruit and Vegetables, Hay and Straw, Oil Meal, or Cakes, as food for Cattle, Mulberry, and other Plants, Cotton, Wool, Ice, fresh Fish, Turtle, Poultry, Fresh Meats, Leeches, Gums, Resins, Tortoiseshell, Guano, and other Manures, Singing Birds, Dogs, Specimens of Natural History, Army Clothing, and Regimental Necessaries ; Raw Hides, Tallow, Hemp, Flax, and Tow ; Sarsaparilla, and Dyewoods.		

SCHEDULE

## SCHEDULE B.

	£.	s.	d.
Ale, Beer, Cider, Porter, or Perry, per tun	4	7	0
Asses, per head	0	5	0
Beef and Pork, salted or cured, and all cured meats, per barrel of two hundred pounds	1	0	0
Bread or Biscuit, per hundred weight	0	4	0
Bricks, per thousand	0	4	0
Butter, per hundred weight	0	12	0
Candles, Wax, Spermacetti, or Composition, per box of fifty- six pound	0	5	0
“ Tallow, per box, of fifty-six pounds	0	2	0
Cattle, neat, per head	0	4	0
Cheese, per hundred weight	0	7	0
Cocoa, per hundred weight	0	10	0
Coffee, the produce of, and imported from, any British posses- sion, per hundred weight	1	0	0
Drugs, for every one hundred pounds value	4	0	0
Fish, dried or salted, per hundred weight	0	2	0
“ Mackerel, pickled, per barrel	0	4	0
“ Alewives and herrings, pickled, per barrel	0	2	0
“ Pickled fish, not otherwise enumerated or described, per barrel	0	4	0
“ Salmon, wet or salted, per barrel	0	8	0
“ “ Smoked, per hundred weight	0	10	0
“ Herrings, smoked, per box	0	0	6
Fish, Smoked, not otherwise enumerated or described, per hundred weight	0	4	0
Flour, wheat, per barrel	0	6	0
Ginger, for every one hundred pounds value	4	0	0
Hams, Bacon, dried Beef, dried Tongues, and Sausages, per hundred weight	0	10	0
Horses, Mares, and Geldings, per head	1	0	0
Indigo, per pound	0	0	3
Lard, per hundred weight	0	7	0
Meal, or other flour, not wheat, per barrel	0	1	0
Molasses, per hundred weight	0	3	0
Molasses, foreign, prohibited.			
Mules, per head	0	10	0
Oil, Blubber, Fins, and Skins, the produce of Fish, and crea- tures living in the sea, for every one hundred pounds value	5	0	0
Peas, Beans, Calavances, Barley, Oats, Rye, or Indian Corn, per bushel	0	0	3
Preserved Meats, Soups, Vegetables, Fish, and all other Pro- visions in tin cases, or other packages, for every one hundred pounds value	4	0	0
Rice, per hundred weight	0	4	0
“ Undressed, per bushel	0	1	0
Salt, per hundred weight	0	0	9
Sheep and Goats, per head	0	2	0
Seap, per box, of fifty-six pounds	0	2	0
Spirits--Brandy, Rum, (except the produce of this island) Gin, Whiskey, and all other Spirits and Cordials, per gallon	0	6	0
Sugar, refined, per pound	0	0	2
Sugar, unrefined, foreign, prohibited.			

Swine

	£.	s.	d.
Swine, per head	0	2	0
Tea, per pound	0	1	0
Tobacco, manufactured, for every one hundred pounds value	32	0	0
And further, for every pound weight	0	0	3
" unmanufactured, for every one hundred pounds value	24	0	0
And further, for every pound weight	0	0	3
Wines, whether in bulk or bottled, per tun	14	0	0
With an additional duty for every one hundred pounds value	7	0	0
And further, for every dozen quart bottles of wine	0	2	6
Wood.—For every one thousand feet of Pitchpine Lumber, by superficial measure of one inch thick	0	12	0
" for every one thousand feet of White-pine or other Lumber, by superficial measure of one inch thick	0	8	0
" Shingles, Cypress, more than twelve inches in length, per one thousand	0	8	0
" Boston Chips, and all Shingles, not otherwise enumerated or described, per one thousand	0	4	0
" Woodhoops, per one thousand	0	1	0
" Staves and Heading, Red or White Oak, or Ash, per thousand	0	2	0
Wheat, per bushel	0	0	6
And after these rates, for any greater or less quantity of such goods respectively.			
Glass Manufactures—Silk Manufactures—for every one hundred pounds value	2	0	0
Cotton, Linen, Woollen, Leather, Paper Manufactures, Mock Jewellery, Hardware, Clocks and Watches, Corks, Cordage, and Oakum, for every one hundred pounds value	2	0	0
On all Goods, Wares, and Merchandize, Plantation Supplies, Clothing, and effects of every description, not previously enumerated, for every one hundred pounds value	2	0	0
Except the following, which shall not be liable to any duty under this act:—Coals, Coke, Coin, Bullion, Books and Printed Papers, Diamonds, fresh Fruit, and Vegetables, Hay and Straw, Oil Meal, or Cakes, as food for Cattle, Mulberry and other Plants, Cotton, Wool, Ice, fresh Fish, Turtle, Poultry, fresh Meats, Leeches, Gums, Resins, Tortoiseshell, Guano and other Manures, Singing Birds, Dogs, Specimens of Natural History, Army Clothing, Slates, Regimental Necessaries; Raw Hides, Hemp, Flax, and Tow; Sarsaparilla, and Dyewoods—free.			



## No. 2.

## FORM OF AFFIDAVIT OF PARTY CLAIMING THE DRAWBACK.

I, \_\_\_\_\_ do hereby make oath, that the several packages of  
*British goods set forth in the affidavit of \_\_\_\_\_ were sold by*  
*me to the said \_\_\_\_\_ and that the said goods were duly im-*  
*ported by me on the \_\_\_\_\_, and the import duty duly paid there-*  
*on; I do further make oath, that the value now affixed to the said*  
*goods is the real and true value upon which the duty was paid at*  
*the time of importing the said goods into this island.—So help*  
*me God.*

Sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_ 184

## C A P. XXV.

*An act for laying a duty on all rum, brandy, gin, and other distilled spirits retailed or consumed within this island, and for laying a further tax on licenses to be granted for the retailing of brandy, gin, rum, and other distilled spirits.*

**W**HEREAS an act was passed, during the present session, entitled "*An act to continue in force, for a limited time, the duties on rum, brandy, gin, and other distilled spirits retailed or consumed in this island: And whereas it is expedient to extend the provisions of the same: Be it therefore enacted by the governor, council, and assembly of the said island, and it is hereby enacted and ordained by the authority of the same,* That the proprietor, attorney, overseer, or other person in charge of every sugar-work or place within this island, on which rum or other spirits are distilled, shall give in, on oath, on the twenty-eighth day of September, one thousand eight hundred and forty-seven, or within fourteen days thereafter, a return to the vestry, containing a just and true account of all brandy, gin, rum, and other distilled spirits made on such sugar-work or place, from the twenty-eighth day of March to the said twenty-eighth day of September, one thousand eight hundred and forty-seven, together with an account of the disposal of the same, according to the schedule hereunto annexed, marked A; and every person, so required to make the returns as aforesaid, shall, in such returns, state the quantity which remained on hand, and was unaccounted for on the twenty-eighth day of March, one thousand eight hundred and forty-seven, under the act then in force.

Preamble.

Return of brandy, gin, rum, and other distilled spirits made on sugar works or other places, with the disposal thereof, to be given in to the vestries.

A duty of 1s. 6d. per gallon to be levied.

II. *And be it further enacted*, That all rum, brandy, gin, and other distilled spirits made in this island, from the twenty-eighth day of March to the thirty-first day of December, one thousand eight hundred and forty-seven, shall be liable to a duty of one shilling and six pence *per* gallon, which duty shall be levied and collected in the manner hereinafter mentioned, upon every gallon of rum, brandy, gin, and other distilled spirits, which remained on hand as aforesaid on the twenty-eighth day of March, and which, from that day, and until the twenty-eighth day of September, one thousand eight hundred and forty-seven, shall be made in this island, excepting only what in the returns hereinbefore directed to be made by the proprietors, attornies, or overseers, shall be accompanied by a certificate, according to the form in the schedule B, hereunto annexed, of the shipment thereof from the receiver-general, in Kingston, or at the outports from the sub-collectors of customs, at the port from which such shipment has been made, or which shall be shewn on oath to have been lost by leakage or evaporation, or to be remaining on hand, either at the wharf or otherwise, and to be accounted for in such returns: *Provided always*, That in case of loss, total or partial, during the transfer from one part of the island to another, whether by land or water carriage, or whether such loss shall happen between the wharves or shipping places, and the vessel in which such rum is intended to be shipped for exportation, the party liable shall be exempt from duty on the rum, brandy, gin, or other distilled spirits so lost, upon producing a certificate on oath of such total or partial loss, and of the quantity deficient.

Proviso.

Master of vessel at time of sailing, to produce rum manifest to receiver-general, or sub-collector.

III. *And be it further enacted*, That every master of any ship or vessel, being about to sail from any port in this island, having on board any rum, the produce of this island, shall, at the time of clearing, produce to the receiver-general, in Kingston, or to the sub-collectors at the outports, a rum manifest, filled up in the form of the schedule C annexed to this act, signed and declared to before any justice of the peace or sub-collector; and the party or parties exporting such rum, so mentioned in said manifest, shall obtain from the receiver-general, in Kingston, or, at the outports, from the sub-collectors of customs, a certificate thereof in the form contained in the schedule B annexed to this act.

If any vessel, having distilled spirits for exportation, return into port, the master, &c. to enter into bond in double the amount

IV. *And be it further enacted by the authority aforesaid*, That if any vessel, having on board rum, or other distilled spirits, shall put into, or if, after sailing, shall return to any of the ports of this island, the master or consignee of such vessel shall, before landing any part

part of his cargo, enter into bond, with two good and sufficient securities, to the receiver-general, in double the amount of the duties by this act imposed on such spirituous liquors, which bond the receiver-general is hereby authorized to enforce, if the duties thereon be not paid in four months after the date thereof, or proof be given of the re-exportation of the said spirituous liquors.

of duties, before landing any part of the cargo, and receiver-general to enforce bond, if duties therein be not paid in four months, or proof of re-exportation given.

V. *And be it further enacted by the authority aforesaid*, That no person or persons whomsoever in this island shall presume, during the present year, by him, her, or themselves, or by any person or persons whomsoever to be employed by him, her, or them, or for his, her, or their benefit, to retail any brandy, gin, rum, or other distilled spirits, unless he, she, or they shall have obtained a license for so doing from the justices and vestry in their respective parishes, or corporation of Kingston, and such license shall not be then granted without the consent of the majority of the justices and vestry of the parish, or corporation of Kingston, where such license shall be applied for; nor shall such license be valid, unless such license specify the house or houses intended to be used and kept by the person or persons intended to be licensed; and if kept elsewhere such license shall be void; any thing in this or any other act, regulating the police of any town or parish, to the contrary notwithstanding: *Provided nevertheless*, That it shall be lawful for the justices and vestry, and the corporation of Kingston, and they are hereby empowered to permit any person or persons who has, or have obtained a license to retail spirituous liquors, to transfer such license to any other house in the said parish belonging to, or in the possession of, the said person so having obtained such license, one month's previous notice of such intention to remove having been previously given to the justices and vestry, or to the corporation of Kingston.

No person to retail spirits, without having obtained license from justices and vestry, &c. who are to observe a certain rule in granting them.

*Proviso.*  
Justices and vestry empowered to authorize the removal of license from one place to another.

VI. *And be it further enacted by the authority aforesaid*, That it shall not be lawful for the magistrates and vestry of any parish, or the corporation of Kingston, to grant licenses for retailing of brandy, gin, rum, or other distilled spirits to any person whomsoever (not being a natural-born subject of her majesty), unless such person shall have actually resided in this island for the space of three years, and has been naturalized, and is of good character; a certificate of which residence, signed by three or more respectable freeholders of the parish wherein such person has resided, shall be produced to the magistrates and vestry, or corporation of Kingston, by the party applying for such license, and which certificate

Aliens not to have licenses unless naturalized, and resident here three years.



ificate shall be recorded in the office of the clerk of the peace of the parish before the license shall be granted, any thing in this or any other act to the contrary notwithstanding.

Number of licenses to be fixed by justices, in special session.

VII. *And be it further enacted*, That it shall not be lawful for the justices and vestry of any parish, or the corporation of Kingston, to grant any greater or other number of licenses for retailing of spirituous liquors than shall be approved of and recommended by the justices of the parish in special session assembled; to which end the custos, or, in his absence the senior magistrate present, of each parish in this island, shall, at any time not later than the twenty eighth day of April next, hold a special session, for the purpose of ascertaining and determining the number of licenses so to be granted by the justices and vestry, or the corporation of Kingston; and the justices, so assembled and associated at such special sessions, are hereby required and directed to certify, under their hands, to the justices and vestry, or the corporation of Kingston, the number of licenses considered as proper and sufficient to be granted for the current year.

If justices and vestry grant more licenses than the number fixed on, they are to forfeit £6.

VIII. *And be it further enacted by the authority aforesaid*, That if the justices and vestry of any parish, or the corporation of Kingston, shall presume to grant more licenses than the number so approved of and recommended by the justices in special sessions assembled, each such justice and vestryman, or member of the corporation of Kingston, shall be subject and liable to a penalty of six pounds for every extra license granted by them, to be recovered by warrant of distress, under the hands and seals of any two justices of the peace of the same parish, against the goods and chattes of each such offending justice or vestryman, or member of the said corporation, one moiety whereof shall be to the informer, and the other moiety to the use of the parish wherein such offence shall be committed: *Provided always*, That it shall be lawful, at any time during the continuance of this act, in the manner and form and under the restrictions aforesaid, to grant licenses, and fill up vacancies, to the extent of the number fixed by the justices in special session assembled.

Recovery and application thereof.

Proviso. Vacancies in number of licenses to be filled up.

Persons retailing spirituous liquors having a license, or forfeit £50, or suffer two months imprisonment.

IX. *And be it further enacted by the authority aforesaid*, That if any person or persons shall hereafter presume to retail any brandy, gin, rum, or other distilled spirits, less in quantity than forty gallons, contrary to the true intent and meaning of this act, without having duly obtained a license for that purpose from the justices

justices and vestry, or the corporation, of the parish in which he, she, or they shall reside, such person or persons, so offending, shall forfeit and pay a sum not exceeding sixty pounds, or suffer imprisonment, with or without hard labour, in the house of correction for any period not exceeding two months for each offence; which forfeiture and penalty shall be recovered in a summary manner before any two justices of the peace in the parish or precinct where such offence shall be committed, upon the information and evidence of any one person competent to give evidence, which shall be sufficient to convict such offender or offenders; and the said two justices are hereby authorized or empowered to commit such offender or offenders to gaol, there to remain, without bail or mainprize, not exceeding two months, or until he, she, or they shall have paid such fine, or suffered such imprisonment: And, the better to enable the said justices to convict and punish any person or persons who shall retail any brandy, gin, rum, or other distilled spirits, contrary to the true intent and meaning of this act, without having duly obtained a license for that purpose, any justice of the peace in the parish or precinct where such offence may be charged to have been committed, is hereby authorized and empowered to summon and require to appear before him, as well the person or persons informed or proceeded against, as any person or persons who may be deemed necessary and proper to give evidence or testimony touching or concerning such offence, either on the part of the person informing or proceeding, or on the part of the person against whom the information or proceeding may be had, or touching or concerning any other offence committed against this act; and all and every such person or persons, who shall neglect or refuse, after such notice, to attend at the time and place mentioned and appointed in every such summons or requisition of such magistrate, shall forfeit a sum not less than five pounds, or not exceeding twelve pounds, for every such neglect or refusal, to be recovered against such person or persons, his, her, or their goods, chattels, or effects, by warrant under the hand and seal of such magistrate, or the magistrate or magistrates who may be required to inquire into the said offence, which said penalty shall be recovered in a summary manner before any justice of the peace of the same parish, and shall be paid to the collecting constable thereof, for the use of the said parish, any thing in this or any other act regulating the police of the respective parishes to the contrary notwithstanding.

X. *And whereas* many persons selling the aforesaid liquors  
mixed,

All persons selling smaller quantities, mixed or unmixed, are to be deemed retailers.

Retailers to exhibit on a board their names, &c. under penalty of £3.

Persons who presume to sell at more than one place under one license, to pay £30, or suffer two months' imprisonment.

Custodes, before 28th April, to summon sessions of the peace for granting licenses, under penalty of £60

Licenses to be taken out of the clerk of the peace's office by or before the day appointed by justices, &c.

mixed, have supposed themselves not within the meaning of retailers, and have, in consequence thereof, neglected or refused to pay the duties imposed by the former acts: *Be it therefore enacted by the authority aforesaid*, That every person or persons who shall sell, barter, or deliver, for provisions or otherwise, any brandy, gin, rum, or other distilled spirits, in less quantities than forty gallons, whether mixed or unmixed with water or other liquid; or any person or persons who shall sell or deliver any of the aforesaid spirits to any other person or persons, under pretence of their paying only for eating, and giving the drink gratis, shall be deemed by this act to be retailers, and shall be liable to all the duties and penalties mentioned herein.

XI. *And be it further enacted by the authority aforesaid*, That all retailers of brandy, gin, rum, and other distilled spirits under this act, shall put up a board in front of his, her, or their house, store, or shop, over the door towards the public street, lane, or road, wherein the same shall be situated, with his, her, or their name or names, and the words "*Licensed to sell brandy, gin, rum, and other distilled spirits*," painted in large white letters, not less than two inches in size, on a black ground, under a penalty not exceeding three pounds for each neglect, to be adjudged, determined, and recovered in the manner aforesaid; and that no person or persons whomsoever shall presume to retail any of the aforesaid liquors at two or more different houses, stores, shops, or places, under one and the same license, under the penalty of thirty pounds, or two months' imprisonment for every such offence, to be adjudged, recovered, and determined in the same manner.

XII. *And be it enacted by the authority aforesaid*, That the custos, or, in his absence, the senior magistrate present, of every parish in this island, and the mayor, or senior alderman of the corporation of Kingston, shall, not later than the twenty-eighth day of April next (giving ten days' public notice thereof,) summon and hold a vestry for the purpose of enabling all such retailers of brandy, gin, rum, and other distilled spirits, to apply for and obtain such license or licenses to retail the same, under a penalty, on every such custos or senior magistrate, mayor, or senior alderman neglecting to summon and hold such vestry, of sixty pounds; which license shall be taken out of the office of the clerk of the peace of the parish wherein it shall be granted, by or before such day as the justices and vestry shall appoint, on pain of forfeiting the same.

XIII. *And*

XIII. *And be it further enacted by the authority aforesaid, That* no person or persons whomsoever shall have a license granted to him, her, or them, for the sale of brandy, gin, rum, or other distilled spirits, without first becoming bound to the churchwarden or churchwardens of their respective parishes for the time being, and to their successor or successors, in a bond, with two sufficient securities (such securities to be freeholders of the said parish) in the sum of sixty pounds, for the maintenance of good order and rule in the house or shop where he, she, or they shall so sell or dispose of the said brandy, gin, rum, or other distilled spirits, and without paying to the collecting constable of the parish where he, she, or they so apply for a license, such sum for the license, as in the parish of Kingston, the corporate body, and in every other parish, the justices and vestry, shall set and impose at the time of granting licenses, not exceeding thirty-six pounds, nor less than five pounds for each license, for the use of the poor of the said parish, or to go in aid of the parochial taxes thereof; and the clerk of the peace in each respective parish shall not record the said license, until the retailer produces a certificate from the collecting constable of the parish where such license shall be applied for, that he has paid into the hand of such collecting constable such sum, which license the said clerk of the peace is hereby ordered and required to furnish to the person producing the certificate, on demand, under a penalty not less than five pounds, and not exceeding twelve pounds: *Provided always, That* persons keeping taverns for the accommodation of travellers, and situate three or more miles from any town, and also in the town of Lacovia, and who shall not dispose of any spirituous liquors to any person to be taken away from such tavern, or to be consumed in any other place than the place of entertainment kept by him, shall not pay, in the whole, more than three pounds for the license to be granted to them respectively; that is to say, two pounds to the collecting constable of the parish, and one pound to the clerk of the peace, over and above any stamp imposed on such license by the stamp act: *Provided also, That* persons keeping taverns in any town for the accommodation of travellers, who shall not dispose of any spirituous liquors to be taken away from such tavern to be consumed in any other place than in the tavern kept by such person, shall pay the sum of five pounds for the license to be granted to him, her, or them, in addition to the fees hereby imposed on such license.

Security must be given to the churchwardens for orderly behaviour.

Certain sums to be paid for the use of the poor, or in aid of parochial taxes.

Licenses not to be recorded till payment certified.

Proviso.  
Keepers of taverns situated three or more miles from any town to pay £3.

Proviso.

XIV. *And be it further enacted by the authority aforesaid, That*

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no

Licenses to be granted for but one year.

and only in open vestry.

no licenses for the purposes aforesaid shall be granted for more than one year, and that no justice, mayor, alderman, or common councilman, shall, under the penalty of thirty pounds, presume to grant such license except in open vestry, or in the corporation of Kingston; and that no license, granted by virtue of this act, shall be in force after the first day of April, in the year of our Lord one thousand eight hundred and forty-eight; any thing in this or any other act to the contrary notwithstanding.

Licenses not to be recorded until security be given, under penalty of £12.

XV. *And be it further enacted by the authority aforesaid,* That no clerk of the peace in this island shall record any license, until the person so licensed has actually entered into the security bond by this act required, under the penalty of twelve pounds on such clerk of the peace for every neglect or omission, to be recovered in a summary manner before any two justices of the peace for the said parish, to be forthwith paid to the collecting constable of such parish, for the benefit thereof.

Clerks of the peace are to record certificates, &c. under penalty of £12.

XVI. *And be it further enacted by the authority aforesaid,* That every clerk of the peace, or his lawful deputy in this island, shall be, and he is hereby obliged, under a penalty of thirty pounds, to keep a separate book for the purpose of entering and recording therein all such certificates, bonds, and licenses, and cause a list of the names of all persons who shall obtain from the justices and vestry, or corporation, licenses under the authority of this act to be fairly transcribed, fixed, and set up in the most public part of his office, under the penalty of twelve pounds.

and they are to be paid £1 by the retailer for their trouble.

XVII. *And be it further enacted by the authority aforesaid,* That for every such license, the person receiving the same shall pay, except as is hereinbefore provided, the sum of one pound, and also the further amount of stamp duty, to the clerk of the peace, for his trouble in making out and taking the said bond, recording the certificate, finding the stamp, and making out and passing the license, recording the same, and including every charge, under the penalty of six pounds.

Collecting constables to be appointed collectors of the duties under this act, &c.

XVIII. *And whereas,* for the more effectually collecting the duties to be paid under this act, it is necessary and proper to appoint inspectors and collectors thereof in the several parishes in this island: *Be it therefore enacted by the authority aforesaid,* That the collecting constables shall be the collectors of the said duties in the several parishes in this island, except in the parish of Kingston

ston, and shall receive a commission of two pounds ten shillings *per centum* for such collections, and shall give and enter into good and sufficient security, to be approved of by the commissioners appointed, or to be appointed by law, to settle the public accounts, for their duly paying such monies as shall be assessed in the several rolls delivered to them under this act, and for their duly demanding the sums assessed of the respective persons from whom the same are payable, and in case of non-payment thereof their duly enforcing the powers of this act against such persons as shall make default, which security shall be by a joint and several bond, with two sufficient sureties at the least, and shall be to our sovereign lady the queen, her heirs and successors, in such penal sum as the said commissioners shall deem sufficient, and with a condition thereto to the effect aforesaid; and every such bond, given by way of such security as aforesaid, shall be prosecuted by the said commissioners on any failure or default of the said collector or collectors.

XIX. *And be it further enacted*, That if any person shall make a false return, or in any other manner endeavour to evade the duties under this act, he or she, so offending, shall forfeit and pay a sum not exceeding sixty pounds, besides being liable to pay treble the amount of the duties sought to be evaded.

Penalty for making false return, or attempting to evade this act.

XX. *And be it further enacted by the authority aforesaid*, That upon information being given upon oath to the receiver-general for the time being, or to any clerk of the vestry, or to the clerk of the common council of Kingston, of any false return, or of any evasion of this act, or of any attempt to evade it, he and they is, and are hereby authorized and obliged, under the penalty of sixty pounds, to commence and carry on a prosecution or prosecutions therein against the person or persons so offending, the expense of which prosecutions shall be paid by the public.

Receiver-general and clerks of vestries to prosecute persons offending.

XXI. *And be it further enacted by the authority aforesaid*, That every collecting constable, as aforesaid, upon his appointment, shall take the following oath, that is to say:

Oath to be taken by collecting constables upon appointment.

*“ I do swear well and faithfully to execute and conduct myself in the office and appointment of inspector and collector of the duties of brandy, gin, rum, and other distilled spirits, without favour or affection, or any other fee or reward than what I shall receive by law as a compensation for the trouble of such appointment; and*

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that

*that I will use my utmost endeavours to discover and give information of all person or persons, who shall retail any brandy, gin, rum, or other distilled spirits, without license, or who shall make a false return, or in any other manner endeavour to evade the duty levied under the act, entitled [here set out the title to this act,] within the parish for which I am appointed inspector and collector.—So help me God.”*

Which oath shall be endorsed on the security-bond hereby required of such collecting constable as inspector and collector, and subscribed by the deponent.

Receiver-general to remit duty on spirits for use of army or navy.

XXII. *And be it enacted*, And the receiver-general is hereby required and directed to remit all duties imposed by this act on all rum and other distilled spirits, required for the use of her majesty's army and navy, on a certificate being produced from the commander-in-chief of the forces, or of the admiral, or officer commanding her majesty's fleet on this station, testifying the quantity of rum and other distilled spirits, and that the same were required for the use of her majesty's army and navy in this island.

Clerks of the vestries within twenty-eight days after giving in of return, to enter the same in the parish books of assessment, and make out fair copies of rolls for the purposes herein stated.

XXIII. *And be it further enacted*, That the clerk of the vestry of the several parishes in this island and the clerk of the common council of Kingston, shall, within twenty-eight days after the twenty-eighth day of March, and the twenty-eighth day of September, enter the returns hereinbefore directed to be then made in the parish books of assessment, and shall not, later than the tenth of May, and the tenth day of November following, make out a roll, which shall contain all such duties as shall be due and ought to be paid by virtue of this act, in his own parish, unto which the said clerk of the vestry shall annex a warrant under the hand and seal of any one or more justice or justices of the peace of the said parish, and deliver the same at the dates aforesaid, *videlicet*, on the tenth day of May, and the tenth day of November, to the collecting constable of the parish, to enable him or them to collect and gather in the several sums assessed therein.

Justices to sign fair copies of rolls and warrants, and persons to whom they are directed are empowered to gather in and pay the money to receiver-general within twenty days.

XXIV. *And be it further enacted by the authority aforesaid*, That the justices of each parish, or any one of them, are, and is hereby empowered and required to sign the said rolls, and such warrants as aforesaid; and all such person or persons, so appointed or empowered, to whom such roll and warrant shall be delivered, is and are hereby empowered and required to collect and gather in, from every

every person therein named, or, if from an estate, from the person in possession of such estate, all such sum and sums of money as they shall severally stand charged with, and pay the same into the hands of the receiver-general for the time being, retaining to themselves the commissions hereinbefore allowed, and no more, on or before the twenty-eighth day of June, and the twenty-eighth day of December, and shall, at the same time, make a return to the receiver-general detailing the particulars of all outstanding accounts; and, to remove all excuses from the person or persons so appointed and empowered for not collecting the same, they are severally hereby required and empowered to distrain on all and every the goods and chattels of such person or persons as refuse to pay such assessment as aforesaid; and the distress or distresses then and there found, to sell at public outcry, returning the overplus, if any, to the owner thereof, after deducting six pence in the pound for the trouble of such person or persons so appointed and empowered: *Be it nevertheless provided*, That such sale of goods or chattels, by public outcry, shall not in anywise be deemed lawful, unless such person or persons, so appointed and empowered, shall advertise all such levies made by him twice in the Jamaica Gazette, by authority.

Collectors empowered to distrain;

and to sell distress,

but not without public notice being twice given.

XXV. *And be it further enacted*, That the clerk of the vestry of the several parishes of this island, and the clerk of the common council of Kingston, shall, on or before the said tenth day of May and tenth day of November, transmit to the receiver-general a duplicate of the roll, which shall have been delivered to the collecting constable, which said roll shall be certified by the clerk of the vestry, or clerk of the common council of Kingston, as a true copy of the original.

Clerk of the vestry to transmit duplicate roll, and also duplicate of transfer schedule to receiver-general.

XXVI. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to make the returns hereinbefore directed to the several clerks of the vestry, or to the clerk of the common council of Kingston, and to the receiver-general in the city of Kingston, within fourteen days after the twenty-eighth day of March, and the twenty-eighth day of September, one thousand eight hundred and forty-seven, he, she, or they shall forfeit a sum not exceeding thirty pounds for every neglect or omission, and a further sum of six pounds for every month which they shall neglect to give in, to be recovered in a summary manner before any two justices of the peace of the parish, upon the complaint of the clerk of the vestry or receiver-general, who shall respectively

Persons neglecting or refusing to make returns as hereinbefore directed to clerks of vestries, to forfeit £30, and any person swearing falsely under this act deemed guilty of perjury.



respectively be deemed competent evidence of such neglect or refusal, one moiety of such penalty to be paid to the said complainant, and the other moiety to the treasurer of the parish, for the use of the parish; and if any person or persons shall falsely swear or affirm in any of the said particulars, or wilfully endeavour in any manner to evade this law, such person, being thereof convicted, shall incur the same pains and penalties as are inflicted on persons convicted of wilful and corrupt perjury in that part of the united kingdom called England, and shall further suffer the penalty of forfeiting treble the amount of the duty so evaded, or sought to be evaded.

Clerks of vestries to publish rolls in the Gazette when completed.

XXVII. *And be it enacted*, That the clerks of the vestries of the several parishes in this island, shall, after their rolls have been completed, cause the same to be published in the Jamaica Gazette, by authority, in the form described in schedule E, hereunto annexed, under a penalty of forty-shillings for every such neglect.

Clerks of vestries to receive 10s. for every giving-in not made as required by this act.

XXVIII. *And*, in order to promote greater punctuality in the returns hereinbefore directed to be made, *Be it enacted*, That it shall be lawful for the clerks of the vestries to demand and receive the sum of ten shillings for every in-giving not made as is required by this act, within the fourteen days following the twenty-eighth day of March, and twenty-eighth day of September; and that it shall be lawful for the receiver-general to pay to each clerk of the vestry for the parishes of Saint Mary, Saint Thomas in the East, Westmoreland, Saint James, Saint Ann, and Trelawny, the sum of thirty pounds; and to each clerk of the vestry for the parishes of Clarendon, Hanover, Saint Elizabeth, Saint Catherine, Saint Thomas in the Vale, Saint Andrew, Portland, Vere, Saint George, and Metcalfe, the sum of twenty-two pounds; and to each clerk of the vestry for the parishes of Saint David, Saint John, Saint Dorothy, and Port-Royal, the sum of fifteen pounds, in half yearly payments, as a remuneration for the services required by them under this act:

Further sums payable to them.

Provido.

*Provided always*, That each such clerk of the vestry shall have put his roll into the hands of the collecting constable by the tenth day of May and tenth day of November, as hereinbefore directed, and shall transmit his receipt for the same to the receiver-general, with a copy of the rolls and transfer, as required under this act, and not otherwise.

Receiver-general to appoint a person to collect the rum duties.

XXIX. *And be it enacted*, That it shall be lawful for the receiver-general to appoint, at a salary not exceeding one hundred pounds *per*

*per annum*, a fit and competent person to collect the rum duties, and perform the several duties required by this act to be performed by the said receiver-general.

XXX. *And be it further enacted*, That if any person or persons in the city and parish of Kingston shall refuse or neglect to pay the several sums charged against him or them for such rum duties, it shall and may be lawful for any justice of the peace, on complaint by the receiver-general, or such person so appointed as aforesaid, to summon the party before him and any other justice of the parish at a day and time to be mentioned in such summons, not being more than seven days from such complaint, and upon appearance of the party complained against, or, in default of appearance, then upon proof of service of such summons, the said justices shall proceed to determine the said matter, and upon evidence that the said duties are due, and that upon demand they have not been paid, they shall issue their warrant to enforce the payment of the said rum duties, and the costs of the application, by distress and sale upon the offender's goods and chattels, from which decision no appeal shall be allowed.

Persons in Kingston refusing or neglecting to pay duties, to be summoned by any justice of peace, who shall enforce payment.

XXXI. *And be it enacted*, That the receiver-general shall, within ten days after the thirtieth day of November, lay before the house of assembly, if in session, or if otherwise, before the commissioners of accounts, a statement of the rum duties of the current year, distinguishing the number of gallons in each parish, and the amount of duties received, or which may be outstanding.

Receiver-general to lay before the house, or commissioners of accounts, statement of rum duties.

XXXII. *And be it further enacted by the authority aforesaid*, That if any justice, clerk of the vestry, or collecting constable of any of the parishes of this island, shall neglect or refuse to do his or their duty, contrary to the true intent and meaning of this act, and for which no penalty is hereinbefore provided, every such person or persons so offending, shall, for every such neglect or refusal, forfeit the sum of thirty pounds.

If justices and others are neglectful, they forfeit £30 for each offence.

XXXIII. *And be it further enacted by the authority aforesaid*, That the several penalties imposed by this act, not exceeding sixty pounds, and not declared how they shall be recovered, shall be recovered in a summary manner before any two of her majesty's justices of the peace in the parish, city, or precinct where the offence shall be committed; which said two justices are hereby authorized and empowered to commit such offender or offenders to gaol, there

Recovery of penalties.

to

to remain, without bail or mainprize, until he, she, or they shall have paid the same; and all penalties exceeding sixty pounds shall be recovered in the supreme court of judicature, or in either of the courts of assize in this island, by action of debt, bill, plaint, or information, wherein no essoin or wager of law shall be allowed, or *non vult ulterius prosequi* be entered, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding, with full costs out of purse, to be taxed by the clerk of the supreme court.

and application thereof.

XXXIV. *And be it further enacted*, That all penalties which shall be recovered in consequence of this act, and not hereinbefore disposed of, shall be disposed of, one moiety to the collecting constable of the parish where the offence shall happen to be committed, for the use of such parish, and the other moiety to the informer (who shall be deemed competent evidence), although an accomplice, or him, her, or them, who shall sue for the same.

Offences committed under former acts to be complained of within six months,

XXXV. *And be it further enacted*, That no offences committed against any clause or part of the act, entitled "*An act for laying a duty on all rum, brandy, gin, and other distilled spirits retailed or consumed within this island, and for laying a further tax on licenses to be granted for the retailing of brandy, gin, rum, and other distilled spirits,*" passed on the sixth day of November, one thousand eight hundred and forty-five, and the act passed on the eighteenth day of December, one thousand eight hundred and forty-six, entitled "*An act to continue in force, for a limited time, the duties on rum, brandy, gin, and other distilled spirits retailed or consumed in this island,*" shall be complained of after six calendar months from the commencement of this act,

Bonds to be recorded in the secretary's office.

XXXVI. *And be it further enacted by the authority aforesaid*, That the clerk of the commissioners of public accounts for the time being shall cause all and every bond directed to be entered into by this act, except bonds directed to be given by retailers to the churchwardens, to be proved and recorded in the office of the secretary of this island; and which said record, or an attested copy thereof, under the hand of the said secretary, is hereby declared to be, and the same shall be taken and received as good and sufficient evidence in the supreme or any of the assize courts, as if the original bond were produced and proved in court.

Relief, in case of error in giving in, to be granted.

XXXVII. *And be it enacted*, That it shall and may be lawful for the commissioners of public accounts, and they are hereby authorized

rized and required to grant relief under this act to any person who shall produce to them a copy of his rum in-giving or in-givings, certified by the clerk of the vestry (for which he shall be entitled to charge one shilling), and accompanied, in case of export, by a certificate by [of] the receiver-general, or his deputy, in Kingston, or of the sub-collectors at the outports where shipped, or such other evidence of the fact as they may require to prove that an error has been made in the in-giving under this law; which relief the receiver-general is hereby authorized and required to allow to the person to whom the same shall be granted: *Provided always*, That such applications for relief shall be made within twelve months after the date of the original in-giving of the rum for which the relief is sought.

Proviso.

No licensed place to be opened after nine o'clock at night, nor before six in the morning.

XXXVIII. *And be it enacted*, That no licensed shop or place, in which spirits are retailed, shall be kept open after the hour of nine o'clock at night, or opened before six o'clock in the morning, any law of this island to the contrary notwithstanding; and any person licensed to sell or retail spirituous liquors, who shall sell or retail, or cause to be sold or retailed, any spirituous liquors, or shall open, or cause to be opened, or shall keep, or cause to be kept open, his, her, or their shop, except between the hours aforesaid, shall forfeit and pay a sum not exceeding ten pounds, nor less than forty shillings for each offence, to be recovered as herein provided.

XXXIX. *And be it further enacted by the authority aforesaid*, That this act, and every clause, matter, and thing therein contained, shall commence and be in force, from the passing thereof, until the thirty-first day of December, one thousand eight hundred and forty-seven.

This act to be in force till 1st December, 1847.

XL. *And be it enacted*, That this act may be altered, amended, or repealed during the present session.

and may be altered, or amended, &c.





SCHEDULE D.

Copy of the Rum In-Givings in the Parish of

on the 28th day of March, 1847, or

28th day of September, (as the case may be.)

NAMES OF THE ESTATES.

MADE.		DISPOSAL.						
Remaining on hand per last return.		Exported per certificates.	Shipped to factors or agents.	Loss by leakage and evaporation.	Consumed on the estate, and liable to duty.	Sold in the parish, and liable to duty.	Remaining on hand to be accounted for in next in-givings.	Total accounted for.
Made since last return.								
Total to be accounted for.								

A true copy,

A. B. clerk of the registry.

## C A P. XXXV.

*An act for the encouragement of immigration.*

**W**HEREAS it is expedient to give effectual aid and encouragement to the measures now in progress for the introduction into this island of agricultural labourers, artisans, and mechanics, and their families, from various parts of Europe, Africa, and America: *Be it enacted by the governor, council, and assembly of this your majesty's island of Jamaica, and it is hereby enacted by the authority of the same,* That the sum of thirty thousand pounds be placed at the disposal of the governor, or person exercising the functions of governor, to be by him applied to the purpose of introducing immigrants into this island, and of defraying such incidental expenses connected therewith as are not hereinafter expressly provided for.

Preamble.

£30,000 placed at disposal of governor for introducing immigrants,

II. *And be it enacted by the authority aforesaid,* That from and after the passing of this act, it shall be lawful for the governor, or person exercising the functions of governor, to nominate and appoint some fit and proper person, resident in this colony, to be agent-general of immigration, who shall be paid an annual salary not exceeding the sum of five hundred pounds, by four quarterly payments, which payments the receiver-general is hereby authorized to make to such agent-general upon the warrant, in writing, of the governor, or person exercising the functions of governor, directed to the said receiver-general.

Governor to appoint agent-general, who shall be paid a salary not exceeding £500 a-year.

III. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the governor, or person exercising the functions of governor, to nominate and appoint, at any of the ports of this island, at which any vessel with immigrants may arrive, or to which immigrants may be sent for location, a sub-agent, whose duty it shall be to take charge of such immigrants, upon their landing or arriving at such port, and carry into effect such directions as he may receive from the agent-general, and each such sub-agent shall be entitled to receive the sum of four shillings for each immigrant so landed or sent as aforesaid, on its being certified to the governor, or person exercising the functions of governor, by the agent-general, that the duties of such sub-agent have been satisfactorily performed.

Governor to appoint a sub-agent, at any of the ports at which immigrant vessels may arrive, who are to receive 4s. for each immigrant:

IV. *And*



Governor to appoint agents at all ports from whence emigrants may be introduced, and to order payments to them.

Power of dismissal, and of awarding remuneration.

Governor empowered to award remuneration to agents appointed by her majesty.

Receiver-general to pay to the order of the governor such sums of money as may be required for the purpose of this act, not exceeding 30,000l.

Proviso.  
Agent-general to lay before the commissioners of accounts

IV. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the governor, or person exercising the functions of governor, from time to time to nominate and appoint agents to reside at all ports or places from whence emigrants may be introduced into this island, and to order payment to be made to such agents of such sum or sums of money as he shall deem adequate for their services, such sum of money or remuneration to any such agent not exceeding the sum of three hundred pounds *per annum*.

V. *And be it enacted by the authority aforesaid,* That it shall be lawful for the governor, or person exercising the functions of governor, and he is hereby authorized and empowered, from time to time to dismiss such agent-general, sub-agents, and agents at ports and places from whence emigrants may be introduced into this island, and to appoint others in the room of such agent-general, sub-agents, or other agents who may be so dismissed, and to award the parties so appointed such salary or remuneration as he may deem adequate, not exceeding the sums limited by this act.

VI. *And whereas* it may be necessary, for the purposes of this act, that her majesty should appoint agents at ports and places from which emigration may be conducted, for the purpose of superintending, on the part of the government, such emigration as may take place from thence to any West India colony: *And whereas* the salary or remuneration payable to the agents which may be so appointed by her majesty, ought to be borne by the respective colonies to which emigrants shall be sent, in such proportions respectively as may be just and reasonable: *Be it enacted by the authority aforesaid,* That it shall be lawful for the governor, or person exercising the functions of governor, from time to time to direct or cause to be paid by the receiver-general, a just and fair proportion of any salary or remuneration which may be awarded to any such officer by her majesty, for services performed by him as aforesaid.

VII. *And be it enacted by the authority aforesaid,* That the receiver-general of this island shall, and he is hereby required, out of any monies in his hands unappropriated, to pay to the order or orders of the governor, or person exercising the functions of governor, such sum or sums of money as shall, from time to time, be required for the purposes of this act, so as that such payments shall not exceed the aforesaid sum of thirty thousand pounds: *Provided always,* That the agent-general for the time being shall lay before the commissioners of public accounts quarterly, a statement of the amount

amount which shall be drawn from the receiver-general as aforesaid, and an account in detail of the manner in which the sums so drawn have been expended.

a quarterly statement of drafts and expenditure.

VIII. *And be it enacted by the authority aforesaid, That every emigrant who shall arrive in this colony under the provisions of this act, from any port or place on the western or eastern coast of the African continent, or from the island of Madagascar, or from any other island, except the island of Saint Helena, adjacent to the said coast of the said African continent, and inhabited by the negro race, or from any port or place on the continent of Asia, or from any island adjacent thereto, and who shall have been conveyed to this colony at the charge of the public revenue thereof, and who shall reside in the same for five years, without having departed therefrom, and on the importation of whom no bounty shall have been paid, shall, at the expiration of that period, and for two years thereafter, upon giving six months' notice to the agent-general of his intention to demand the same, be entitled to a free passage from this island to the port or place from whence he originally came, or at which he embarked, and the entire cost and expence of such passage shall be paid out of the public funds of this island in such manner as by any act of this island shall be provided: Provided always, That if any emigrant as aforesaid shall have acted as a delegate under the authority or appointment of the agent, appointed for the collection and embarkation of emigrants at any port or place from which emigration is conducted by her majesty's government, or of the agent-general for immigrants in this colony, such emigrant shall be entitled to such free passage back as aforesaid at the end of such period of five years, notwithstanding he may not have remained in the colony during such period without departing therefrom: And provided further, That every emigrant who shall be brought into this island from the western or eastern coast of the African continent, or from the island of Madagascar, or from any other island, except the island of Saint Helena, adjacent to the said coast of the said African continent, and inhabited by the negro race, and who would be entitled under this act to a free passage at the end of the period aforesaid, shall be at liberty, at any time previous to the expiration of the period aforesaid, on giving due notice as aforesaid (such immigrant not being at the time under any contract to serve any person,) to depart this island, and shall be entitled to such proportionate sum for the period such emigrant has been in the island, towards procuring a passage back to the port or place from which he originally embarked, as the whole expence of such*

How emigrants are to be entitled to a free passage to the place whence they originally came.

Proviso.

Proviso.

passage

passage back shall bear to the whole period of five years, and such proportionate sum shall be paid in the same manner and under the same authority as is hereinbefore directed with respect to the whole sum, which would be paid in the case of any immigrants who shall have remained in this colony during the whole period of five years.

On the arrival of immigrant from any place, except St. Helena, agent-general to deliver a certificate, stating the right of such immigrant to a free passage back to the place whence he came.

IX. *And be it enacted by the authority aforesaid*, That on the arrival of any emigrant into this colony, under the provisions of this act, from any port or place on the western or eastern coast of the African continent, or from the island of Madagascar, or from any other island, except the island of Saint Helena, adjacent to the said coast of the said African continent, and inhabited by the negro race, or from any port or place on the continent of Asia, or from any island adjacent thereto, provided such emigrant shall have been conveyed to this island at the charge of the public revenue thereof, the agent-general, or sub-agent, shall deliver, or cause to be delivered to such emigrant, a certificate under his hand, stating therein the right of such emigrant to a free passage back to the port or place at which he embarked, or from which such emigrant came.

No contract to be valid unless made in this island, and until forty-eight hours after arrival, and no contract to be valid longer than three years.

X. *And be it enacted*, That no agreement or contract entered into by any emigrant brought into this colony from any port or place on the western or eastern coast of the African continent, or from the island of Madagascar, or from any other island, except the island of Saint Helena, adjacent to the said coast of the said African continent, and inhabited by the negro race, or from any port or place on the continent of Asia, or from any island adjacent thereto, except the empire of China, and the islands thereto belonging, with any employer, shall be valid, unless the same shall have been made within this colony, and such agreement or contract shall not be made for a longer period than three years, nor until the emigrant making it shall have been forty-eight hours in the island.

Persons obtaining services of immigrants to pay certain rates.

XI. *And whereas* it is expedient that the parties who may obtain the services of immigrants from Africa, or the islands adjacent thereto, on their first landing in this island should contribute towards the expense of importing such immigrants: *Be it enacted*, That any party who may so obtain the services of such immigrants shall, and he is hereby required to pay to the agent-general, or some sub-agent of immigration, the sum of two pounds, in respect of each such immigrant above the age of ten years, and of one

one pound in respect of each such immigrant under the age of ten years, and above six, which sums the agent-general of immigration is hereby required to receive and appropriate to immigration purposes under the authority of the governor, or person exercising the functions of governor in this island.

XII. *Whereas*, by the first clause of an act, passed on the nineteenth day of December, one thousand eight hundred and forty, entitled "*An act to regulate the apprenticeship of minors*," provision is made for the apprenticing of minors, with the consent and approval of the parents, guardians, or next friend of such minors: *And whereas* captured African children having been recently imported into this island, and it being probable that others of the same description may hereafter be brought, it is expedient that provision should be made for the apprenticing of such children: *Be it further enacted*, That in the case of African children, under ten years of age, and having no known parent in this island, it shall be the duty of any stipendiary magistrate, or sub-agent of immigration, appointed under this act, to indent the same to such person or persons as may be willing to engage them for a period of five years, under the provisions and regulations contained in the aforesaid recited act, entitled "*An act to regulate the apprenticeship of minors*:" *Provided*, That any such agreement, or indentures of apprenticeship, shall not be subject to any stamp duty.

Stipendiary magistrates and sub-agents to apprentice immigrant children under 10 years.

Proviso.

XIII. *And be it enacted by the authority aforesaid*, That it shall be lawful for the governor, or person exercising the functions of governor, and he is hereby authorized and required, by his proclamation, to name such ports or places out of this colony from which, by the laws there in force, emigration is permitted, other than ports or places on the western or eastern coast of the African continent, or in the island of Madagascar, or in other islands adjacent to the coast of the African continent, and inhabited by the negro race, from whence emigrants may be brought to this colony, and upon the introduction into this colony of any emigrant from any such place, the person by whom, or at whose charge such emigrants have been introduced, and who shall, in all respects, have conformed to the provisions and directions contained in this act, and in the passengers' act of the imperial parliament, and to the rules and regulations in respect of such emigrants, promulgated from time to time by her majesty's government, and by the governor, or person exercising the functions of governor of this island, shall be entitled to receive, and shall be paid a certain fixed rate or bounty for every emigrant so introduced by him: *Provided*,

Governor, by proclamation, to name places from which emigration is permitted into the colony, &c.

Proviso.

That for the purposes, and within the meaning of this act, the island of Saint Helena shall not be considered adjacent to the coast of Africa.

And to fix rate or bounty for maintenance and passage to this island.

XIV. *And be it enacted by the authority aforesaid,* That it shall be lawful for the governor, or person exercising the functions of governor, to fix such rate or bounty as to him shall seem sufficient for indemnifying the person at whose charge any such emigrant has been introduced into this colony for the expense of his maintenance and passage from the port of embarkation to the same; and the said governor, or person exercising the functions of governor shall, in his proclamation to be issued for that purpose, declare the rates or bounties payable upon emigrants from the respective ports or places therein mentioned, and also the number of weeks which shall be deemed adequate for the voyage of any ship or vessel from such respective ports or places to this colony: *Provided always,* That such rate or bounty shall not, in the case of any emigrant from Europe, exceed the sum of ten pounds, or in the case of any other emigrant whatsoever, the sum of fifteen pounds.

Proviso.

Receiver-general to pay bounties on the production of agent general's certificate.

XV. *And be it enacted by the authority aforesaid,* That it shall be lawful for the receiver-general to pay, out of any monies in his hands unappropriated, all such fixed rates or bounties as aforesaid, as shall from time to time be claimed by any person or persons introducing emigrants into this island as last aforesaid, upon the production to him of the certificate of the agent-general of the number of emigrants introduced into this island as aforesaid; and that the provisions of this act, and the provisions of the passengers' act of the imperial parliament, and of such rules and regulations in respect of emigrants as may from time to time be promulgated by her majesty's government, or by the governor, or person exercising the functions of governor of this island, have been fully complied with, such certificate to state, in addition to the foregoing, the amount of bounty which the party is entitled to receive under the same; and the said agent-general shall, once in each quarter, lay before the commissioners of public accounts a statement of the sums so paid by the receiver-general, and of the names of the parties to whom, and the number and description of immigrants on account of whom, such sums have been paid: *Provided always,* That the total amount of such payments for one year shall not exceed the sum of five thousand pounds: *And provided also,* That such amount shall not be agreed [*decmed*] or taken to be part of the aforesaid sum of thirty thousand pounds herein declared to be placed at the disposal of the governor, or person exercising the functions

Agent-general to lay quarterly statement of sums paid, &c. before commissioners of accounts.

Proviso.

Proviso.

functions of governor, to be by him applied to the purpose of introducing emigrants into this island.

XVI. *And be it enacted*, That upon ships arriving in this island with immigrants, and leaving it without taking away any cargo, no tonnage duty shall be charged.

No tonnage duty to be charged on immigrant ships quitting without cargo.

XVII. *And be it enacted by the authority aforesaid*, That in case of the re-appointment by the governor to any office under this act of any person who may have held the same office under the act ninth Victoria, chapter fifteen, such re-appointment shall be deemed and taken to be a continuance of the original appointment.

Re-appointments under this act deemed continuance of original appointments.

XVIII. *And be it enacted*, That this act shall continue and be in force, from the passing thereof, until the thirty-first day of December, one thousand eight hundred and forty-seven.

This act to continue in force till 31st Dec. 1847.

XIX. *And be it enacted*, That this act may be amended, altered, or repealed, during the present session.

And may be amended, &c.

#### C A P. XLVII.

*An act for laying a tax on stock, and on trades, supercargoes, and masters of vessels, and on houses, lands, and buildings, and on certain wheel-carriages, and applying the same to several uses, and for other purposes.*

**W**HEREAS it is necessary that a further supply be granted to your majesty: *We, your majesty's dutiful and loyal subjects, the assembly of Jamaica, having determined to grant a further supply to your majesty, do most humbly beseech your majesty that it may be enacted: Be it therefore enacted by the governor, council, and assembly of the said island, and it is hereby enacted and ordained by the authority of the same*, That the following taxes shall be laid, and levied, and paid into the hands of the receiver-general for the time being, for the uses hereafter mentioned:

Preamble.

Tax laid on horses, wheels, &c.

Two shillings and six pence *per* head on all horse kind, save and except breeding stock, and horse kind and mules exclusively employed for agricultural purposes.

Six pence on all horses and mares solely kept for breeding; and all colts, fillies, mule-colts, and followers of such breeding mares.

12

Three

Three pence on all horses and mules employed for agricultural purposes on any estate, plantation, or pen.

Four pence on every ass, and follower of an ass.

One shilling on every dog.

And for every coach, chariot, landau, chaise, and kittereen, and all other spring carriages, with two or more wheels, (except such as are made use of for the carriage of goods only) six shillings *per* wheel.

Tax on net proceeds of business.

II. *Be it further enacted by the authority aforesaid*, That the corporation of Kingston, and the justices and vestry of each parish, shall assess and lay a tax on the value of the nett proceeds of the business done by each person carrying on any business, trade, or profession whatsoever in the city of Kingston, or in any other parish of this island, not exceeding half *per cent.* for parochial purposes, and a further tax of a quarter *per cent.* for and towards the support of the government of this island; and the common council of Kingston, and the said justices and vestry, shall be obliged to assess and lay such tax, and to include the names of all persons so assessed with the amount of the assessment in the annual rolls.

Masters of vessels to include in manifest all stores on board their vessels, under penalty.

III. *And whereas* masters of vessels have been in the habit of selling articles which were put on board of their vessels as ship stores, and on which the duties and transient tax chargeable by law had not been paid, and it is necessary to provide against such loss and injury to the revenue for the future: *Be it therefore enacted*, That the master of every vessel, on her arrival in this island, shall, and he is required to include in his manifest a true account of all the articles of stores that were received on board of her as such, and intended either for provision or liquor for the support of the crew or passengers, under the penalty of one hundred pounds, and no vessel shall be cleared by the officers of the customs until all the articles so received on board of her as such stores, shall have been satisfactorily accounted for on oath, and the duties and transient tax imposed by the several acts of this island shall have been paid on such articles, or on such portions of the said articles as shall not be shewn to have been used for stores as aforesaid: *Provided always*, That any part of such stores or liquors, as shall be shewn to any custom-house officer to be remaining on board such ship, at the time of her sailing, shall be relieved from such duty.

Proviso.

Corporation of Kingston and justices and vestries

IV. *And be it further enacted*, That it shall be lawful for the corporation of Kingston, and for the justices and vestries of the several

several other parishes, and they are hereby required to assess any person commencing, or intending to commence, a regular and permanent business in the said city of Kingston, or in any other of the said parishes, after the period fixed for the annual assessment, upon the application of such person or persons, or of any person or persons on their behalf, and upon proof given to the said corporation, or justices and vestry, at a proportionate rate for the remainder of the year unexpired, from the time when he or they shall have so commenced business, or applied to be assessed as aforesaid, up to the twenty-eighth day of March then next following, and to issue supplemental rolls from time to time as and when necessary for the collection and recovery of the same, under a penalty of fifty pounds upon each member of the corporation of Kingston, and upon each justice and vestryman of any other parish, who shall refuse or neglect to assess any such person as aforesaid.

asses parties commencing business after the period for the annual assessment.

V. *And be it further enacted by the authority aforesaid,* That any tax, not exceeding one shilling and eight pence in the pound, shall be paid and levied on the annual assessed value, according to the amended assessors' rolls, under the act passed the thirty-first day of December, one thousand eight hundred and forty-two, sixth Victoria chapter forty-eight, entitled "*An act to regulate parochial assessments,*" of all lands, tenements, buildings, wharves, and other hereditaments and premises in each parish in this island; and also under the act, passed on the thirty-first day of December, one thousand eight hundred and forty-five, entitled "*An act to regulate public and parochial assessments on lands and hereditaments,*" as a tax for parochial purposes only.

Tax on lands, buildings, &c.

VI. *And be it further enacted,* That such tax or assessments shall be paid by the owners, tenants, or occupiers thereof respectively in possession on the twenty-eighth day of March; and no agreement between landlord and tenant, or occupier, shall exempt any person in possession of, or occupying any lands, tenements, buildings, wharves, or other hereditaments and premises, from paying the tax hereinbefore mentioned; and the respective amounts shall be paid into the hands of the collecting constables of the respective parishes in this island, or any one of them, to the order of the justices and vestry, in vestry assembled, or to the corporation of Kingston.

No private agreement to exempt from taxation.

VII. *And be it further enacted by the authority aforesaid,* That every owner, tenant, or occupier, in possession of any lands, tenements,

Owner or occupier of lands and premises neglecting to make



return of name and locality of property, with annual value thereof, subject to penalties directed in 7 Vic, caps. 38 and 39.

ments, buildings, wharves, or other hereditaments and premises, as aforesaid, who shall refuse or neglect to make a return of the name and locality of the property, pen, plantation, or settlement, or of the number of the house, and the name of the street or lane in which the same are respectively situated, with the annual value thereof, taken from the assessors' roll, shall be subject to all the pains and penalties, by surcharge, as directed by the two several acts passed in the year of our Lord one thousand eight hundred and forty-four; the one, entitled "*An act to consolidate and amend the several acts for the regulation and collection of the parochial taxes, and to make further and other provisions for the same;*" and the other, entitled "*An act to consolidate and amend the several acts for the regulation and collection of the public taxes, and to make further and other provisions for the same.*"

Woodlands, &c. liable to payment of land-tax and quit-rent only.

VIII. *And be it enacted*, That all runs of woodlands, or plantations, or settlements totally abandoned, and on which there is neither habitation nor cultivation, and which have not been used for the purposes of feeding cattle, or furnishing lumber for sale, or for the use of any plantation for the last twelve months, shall be liable to the quit-rents and land taxes only, and not to any other tax whatever, public or parochial; and that all houses, which have been uninhabited for the six months previous to the twenty-eighth day of March, shall not be subjected to taxation.

Common council of Kingston, and justices and vestry of parishes, to cause houses and places of business to be numbered.

IX. *And be it further enacted by the authority aforesaid*, That the court of common council of the city and parish of Kingston, and the justices and vestry of the several other parishes of this island, shall have power and authority, and be required to cause the houses, wharves, and stores in the said city of Kingston, and in the several other towns in this island, to be marked and numbered, at the discretion of the said court of common council, and of the justices and vestry of the several parishes of this island.

Justices and vestry to levy taxes for parochial purposes on same descriptions of property as that on which public taxes are imposed, &c.

Proviso.

X. *And be it further enacted*, That the justices and vestry of each parish shall, and they are hereby authorized, to rate and levy further taxes on all description of property for parochial purposes, including the keeping in repair of roads, in the same manner, and on the same description of property on which the public taxes are imposed: *Provided*, That the tax on horses, mares, mules, asses, and dogs, and on wheels, shall not in any case exceed treble the amount levied as a public tax.

XI. *And*

XI. *And be it enacted*, That it shall be lawful for the corporation of Kingston, and the justices and vestry of the several parishes of this island, to lay a tax not exceeding sixteen shillings on each and every canoe plying or working in any bay, creek, or harbour, in any parish of this island: *And provided further*, That it shall not be lawful for the corporation of Kingston, or the justices and vestry of any other parish in this island, to levy or impose any tax or impost whatsoever, under or by virtue of the twentieth George the second, chapter ten, passed in one thousand seven hundred and forty-seven, the twenty-first George the second, chapter eight, passed in one thousand seven hundred and forty-eight, the twenty-second George the second, chapter six, passed in one thousand seven hundred and forty-nine, or the fifth William the fourth, chapter thirty-nine, passed on the twentieth December, one thousand eight hundred and thirty-four.

Tax to be laid on canoes.

Proviso.

XII. *And*, for the more speedy and effectually collecting and paying the said taxes, *Be it further enacted by the authority aforesaid*, That all and every the owners, proprietors, and persons in possession of any horned stock, horses, mares, mules, and asses, and dogs, and owners and proprietors or possessors of coaches, chariots, landaus, chaises, kittereens, and all other spring carriages, with two or more wheels, shall, within twenty-five days after the twenty-eighth day of March last, give in, to the justices and vestry of the parish, an account of all taxable property possessed by him, her, or them, on the twenty-eighth day of March, one thousand eight hundred and forty-seven, according to the form of, and in the terms set forth in, the schedule A, hereunto annexed; and shall take and subscribe the following declaration, to be taken before any justice of the peace of this island, or before the clerk of the vestry in the respective parishes, (or, if a quaker, the solemn affirmation,) as follows:

Persons in possession of horses, mules, &c. must give in an account of such property, etc.

*"I, A. B. do declare (or affirm) that above is set forth a just and true account of all the taxable property possessed by me in the parish of \_\_\_\_\_ as owner, guardian, attorney, trustee, tenant, or sub-tenant, on the twenty-eighth day of March, one thousand eight hundred and forty-seven, and that I have made use of no means whatever to evade the law now in force."*

XIII. *And be it further enacted by the authority aforesaid*, That every giving-in under this act shall contain a column, in which shall be particularly specified all carriages, horses, mares, mules, asses, dogs, and horned cattle, belonging to persons resident upon any

sugar-work

Givings-in to contain a column, in which taxable property of persons residing on property, other than the proprietor, is to be specified.

sugar-work, pen, or plantation, (other than the proprietor, stating the names of such persons,) but that neither the proprietor nor manager shall be responsible for the taxes to be laid on such taxable property.

Penalty on corporation of Kingston and justices and vestrymen of other parishes, if they allow any exemptions from the payment of the tax hereby imposed.

XIV. *And be it further enacted by the authority aforesaid, That* except as is provided by the several acts passed for the regulation and collection of the public and parochial taxes, the justices and vestries of the several parishes in this island shall not exempt any person or persons whatsoever within their respective parishes from the payment of the tax, or any part thereof, laid, assessed, or imposed, under and by virtue of this act, under the penalty of sixty pounds on each of the said justices and vestrymen for each such exemption; and the mayor, aldermen, and common council of the city and parish of Kingston shall not exempt any person or persons whatsoever within the said city and parish from the payment of the tax, or any part thereof, hereby laid, assessed, or imposed; and if the said mayor, aldermen, and common councilmen shall exempt any person or persons from such payment, or shall not assess every person and persons whomsoever, who shall refuse or neglect to give in agreeably to the form herein prescribed, the said mayor, and every alderman and common councilman present at granting such exemption, or refusing or neglecting to make such assessment, shall severally forfeit the sum of sixty pounds: *Provided, That* any mayor, alderman, or common councilman, or any justice or vestryman, who shall be present, and vote against any such illegal act, and require his name to be entered in the minutes of proceedings, as having so voted, shall not incur the said forfeiture: *And provided always, That* nothing herein contained shall be construed to subject any officer of her majesty's army and navy to the tax hereby imposed on house rent, as to the house which he shall hire or reside in, or on wheels or stock, in so far as such wheels or stock be necessary and suitable to his rank and station; but every such officer is hereby declared to be exempt from taxation, public and parochial, in those respects.

Proviso.

Proviso.

How penalties are to be recovered.

XV. *And be it further enacted by the authority aforesaid, That* the several penalties imposed by this act, not exceeding sixty pounds, and not declared how they shall be recovered, shall be recovered in a summary manner before any two of her majesty's justices of the peace, in the parish or precinct where the offences shall be committed, who are hereby authorized and empowered to commit such offender or offenders to gaol, there to remain, with-

out

out bail or main-prize, until he, she, or they shall have paid the same; and all penalties, exceeding sixty pounds, shall be recovered in the supreme court of judicature of this island, or in either of the courts of assize in this island, by action of debt, any thing herein contained to the contrary thereof in anywise notwithstanding.

XVI. *And whereas* it appears that several fines to your majesty, which have been laid in the several courts of law in this island, have been paid into the hands of the deputy-marshals, and have not been by them paid to the receiver-general: *Be it enacted*, That every deputy-marshal in this island who has received, or who shall hereafter receive, any fine so laid, shall immediately, as to any fine now in his hands, and in future, within twenty days after the receipt of any fine, pay or remit the full amount of such fine to the receiver-general of this island, and render an account of the same to the next assize court; and every deputy-marshal offending against this clause shall incur the penalty of treble the amount of such fine so detained in his hands, to be recovered in the supreme court of judicature, or either of the courts of assize, one-third of such penalty to your majesty, your heirs and successors, to and for the use of this island, and two-thirds to the person suing for the same, with full costs out of purse, to be taxed by the clerk of the supreme court, and paid by such deputy-marshal, in addition to such fine.

Deputy-marshals to pay fines received by them within twenty days, under penalty

XVII. *And be it further enacted*, That the several taxes to be raised under this act, shall be assessed by the justices and vestry of the several parishes of this island, and the common council of the city and parish of Kingston, in their respective parishes, and shall be collected, levied, accounted for, and paid by the respective collecting constables of the said several parishes, under and subject to the provisions of a certain act of the legislature of this island, entitled "*An act to consolidate and amend the several acts for the regulation and collection of the public taxes, and to make further and other provisions for the same.*"

Justices and vestry, &c. to assess taxes under this act, which is to be collected under collecting constables' acts.

XVIII. *And be it further enacted*, That it shall be lawful for the collector of her majesty's customs at Kingston, and the sub-collector at the several out-ports of this island, to permit all articles imported for the use of her majesty's troops, and consigned, by bill of lading, to the officer at the head of her majesty's commissariat or ordnance department, to be landed and received free from any duty imposed by an act, entitled "*An act to raise a revenue on all*

Collector or sub-collector at out-ports to permit the landing of articles for troops, free of duty.

articles imported into this island for internal consumption, and to grant a drawback of such duties on certain articles when exported from this island, and on which the import duties have been paid," on the production of such bill of lading, and a certificate of such officer, that the said articles have been solely imported for the use of the troops as aforesaid.

Receiver-general to refund duties which shall have been paid by contractors for supplying troops.

XIX. *And be it further enacted*, That it shall be lawful for the receiver-general to refund to the officer at the head of her majesty's commissariat department, the duties which shall have been paid by contractors supplying any articles for the use of her majesty's troops, on the importation thereof into this island, under the said last-mentioned act, on production of a certificate from the officer in command of her majesty's troops in this island, that such articles have been supplied for such public purpose as aforesaid.

Time contracted for printing the laws extended.

XX. *And whereas*, in consequence of the late period at which the principal portion of the laws of the present session have passed the legislature, the contractor for the publication of such laws will be unable to complete his contract by the time specified in the same: *Be it therefore enacted*, That notwithstanding any thing in his said contract to the contrary, the contractor for the publication of the laws shall be allowed three weeks' time beyond the period for which he is at present bound to complete the publication of the laws of this session.

Appropriations.

XXI. *And be it enacted by the authority aforesaid*, That the receiver-general do, out of the monies to arise by virtue of this act, or any other act passed, or to be passed this session, pay the following sums, *videlicet*:

To Francis Henry Moxsy the sum of ninety-eight pounds ten shillings and eight pence, being amount of tonnage duties paid by him as consignee of the ship "Prince Albert," the said ship having arrived in ballast only, and sailed without having landed or laden any cargo.

To Alexander Norman McLeod, inspector-general of police, the sum of eleven pounds fourteen shillings, being the amount of expenses incurred by him in bringing up a detachment of police from Kingston for the protection of the public buildings, in the town of Saint Jago de la Vega, in the month of June last.

To

- To Henry Depass, of the parish of Manchester, the sum of thirty pounds, being for one year's rent of a police station, in Mile-Gully district, in the said parish, to the first day of January, one thousand eight hundred and forty-seven, together with sixteen shillings, the fee paid by him on his petition.
- To Peter Galway, of the parish of Manchester, the sum of thirty-four pounds, being for the rent of a police station, at the northern district of the said parish, to the first day of January, one thousand eight hundred and forty-seven, together with sixteen shillings, the fee paid by him on his petition.
- To Maria Broad, of the parish of Saint Catherine, the sum of twenty-four pounds, being for the rent of a police station, in the parish of Saint Catherine, to the first day of January, one thousand eight hundred and forty-seven, together with sixteen shillings, the fee paid by her on her petition.
- To Abraham Isaacs, of the parish of Saint Ann, the sum of forty pounds, being for the rent of a police station at Brown's Town, in the said parish of Saint Ann, to the first day of January, one thousand eight hundred and forty-seven, together with sixteen shillings, the fee paid by him on his petition.
- To S. D. Lindo, of the parish of Saint Ann, the sum of forty pounds, being for the rent of a police station at the Moneague district, in the said parish of Saint Ann, to the first day of January, one thousand eight hundred and forty-seven, together with sixteen shillings, the fee paid by him on his petition.
- To Amelia Powell, of the parish of Saint Elizabeth, the sum of twenty-four pounds, for the rent of a police station in the district of Santa Cruz, in the said parish of Saint Elizabeth, to the first day of January, one thousand eight hundred and forty-seven, together with sixteen shillings, the fee paid by her on her petition.
- To the justices and vestrymen of the parish of Saint Ann the sum of three hundred and fifty pounds, being the amount paid by them out of the parochial funds of the said parish, as a moiety of the stipends of the curates at Guy's Hill, Ocho-Rios, and Aboukir chapels.
- To the committee of the Roman Catholics of the county of Cornwall, and leeward portion of the county of Middlesex, the sum

of

of one hundred pounds, towards affording religious instruction to the Roman Catholics.

To William Toynbee the sum of nine pounds six shillings, being the amount of duties paid by him on the importation of certain animals for agricultural purposes, and the further sum of sixteen shillings, the fee paid by him on his petition.

To the churchwardens of Saint Mary the sum of twenty pounds, being ten pounds each to Daniel Poplin and Robert Williams, in consideration of the injuries received by them in apprehending a convict named James Lewis.

To Mrs. S. B. Townshend the sum of sixteen pounds eighteen shillings, upon her delivering up to the commissioners of stamps certain stamps, on blank papers, or unused forms, amounting to the said sum of sixteen pounds eighteen shillings.

To Walter George Stewart, island secretary, the sum of two hundred and forty-four pounds seven shillings and one penny, for recording the registries of births and deaths from the fourth day of September, one thousand eight hundred and forty-five, to the fourth day of September, one thousand eight hundred and forty-six; making indices to, and counting the same; for sundry books purchased, and postages incurred by him; and for preparing a general abstract of the number of births and deaths to lay before the legislature.

To Walter George Stewart, island secretary, the sum of seven hundred and ninety-eight pounds twelve shillings and one penny, for making sundry copies of the laws ordered to be printed; for recording the laws, and making copies thereof in duplicate for transmission to England; for bringing up indices of sundry books of record under orders of the house of the third day of March, one thousand eight hundred and thirty-seven, and the eighth day of April, one thousand eight hundred and forty; and also for making indices of several marriages performed by dissenters, and recorded in his office between the first day of January, one thousand eight hundred and forty-five, and thirtieth day of September, one thousand eight hundred and forty-six.

To lieutenant-colonel Rawsley, deputy-governor of Fort-Charles, the sum of one hundred and eighty pounds, for the hire of a boat and crew for conveying the governor's despatches from Fort-Charles to Port-Henderson, for the year ending the thirty-first day of October last.

To

- To James Philip Clarke the sum of sixteen pounds six shillings and three pence, for counting the number of words contained in the laws passed in the session of one thousand eight hundred and forty-five.
- To James M'Pherson the sum of fifteen pounds sixteen shillings, for keeping in repair the assembly clock from the thirty-first day of October, one thousand eight hundred and forty-five, to the thirty-first day of December, one thousand eight hundred and forty-six, and the expense of his petition.
- To Alexander J. Brymer, treasurer of the Titchfield free school, the sum of nine pounds sixteen shillings, for one year's rent of three acres of land on which the batteries are built, to the thirty-first day of December last, and the expense of his petition.
- To John Duff, clerk of arraigns, the sum of two hundred and twenty-three pounds two shillings and six pence half-penny, amount of his account, as taxed, for business done in one thousand eight hundred and forty-six.
- To Abraham Vaz the sum of eight pounds eight shillings, for attendance as crier in the court of vice-admiralty session in August and December, one thousand eight hundred and forty-six, and the expense of his petition.
- To the order of the physician of the Milk-River Bath at the rate of sixty pounds *per annum*, for his attendance on the sick patients visiting the said Bath during the year one thousand eight hundred and forty-six.
- To the justices and vestrymen of the parish of Saint Thomas in the East the sum of one hundred and fifty pounds, being the amount paid by them out of the parochial funds of the said parish in part of the stipend of the officiating curates for the Manchioneal chapel in the said parish.
- To William Collman, esquire, the sum of twenty-four pounds, being for the rent of a police station at Breadnut-Bottom, in the parish of Clarendon, to the first day of January, one thousand eight hundred and forty-seven.
- To Alexander Barclay, esquire, trustee of the late Alexander Miller, the sum of forty-five pounds, being for the rent of a police station, in Harbour-street, in the city of Kingston, to the thirty-first



first day of December, one thousand eight hundred and forty-six.

To Zebulon Farrell the sum of seven pounds nine shillings, for tonnage and other dues advanced by the petitioner beyond the time of the loss of his vessel in the hurricane at the Grand Cayman, and the expense of his petition.

To George B. Spence the sum of twenty-two pounds ten shillings, being for nine months' salary as marshal to the Saint James' regiment.

To the custos and members of Portland, or any two of them, the sum of sixty pounds, in aid of the repairs to the cottages of the widows and orphans remaining at Altamont, in the parish of Portland.

To Mary Bell the sum of twenty pounds, being the one-sixth of the escheated property of Jane Perkins, appropriable to the exigencies of this island.

To Alexander Imlah the sum of twenty-five pounds, for services performed by him to the country, as stated in his petition.

To John Davy, of Manchester, esquire, the attorney in this island of Catherine Buckeridge, Francis Hotchkiss Buckeridge, Thomas Dalrymple Buckeridge, the reverend Arthur Nugent Buckeridge, and Alfred Buckeridge, the proprietors of Lower Salt-Pond Hut pen, the sum of six hundred pounds, to meet the expenses that they will be at in making the canal, and several bridges and fences required, and to indemnify the proprietor of Cumberland pen, and the present lessee of that pen, for the land belonging to Cumberland pen, through which that part of the canal will be cut, upon the above-named parties granting a legal discharge to the island for past as well as future damage to that property, in consequence of diverting the Rio-Cobre from its old course, in lieu and other [under] the terms of the grant contained in the ninth Victoria, chapter forty-five.

To Philip Solomon, late deputy-marshal for the parishes of Clarendon, Vere, and Manchester, the sum of five pounds nineteen shillings and six pence, for mile-money in carrying prisoners to the county gaol of Middlesex, and the expense of his petition.

To Abel Helps Dowswell, deputy-marshal for the parishes of Clarendon, Vere, and Manchester, the sum of thirteen pounds eleven

ven shillings, for mile-money, in conveying prisoners to the county gaol of Middlesex, and the expense of his petition.

To Asher Asher the sum of twenty-eight pounds twelve shillings, for boatage from Fort-Augusta to Port-Henderson of gunpowder, and wharfage, and carriage of the same to Spanish-Town, and the expense of his petition.

To Jane Dyer the sum of twenty-four pounds eight shillings, for publishing, in the Cornwall Courier newspaper, the rum in-givings for the county of Cornwall, as by law required, to the thirtieth day of June, one thousand eight hundred and forty-five, and also for furnishing the three county gaols with the same paper for six months, and the expense of her petition.

To David P. Mendes, deputy-marshal for the precinct of St. Catherine, the sum of forty-four pounds sixteen shillings, for warning jurors, and attendance on the court of vice-admiralty sessions in August and December, one thousand eight hundred and forty-six.

To Charles Miller Farquharson, registrar of the diocese, the sum of one hundred and seventy-eight pounds twelve shillings and four pence, for recording returns of parochial registers of baptisms, marriages, and burials, and for compiling alphabetical indices of the same, from the thirtieth day of June, one thousand eight hundred and forty-five, to the thirtieth day of June, one thousand eight hundred and forty-six, for counting the words contained in the same, and for postages of parochial returns incurred by him.

To Charles Miller Farquharson, registrar of the diocese, the sum of forty-four pounds three shillings and two pence, for recording returns of parochial registers of baptisms, marriages, and burials, and for compiling alphabetical indices of the same, from the thirtieth day of June, to the thirtieth day of September, one thousand eight hundred and forty-six, for counting the words contained in the same, and for postages of parochial returns incurred by him.

To James Neilson the sum of thirty pounds eighteen shillings, for binding and labelling sundry books of record in the office of the registrar of the diocese, and the expense of his petition.

To John Vincent Purrier, esquire, the sum of sixty-six pounds four shillings

shillings and six pence, being the amount of certain rum duties twice charged to Caldwell and Saxham estates, in the parish of Hanover, to be by him paid over to the party who shall establish his claim thereto to his satisfaction, and should the parties disagree about the same, that they be left to their remedy at law.

To the members of Saint Thomas in the Vale, and to Bryan Edwards, esquire, or any two of them, the sum of one hundred pounds, towards the erection of a bridge over the Rio D'Oro river, in the parish of Saint Thomas in the Vale.

To the order of the honorable James Dunstone, Samuel Magnus, the reverend Walter Thorburn, Archibald Scott, and James Innis, or any three of them, the sum of two hundred and fifty pounds, towards erecting a school house in connection with the Saint Andrew's kirk, in Falmouth.

To the managing committee of the Presbyterian church of Montego-Bay the sum of two hundred pounds, towards defraying the debt due by the members of the managing committee of the presbyterian church, at Montego-Bay, in the erection of the said church.

To the officers of the synagogue at Montego-Bay the sum of one hundred pounds, in aid of the Jews synagogue in that town.

To the members of Kingston, or any two of them, the sum of four hundred and twenty pounds, in aid of the Scotch kirk and school in Kingston.

Receiver-general to pay 500 guineas to order of governor for distressed inhabitants of Ireland and Scotland,

XXII. *And be it enacted*, And the receiver-general is hereby directed to pay to the order of his excellency the governor, the sum of five hundred guineas, to be transmitted by his excellency for distribution among the distressed inhabitants of Ireland and of the highlands and islands of Scotland; such sum to be distributed in proportions of three hundred guineas for Ireland, and two hundred guineas to the highlands and islands of Scotland.

And to give an order on stamp commissioners to grant new stamps to J. Porteous, Esq. &c.

XXIII. *And be it enacted*, And the receiver-general is hereby directed to give an order to the commissioners of stamps, to grant new stamps, of the present die, to James Porteous, esquire, upon his delivering sundry old stamps to be destroyed.

To Lyndon Howard Evelyn, the sum of seven pounds ten shillings

- lings, for collecting the tonnage dues at the port of Alligator-Pond, from the twelfth day of June to thirty-first day of October last.
- To Lyndon Howard Evelyn, junior, the sum of ninety-two pounds four shillings, for duties performed as sub-collector at the port of Alligator Pond, and rent of an office.
- To the superintending commissioners of the River-Road the sum of five hundred pounds, for the repairs of that road.
- To the reverend Alexander Campbell the sum of one hundred and fifty pounds, *per annum*, by quarterly payments, for the remainder of his life, to enable him to meet the salary of a curate, whose assistance his advanced age renders indispensable, and that such sum be in future paid annually, by quarterly payments.
- To the order of the custos, rector, members and churchwardens of the parish of Saint Catherine, the sum of one thousand two hundred pounds, towards the repairs of the cathedral in Spanish-Town.
- To the directors of the Milk-River Bath the sum of one hundred and ten pounds, in addition to the annual sum granted by law.
- To John Gale Vidal the sum one hundred and eighty pounds, towards reimbursing himself the expense of clerks during this session, and the further sum of eighty-four pounds for stationery during the present session.
- To Samuel Oughton, Henry Hutchings, John Nethersole, and Henry Pinnock, subscribers to the Metcalfe dispensary, in Kingston, or any three of them, the sum of one hundred pounds, in aid of the said Kingston dispensary.
- To the reverend George Wilson Bridges the sum of sixty pounds, in consequence of the destitute situation in which he has been thrown by a most calamitous visitation, which compelled him to abandon his living, which he filled for upwards of twenty-five years, and during which time he contributed to the clergy fund, and to the general contingencies of the island, and that the said sum be continued annually.
- To Millicent Evans the sum of ten pounds, in consideration of her destitute situation, occasioned by the death of her husband, late a serjeant of police, who was killed by a stone by some person unknown, whilst in the execution of his duty, and that such sum be paid annually during her widowhood.

- To Henry Vendryes, interpreter and translator of the French and Spanish languages, the sum of one hundred pounds, as salary as such interpreter, for one thousand eight hundred and forty-six.
- To the Diocesan Church Society the sum of two thousand pounds, in aid of the funds, and for the purposes of that society; provided that such amount be first appropriated towards the building and repairing of those churches and chapels, except the cathedral, that are in progress of erection, or already erected, and that the society do make a return to the house of the appropriation of the grant.
- To the commissioners appointed under the act eighth Victoria, chapter forty, entitled "*An act to promote the education of the industrial classes in this island,*" the sum of two thousand pounds, seven hundred pounds of which to be exclusively applied to the institution of a Normal training school, and the remainder to [*the*] general purposes of the act.
- To Esther Depass the sum of twenty pounds, for and towards the maintenance and education of her infant son.
- To James Cowan, of the parish of Saint James, carpenter, the sum of twenty pounds, agreeably to the report (from the committee to whom his petition was referred) of the first day of December, one thousand eight hundred and forty-two, recommending the said sum to be paid to him annually.
- To Eliza Henrietta Rumpier, widow of lieutenant-colonel Rumpier, formerly of the sixteenth light dragoons, the sum of forty pounds, and that the like sum be paid to her annually for life.
- To William Ramsay, island storekeeper, the sum of one hundred and eighty pounds, for salary for the year one thousand eight hundred and forty-six.
- To Ann Lumsey the sum of ten pounds, in consequence of the injury she sustained by a gun-shot wound, which she received in December, one thousand eight hundred and forty-one, at the riot in Kingston that month, while in the performance of her peaceable vocations, and that such sum be paid annually.
- To James Popkin, late a policeman, the sum of thirty pounds, by quarterly payments, provided his receipt shall be accompanied by a medical certificate that he continues blind, and is incapable of earning his support, which certificate is to be endorsed by the rector and churchwardens of the parish.

To the order of colonel Farquharson, deputy adjutant-general, for the use of Bellamira Duff, and her two orphan daughters, the sum of fifty pounds.

To Walter George Stewart, esquire, the sum of thirty pounds, for and towards the maintenance and support of the infant son of the reverend George Wilson Bridges, and that the said sum be continued annually, until the said infant shall have attained the age of eighteen years.

To the treasurer of the free school of Saint Jago de la Vega, the sum of sixty pounds, for one year's interest on the bond from the public to the said school, of six hundred pounds, at ten pounds *per cent. per annum.*

XXIV. *And be it enacted,* And the receiver-general is hereby directed to pay interest at six pounds *per centum* on the following charities, *videlicet* :

Receiver-general to pay interest to certain charities.

Wolmer's, four thousand pounds.

Gregory's, three thousand pounds.

Smith's, two thousand nine hundred [*pounds*] late currency.

To the physician of the Bath of Saint Thomas the Apostle, at the rate of sixty pounds *per annum*, his salary for the year one thousand eight hundred and forty-six.

To the directors of the Bath of Saint Thomas the Apostle the sum of one hundred and twenty pounds, for the support of poor infirm patients resorting to the Bath, and for salary to the clerk of the directors for the year one thousand eight hundred and forty-six.

To serjeant Hall, of the Trelawny militia, the sum of eighteen pounds, in compensation of his services during the maroon rebellion, upon a certificate being produced by the rector, churchwarden, and members of the parish, or any two of them, that he is alive.

To Kean Osborn, of the Moore-Town maroons, the sum of twelve pounds, as a reward for his past services to the country, and to continue such annuity for his life, upon a certificate being produced by the rector, churchwardens, and members of the parish, or any two of them, that he is alive.

To Bell Little, *alias* Isabella M'Ghie, the sum of forty-two pounds

pounds, upon the terms and conditions required by the militia law, upon a certificate being produced by the rector, churchwardens, and members of the parish, or any two of them, that she is alive.

To Bacchus, Samuel Jackson, and Nelly Jackson, late maroons of Trelawny town, the sum of six pounds each, upon a certificate being produced by the rector, churchwardens, and members of the parish, or any two of them, that they are alive.

To Ann Tharp James and Judith Palmer, each the sum of forty-two pounds, upon the terms and conditions mentioned in the militia law, upon a certificate being produced by the rector, churchwardens, and members of the parish, or any two of them, that they are alive.

To Ann Pearce the sum of forty-two pounds, upon the terms and conditions mentioned in the militia law, upon a certificate being produced from the rector, churchwardens, and members of the parish, or any two of them, that she is alive.

To Billy Warren the sum of twelve pounds, upon a certificate being produced from the rector, churchwardens, and members of the parish, or any two of them, that he is alive.

To Sarah Gedelia the sum of fifteen pounds, upon the terms and conditions required by the militia law, upon a certificate being produced from the rector, churchwardens, and members of the parish, or any two of them, that she is alive.

To Altud Williams the sum of three pounds, upon a certificate being produced from the rector, churchwardens, and members of the parish, or any two of them, that she is alive.

To William Redmon, of the parish of Trelawny, an invalid under the militia law, at the rate of forty-two pounds *per annum*, upon a certificate being produced from the rector, churchwardens, and members of the parish, or any two of them, that he is alive.

To William Williams, of the parish of Westmoreland, a black man, invalidated under the militia law, the sum of fifteen pounds, upon a certificate being produced from the rector, churchwardens, and members of the parish, or any two of them, that he is alive.

To William, a black pioneer, the sum of six pounds, in consideration of his services during the maroon war, and his advanced age, upon a certificate being produced from the rector, churchwardens, and members of the parish, or any two of them, that he is alive.

To

To Sally, emancipated by law in the year one thousand eight hundred and seven, the sum of twelve pounds, upon a certificate being produced from the rector, churchwardens, and members of the parish, or any two of them, that she is alive.

To the reverend Richard Panton, D.D. chaplain to the assembly, the sum of one hundred and twenty pounds, for his services during the present session.

To Morrison Dallas, librarian to the house of assembly, at the rate of one hundred and twenty pounds *per annum*, for salary, payable quarterly.

To Alexander Deleon the sum of eighty pounds, for candles, and lighting up the assembly room, during the present session.

To Alexander Deleon the sum of twenty-five pounds, for his care of the robes and mace during the present year, and the further sum of twenty-five pounds for his care of the pew in the parish church of Saint Catherine, for the use of the members of the house of assembly, and for the hire of a servant to attend the house the present session.

To Alexander Deleon, for his care of the upper part of the public buildings, the sum of eighty-four pounds, and the further sum of forty pounds for his care of the upper part of the new buildings.

To Alexander Deleon the sum of thirty pounds, for his care of the furniture in the new buildings, during the present year.

To Alexander Deleon, messenger to the house, the sum of one hundred and twenty pounds, for his salary for the year one thousand eight hundred and forty-six, and that such several sums, granted to the said Alexander Deleon, be paid quarterly.

To Alexander Sinclair the sum of three hundred pounds, for his attendance on the committee of accounts, and various other committees, during the present session, and the further sum of twenty pounds for extra services.

To James Philip Clarke the sum of three hundred pounds, for copying the minutes, and attending various committees during the present session.

To James Gayleard, junior, the sum of three hundred pounds, for attending various committees during the present session.

To William Holliday, as door-keeper to the house, the sum of thirty-five pounds, during the present session.

To



To Edward Stanbury, *alias* Brougham, for attendance on the members of the house, the sum of fifteen pounds.

To the commissioners of public accounts the sum of one hundred and sixty pounds, for compiling the indices to the Votes of the present sessions of assembly.

To Robert Deleon the sum of thirty pounds, for his attendance on the members of the house during the present session.

To William Deleon the sum of fifteen pounds, for attending upon the members of the house during the present session.

To the archdeacon, and the members of Kingston, or any two of them, the sum of two hundred pounds, in aid of the Jamaica diocesan national school, and that a return be made of the expenditure of such grant.

To sir Molyneux Hyde Nepean, baronet, the sum of one hundred pounds, to defray the incurred expenses attending by himself, or a deputy, according to law, the several assize courts of this island, for the last year.

To sir Molyneux Hyde Nepean, baronet, the sum of three hundred pounds, for his services as clerk of the crown for the year one thousand eight hundred and forty-six, in consequence of the increased business of the crown office.

Commissioners of  
accounts directed to  
pay for printing  
Votes, &c. of the  
sessions.

XXV. *And be it enacted*, And the commissioners of public accounts are hereby authorized to direct the payment of the amount for printing the Votes, bills, and documents of the house of the present session, on their being audited and certified by the clerk of the house.

To the disposal of his excellency the governor the sum of fifty pounds to each parish, for the best statistical account of such parish, granted on the thirtieth day of December, one thousand eight hundred and forty-five, and lapsed in consequence of the expiring of the poll tax law, the said grant to be subject to the same conditions as those agreed to by the house at that date.

To the members of the parish of Saint David the sum of three hundred and sixty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint George the sum of three hundred and sixty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint Thomas in the East the  
sum

sum of four hundred and eighty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Kingston the sum of three hundred and sixty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint Andrew the sum of three hundred and sixty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Port-Royal the sum of three hundred and sixty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Portland the sum of three hundred and sixty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Metcalfe the sum of three hundred and sixty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint Catherine the sum of two hundred and fifty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint John the sum of two hundred and ten pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint Dorothy the sum of two hundred and ten pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint Thomas in the Vale the sum of four hundred and twenty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Clarendon the sum of four hundred and twenty pounds, for the repairs of such roads and bridges

bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Vere the sum of two hundred and fifty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Manchester the sum of four hundred and twenty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint Ann the sum of four hundred and seventy pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint Mary the sum of three hundred and fifty pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Westmoreland the sum of six hundred pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Hanover the sum of six hundred pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint James the sum of six hundred pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Trelawny the sum of six hundred pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To the members of the parish of Saint Elizabeth the sum of six hundred pounds, for the repairs of such roads and bridges as may be considered most conducive to public convenience throughout that parish.

To James Carson, for and on behalf of his firm of Porteous, Carson, and company, the sum of ninety-three pounds two shillings and three pence, amount of duty paid by them on four tons and thirty-three gallons of wine, part of four pipes, thirty-two hogsheads,

hogsheads, and forty-eight quarter-casks, received by them, found unsaleable, and afterwards exported, the deficiency in the said quantity being caused by leakage and evaporation, during the time the same was in the queen's warehouse.

XXVI. *And be it enacted*, That a sum of money, equal to one-third of the amount raised collectively by the respective parishes interested in making and constructing a carriage road, to complete the present road from Temple Hall, in Saint Andrew, to Annotto-Bay, and that the said amount be payable to the members of the parishes which may be taxed for carrying out the formation of the road: *Provided*, That the parishes interested do take measures for taxing themselves, by or before the end of the sessions of the year one thousand eight hundred and forty-eight.

One-third of sum raised collectively for completing carriage road to Annotto-Bay payable to members of parishes interested.

Proviso.

To Moses Abraham Morais the sum of ten pounds, being the amount of a *capias* issued against him for non-attendance as a juror at the April Surry assize-court, one thousand eight hundred and forty-six, by mistake, together with the expense of his petition.

To messieurs M'Whinny, Hendrick, and company, the sum of thirty-one pounds fifteen shillings and six pence, amount of duty demanded and paid by them on eighty-two gallons of brandy, part of twelve quarter-casks received by them, found unsaleable, and afterwards exported, the deficiency in the quantity of brandy being caused by leakage and evaporation during the time the same was in the queen's warehouse.

To Charles Gordon the sum of twenty-seven pounds five shillings, being the damages and interest of a judgment obtained in an action of trespass against him, at the instance of one James Williams, whilst the said Charles Gordon was engaged, in his character of deputy clerk crown, in taking the necessary caution for bringing a party accused of horse-stealing to justice.

To the commissioners of [*the*] public hospital and lunatic asylum, or any three of them, the sum of three thousand pounds, in aid of the public hospital and lunatic asylum.

To Robert C. Carr, esquire, the sum of twenty-six pounds fifteen shillings, being the amount of duty paid by him on certain quantities of cheese, and four cart-horses, imported into this island by him, the same having been taken by the customs' officer through error.

XXVII. *And be it enacted*, And the receiver-general is hereby directed to place at the disposal of the committee appointed to make arrangements for the erection of the statue of sir Charles

Receiver-general to place £1500 at disposal of committee to erect the Metcalfe statue.

M

Metcalfe,

Metcalf, and the cupola for the same, a sum not exceeding one thousand five hundred pounds, for the removal and erection of the said statue.

To John Augustus Sullivan, provost-marshal-general, on behalf of George Delisser, his deputy, the sum of twelve pounds, for conveying Patrick C. Norton, a prisoner, from the county gaol of Cornwall to Spanish-Town, to attend a committee of the house; and also the sum of four pounds five shillings and six pence, expenses incurred on the road, together with the expense of his petition.

To Elizabeth Binham, widow, the sum of thirty pounds, in consideration of her destitute situation, occasioned by the death of her husband, a private in the police, whilst returning from Spanish-Town, where he had been in attendance on a committee of the house.

To messieurs Scott, Leaycraft, and company, the sum of twenty-six pounds nine shillings and five pence, being the amount of duties paid by them on one hundred and eighty-four boxes candles, which were manufactured for another market, and in consequence were exported in October last.

To Alexander Wells Aikman, solicitor to the crown, the sum of five hundred and ten pounds twelve shillings and seven pence, for sundry law business performed in one thousand eight hundred and forty-five and one thousand eight hundred forty-six.

To Abraham Septimus Lyon, deputy-marshal for the city and parish of Kingston, and the parishes of Port-Royal and Saint Andrew, the sum of two hundred and twenty-five pounds five shillings, for fees and mile-money, in conveying prisoners to the county gaol of Surry.

To David P. Mendes, deputy-marshal for the precinct of Saint Catherine, the sum of two hundred and eight pounds seven shillings, for fees and mile-money, in conveying prisoners to the county gaol of Middlesex.

To Isaac Morris, deputy-marshal for the parishes of Saint Ann and Saint Mary, the sum of twenty-eight pounds and six pence, for mile-money, in conveying prisoners to the county gaol of Middlesex, and the expense of his petition.

To George Delisser, deputy-marshal for the precinct of Saint James, Trelawny and Hanover, the sum of two hundred and seventeen pounds twelve shillings, for fees and mile-money, in conveying prisoners to the county gaol of Cornwall.

To Jordon and Osborn the sum of eight hundred and fifty-six pounds

pounds ten shillings, for sundry volumes of the journals of the house supplied by them; for binding the same; and for supplying sundry volumes of the laws.

To Jordon and Osborn ninety-one pounds four shillings, for printing the island agent's letters to the commissioners of correspondence, and various documents accompanying the same, from November, one thousand eight hundred and forty-five, to October, one thousand eight hundred and forty-six.

To Robert Jordon the sum of nine hundred and fifteen pounds, being the balance of his account for printing and binding the Votes of the sessions of one thousand eight hundred and forty-five; for printing sundry bills and other documents, under orders of the house; and for furnishing one hundred extra copies of the laws passed in the session of one thousand eight hundred and forty-five.

To Alexander Manford the sum of twelve pounds twelve shillings, for binding sundry books of record in the island secretary's office.

To Alexander Manford the sum of sixteen pounds five shillings, for furnishing two record books for the bishop's registrar's office.

To the order of his excellency the governor the sum of one hundred and fifty-six pounds, for defraying the expense of keeping clean, in repair, and good order the island arms, accoutrements, gunpowder, and other articles, for one year ending the thirtieth September, one thousand eight hundred and forty-seven.

To the order of the members of St. Thomas in the East, Portland, and Saint David, the sum of three hundred pounds, for enabling them to continue the services of a competent botanist to manage the Botanic-Garden at Bath, and the further sum of fifty pounds, to cover the expence of importing seeds and plants.

To the order of Bryan Edwards and Boswell Middleton, esquires, the sum of sixty pounds, to pay a copying clerk employed by them in the consolidation of the laws.

XXVIII. *And be it enacted*, And the receiver-general is hereby directed to procure from England, if it can be done, the value of five hundred pounds in a coin of the intrinsic value of one half-penny, to be composed of silver and zinc, or such other composition as may be considered more suitable; the size of the coin

Receiver-general to procure £500's worth half-penny pieces composed of zinc and silver, &c.

to be not less than that of a six penny piece, and to bear a device easily distinguishable from the other current coins of the island.

To Abraham Vaz, crier of the insolvent courts of Surry and Middlesex, the sum of six pounds, for each county, according to the terms of the grant in the poll tax of one thousand eight hundred and forty-five.

To place £250 at disposal of committee for furnishing the king's house.

XXIX. *And be it enacted*, And the receiver-general is hereby directed to place at the disposal of the commissioners of public accounts, the sum of two hundred and fifty pounds, to be paid, if necessary, to the committee for furnishing the king's house.

To the Royal Agricultural Society of Jamaica the sum of three hundred pounds, in aid of the said society.

And to release to Elizabeth Stiebel the rights of government to the personal estate of B. Stiebel.

XXX. *And be it enacted*, And the receiver-general is hereby authorized to release to Elizabeth Stiebel, of the city and parish of Kingston, gentlewoman, on behalf of herself and her son, Philip James Stiebel, the rights and interests of the government of this island, of and in the personal estate of Bernard Stiebel, deceased, to the end that she may thereupon obtain, on the behalf aforesaid, a grant of such personal estate.

To James Oty, Clerk of the Jamaica Times newspaper, the sum of forty-two pounds ten shillings and three pence, being for certain militia advertisements published in the said Times newspaper.

To the proprietors of the Morning Journal the sum of ninety-seven pounds thirteen shillings and six pence, being for certain militia advertisements published in the said Morning Journal.

To Moses Sarfaty, agent of the Jamaica Despatch newspaper, the sum of sixty pounds twelve shillings and six pence, being for certain militia advertisements published in the said Despatch newspaper.

To the custos and members of the parish of Hanover the sum of sixty pounds, towards the erection of a burial-house for the use of the Hebrew inhabitants of the said parish of Hanover; the said sum not to be paid until the custos and members of the parish shall have satisfied themselves that such building has been erected.

Commissioners of accounts to pay newspaper proprietors for

XXXI. *And be it enacted*, And the commissioners of public accounts are hereby authorized to pay to the proprietors of the several

several newspapers the account incurred by the house for the insertion of sundry advertisements during the present session.

inserting advertisements of the session.

To Thomas Cushnie, clerk common council, the sum of sixteen pounds five shillings, for furnishing the returns of church and poor, laid before the house in the session of one thousand eight hundred and forty-five, in compliance with the orders of the house.

XXXII. *And be it enacted*, That the commissioners of public accounts do purchase sixty copies of the Jamaica Almanack for the present year for the use of the members of the legislature.

and to purchase sixty copies of Almanack.

To each of the tide-waiters the sum of thirty pounds in addition to the present salary.

XXXIII. *And be it enacted*, And the receiver-general is hereby directed to import, for the use of the island, sixty barrels of fine gunpowder, and forty barrels of coarse powder, for blasting purpose.

Receiver-general to import 100 barrels of gunpowder.

XXXIV. *And be it enacted*, That this act shall be in force, from the passing hereof, until the thirty-first day of December, one thousand eight hundred and forty-seven.

This act to be in force till 31st Dec. 1847.





## SCHEDULE B.

*An Account of all Lands, Tenements, Houses, Buildings, Wharves, Hereditaments, and Premises belonging to, or in the possession or occupation of, or Rented by the 28th day of March, 1847.*

Name of Property, Number and Street of Houses in any Town.	Description of Property.	Number of Acres.

*The above is a correct account of all Lands, Tenements, Houses, Buildings, Wharves, Hereditaments, and Premises in the Parish of  
eight hundred and forty-seven, as Owner, Guardian, Attorney, Trustee, Tenant, or otherwise.*

The first part of the document is a list of names and titles, including  
 the names of the members of the committee and the names of the  
 members of the assembly. The names are listed in two columns, with  
 the names of the members of the committee on the left and the names  
 of the members of the assembly on the right. The names are written in  
 a cursive hand, and the list is organized in a clear and concise manner.


The second part of the document is a list of names and titles, including  
 the names of the members of the committee and the names of the  
 members of the assembly. The names are listed in two columns, with  
 the names of the members of the committee on the left and the names  
 of the members of the assembly on the right. The names are written in  
 a cursive hand, and the list is organized in a clear and concise manner.

A small handwritten note or signature at the bottom of the page.







