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1933

The Laws of Jamaica, 1932

Jamaica

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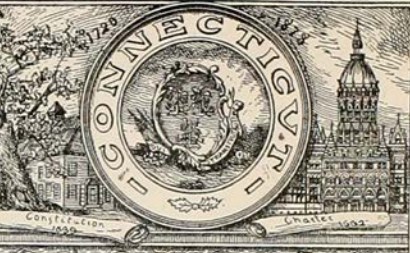
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Laws of Jamaica

PASSED IN THE YEAR

1932.

APR -7 1933



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LAWS OF JAMAICA

PASSED IN THE YEAR, 1932.

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PUBLISHED BY AUTHORITY.

JAMAICA
GOVERNMENT PRINTING OFFICE, KINGSTON.
1933.

2111

TABLE OF LAWS.

[Assented to 15th March, 1932.]

1. A Law to continue a Certain Expiring Law.

[Assented to 15th March, 1932.]

2. A Law to make further Provision for Pensions of Inspectors of Schools.

[Assented to 7th April, 1932.]

3. A Law to impose a Tax on Packages.

[Assented to 20th May, 1932.]

4. A Law to provide for additional pension to Michael Bernard O'Sullivan, formerly an Inspector of Police of the Jamaica Constabulary Force.

[Assented to 20th May, 1932.]

5. A Law relating to the Employment of Young Persons.

[Assented to 20th May, 1932.]

6. A Law to amend the Motor Omnibus Law, 1929.

[Assented to 20th May, 1932.]

7. The Appropriation Law, 1932-1933.

[Assented to 20th May, 1932.]

8. A Law to extend the period of redemption of certain Debentures issued under the Jamaica Banana Producers Association Limited Debenture Law, 1928.

[Assented to 23rd May, 1932.]

9. A Law to provide for the establishment of a Court of Appeal in this Island.

[Assented to 28th May, 1932.]

10. A Law to consolidate and amend The Local Inscribed Stock Laws.

IV

[Assented to 28th May, 1932.]

11. A Law to amend the Cattle Contagious Diseases Law, 1890 (Law 24 of 1890).

[Assented to 28th May, 1932.]

12. A Law to authorise the use for sewerage extension of part of the moneys to be raised under Law 25 of 1923.

[Assented to 28th May, 1932.]

13. A Law to Control the Retail Prices of Sugar in Jamaica.

[Assented to 28th October, 1932.]

14. A Law further to amend the Tariff Law, 1925 (Law 4 of 1925).

[Assented to 22nd December, 1932.]

15. A Law for affording Temporary Assistance to the Banana Industry of the Island and to enable Loans in aid thereof.

[Assented to 22nd December, 1932.]

16. A Law to Allow and Confirm Certain Expenditure incurred in the financial year 1931-1932.

[Assented to 22nd December, 1932.]

17. A Law to Amend The Roads Loan Law, 1931 (Law 21 of 1931).

[Assented to 22nd December, 1932.]

18. A Law to Validate the Jury Lists for the parishes of Saint James and Trelawny for the year 1932-1933.

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to
18 of 1932.*

Statute or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 9 of 1920 (except the last two items in schedule of the Law)	Continued until 31st March, 1933 by	Law 1 of 1932.
Law 30 of 1929	{ Definition of "Motor Omnibus" in section 1 repealed and new definition substituted by Paragraph (h) in section 8 repealed and new paragraph (h) substituted by	Law 6 of 1932
Law 39 of 1888	Repealed by.....	
Law 6 of 1928	Time for the redemption of certain Debentures issued under extended by	Law 8 of 1932
21 Victoria c. 22	Section 49 repealed by Section 50 amended by	
Law 10 of 1876	In so far as it relates to appeals from conviction on indictment repealed by	
Law 24 of 1879	Section 6 as re-enacted by Law 16 of 1919 repealed and new section substituted by	
do.	Section 27 repealed by	
do.	Section 30 amended by	
do.	Section 31 amended by	
do.	Section 32 repealed by	
do.	Section 36 amended by	
Law 18 of 1894	Section 195 repealed by	
do.	Section 217 in so far as it relates to appeals from conviction on indictment repealed by	
Law 46 of 1908	Sections 4 and 15 repealed by	
Law 22 of 1911	Repealed by	
Law 39 of 1927	Section 301 amended by	
Law 17 of 1891	Repealed by	
Law 33 of 1894		
Law 13 of 1914		
Law 15 of 1917		
		Law 10 of 1932

VI

Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 18 of 1932.

Statute or Laws repealed or otherwise affected.	How affected.	Number of Law.
Law 24 of 1890	Section 2 as amended by section 7 of Law 33 of 1893 amended by	Law 11 of 1932.
Law 25 of 1923 Law 17 of 1924	} Read as one with	} Law 12 of 1932.
Law 13 of 1931	} Sub-sections (7) and (8) of section 3 repealed by	} Law 13 of 1932.
Law 4 of 1925	} Sub-section (1) (a) of section 2 repealed and new sub-section substituted by	} Law 14 of 1932.
do.	} Section 5 repealed and new section substituted by	
do.	} Sub-section (2) of section 7 repealed by	
do.	} Section 20 amended by	
do.	} Section 26 repealed by	
do.	} The first schedule as amended by Law 11 of 1927, Law 29 of 1927 and Law 1 of 1931 amended by	
do.	} The second schedule as amended by Law 29 of 1927 and Law 1 of 1931 amended by	} Law 17 of 1932.
Law 21 of 1931	} Sub-section (1) of section 3 repealed and new sub-section substituted by	

No. 1—1932.

I assent,

[L.S.]

R. E. STUBBS,
Governor.

15th March, 1932.

A LAW to continue a Certain Expiring Law.

[17th March, 1932.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Expiring Law Continu- Short Title.
ance Law 1932.

2—The Law mentioned in the Schedule to this Law shall Continuance of
Law mentioned
in Schedule.
be continued until and including the thirty-first day of March, one thousand nine hundred and thirty-three.

SCHEDULE.

The Excise Duty (Temporary Increase) Law, 1920 (Law 9 of 1920) with the exception of the following items:—

On all matches subject to Excise Duty under The Match Excise Duty Law, 1901 (Law 12 of 1901) and any Laws amending the same, an additional duty after the rate of ten per cent. on such Excise Duty.

On all amounts payable as King's Warehouse fees under the Wharfage Law, 1895 (Law 15 of 1895) a surtax after the rate of ten per cent. of such fees.

No. 2---1932.

I assent,

[L.S.]

R. E. STUBBS,
Governor.

15th March, 1932.

A LAW to make further Provision for Pensions of Inspectors
of Schools.

[The day of the date of any Proclamation notifying that
His Majesty will not exercise his powers of disallowance.]

BE it enacted by the Governor and Legislative Council
of Jamaica as follows:—

1—This Law may be cited as the Inspectors of Schools Short Title.
(Further Pension Provision) Law 1932.

2—In this Law the following expressions have the follow- Interpretation.
ing meanings:—

“Inspector” means an Inspector or an Assistant
Inspector of Schools appointed by the Governor
under the Elementary Education Law, 1914.

“School” means a Public Elementary School main-
tained entirely, or to which aid is contributed,
from the public funds of the Island.

“Teaching Service” means service in the capacity
of a teacher in full time service in a school.

Computation of Service.

3—Where an Inspector who has had teaching service retires in circumstances which render him eligible for a pension in respect of that service, and for a pension, in respect of his service as an Inspector, under the Pensions Law, 1904, he shall not be granted a pension in respect of the teaching service but the whole of that service, if continuous with his service as an Inspector, shall be taken into account, provided that of the period of the teaching service one moiety only shall be pensionable under the Pensions Law, 1904.

Commencement.

4—This Law shall not come into operation unless and until the Governor notifies by proclamation published in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other proclamation.

JAMAICA.

No. 3—1932.

I assent,

[L.S.]

R. E. STUBBS,
Governor.

7th April, 1932.

A LAW to impose a Tax on Packages.

[7th April, 1932.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:

1—This Law may be cited as the Package Tax Law, Short Title.
1932.

2—There shall be raised levied and collected the charge Scope. mentioned in the schedule to this Law in respect of every package brought into this Island for Island use from beyond the seas when perfect entry is made to the Collector or other proper officer of Customs of such package or of the contents thereof under the Customs Consolidation Law, 1877 (Law 18 of 1877), and any Law amending the same.

3—For the purposes of Section 2 of this Law all commodities of the sort and quantities, mentioned in the schedule to this Law, shall, in each case, be deemed to be a package and shall be liable to the charge set out in the said schedule. Definition of Package.

- Charge—how paid.** 4—The charge imposed by this Law shall be paid to the Collector or other proper officer of Customs of the port or other person appointed to receive the same by the importer or his agent immediately upon entry being made.
- Amount to be credited to General Revenue** 5—The amount of tax collected under this Law shall be credited to the general revenue of this Island.
- Packages re-exported.** 6—The tax paid on packages of goods shall be refunded to the importer if and when such goods are exported from this Island under the drawback regulations.
- Power to exempt.** 7—The Governor in Privy Council shall have power to exempt from the duty imposed by this Law any package or class of package on which the duty appears to be unduly burdensome.
- Exemptions.** 8—Packages of goods imported by the Government, Military Authorities, Kingston and St. Andrew Corporation or a Parochial Board shall be exempt from package tax.
- Duration.** 9—This Law shall remain in operation until and including the thirty-first day of March, one thousand nine hundred and thirty-three.

SCHEDULE.

On every package	£0 1 0
Kerosene Oil	Free
Condensed Milk	Free
Flour per 98 lbs.	0 0 6
Lumber, on every 1,000 feet, or less quantity superficial measurement	0 2 0
Shingles of any kind, on every 1,000, or any less number	0 1 0
Iron, unmanufactured	Free
Coal	Free
Bricks, tiles and slates (per 1,000)	0 2 0
Ironware, pewter, copper, lead, tin and brass of every description (per cwt.)	0 1 0
Stoves, iron pots, and other hollow ware, not being packed in packages (per cwt.)	0 1 0
Oars and hand spikes (per dozen)	0 1 0
Paint for every 112 lbs. or part thereof.	0 1 0
Gasolene in containers per 50 gallons or less	0 0 6
Gasolene in bulk per 50 gallons	0 0 6
Salt	Free
Spades, shovels and forks	Free
Cutlasses	Free

SCHEDULE, *contd.*

Factory and also Agricultural Machinery which,
in the opinion of the Governor in Privy Council,
is imported for the purpose of improving,
economically, the manufacture of exports out of
local products

Free

No. 4.—1932

I assent,

[L.S.]

R. E. STUBBS,

Governor.

20th May, 1932.

A LAW to provide for additional pension to Michael Bernard O'Sullivan, formerly an Inspector of Police of the Jamaica Constabulary Force.

[The day of the date of any Proclamation notifying that
His Majesty will not exercise his power of disallowance.]

WHEREAS under the provisions of the Pension Law Preamble.
1904 (Law 24 of 1904) a pension was granted to
Michael Bernard O'Sullivan formerly an Inspector of
Police in the Jamaica Constabulary Force:

And whereas by Resolution of the Legislative Council passed on the 3rd day of March nineteen hundred and thirty-two, leave was given to introduce a Bill to grant to the said Michael Bernard O'Sullivan an additional pension at the rate of seven pounds one shilling and seven pence per annum as from the date of his retirement from the Service, namely, the first day of April nineteen hundred and thirty-one:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

Short Title.

1—This Law may be cited as the Pension Provision (Michael Bernard O'Sullivan) Law 1932.

Grant of additional pension.

2—Notwithstanding anything to the contrary in any Law contained the said Michael Bernard O'Sullivan shall be entitled to be paid an additional pension of seven pounds one shilling and seven pence per annum from and inclusive of the first day of April nineteen hundred and thirty-one: Provided that such additional pension shall be deemed to be a pension granted under the Pension Law 1904 (Law 24 of 1904) or any Law amending or substituted for the same and shall be subject to the provisions of the said Law and the regulations made thereunder.

Commencement.

3—This Law shall not come into operation unless and until the Governor notifies by proclamation published in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other proclamation.

No. 5.—1932.

I assent,

[L.S.]

R. E. STUBBS,

Governor.

20th May, 1932.

A LAW relating to the Employment of Young Persons.

[26th May, 1932.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Employment of Short Title.
Young Persons Law, 1932.

2—In this Law

“Young person” means a person who is twelve Interpretation.
years of age and upwards and under the age
of sixteen years:

“Industrial undertaking” includes a quarry, or
a distillery, or a sugar, spirit compounds,
match, soap, cigar or cigarette factory, or any
undertaking in which articles are manufactured
or materials transformed and declared by procla-
mation by the Governor in Privy Council to be
an industrial undertaking: Provided that there

shall not be included in this definition any undertaking in which only members of the family of the proprietor or owner of the undertaking are employed:

“Night work” means work in an industrial undertaking during any time between the hours of eight o’clock in the evening and six o’clock in the morning:

“Ship” means any seagoing ship or boat of any description registered in Jamaica.

The expressions “employ” and “employment” include gratuitous employment.

Prohibition of employment on ships of young persons under 14 years.

3—It shall not be lawful to employ any young person under the age of fourteen years upon any ship other than a ship upon which only members of the same family shall be employed.

General prohibition of night work.

4—It shall not be lawful, except as expressly provided in this Law, to employ young persons in night work in Jamaica.

Industries affected by exceptional circumstances.

5—In all industrial undertakings in the case of exceptional circumstances demanding it, the Governor in Privy Council may, by proclamation, suspend the prohibition of night work for such period as he may deem necessary.

Exemption in certain circumstances.

6—The provisions of section 4 of this Law shall not apply to a case where it is shown to the satisfaction of the Court trying any proceedings brought under this Law that the night work complained of has to do with raw materials or materials in course of treatment which are subject to rapid deterioration and when such night work is necessary to preserve the said materials from certain loss.

Penalties.

7—(1) The proprietor, owner or manager of any industrial undertaking in which any young person is employed in night work contrary to the provisions of this Law, shall be liable on summary conviction before a Resident Magistrate, to a penalty not exceeding five pounds for every young person so employed.

(2) The owner or master of any ship on which any young person is employed contrary to the provisions of

this Law shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding five pounds for every young person so employed.

(3) Where a young person is taken into employment in any ship or into employment in any industrial undertaking contrary to the provisions of this Law on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representations of his parent that the young person is of an age at which such employment is not in contravention of this Law, that parent shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five pounds.

8—The Governor in Privy Council may make regula- Regulations
tions for the carrying out of this Law.

No. 6.—1932.

I assent,

[L.S.]

R. E. STUBBS,
Governor.

20th May, 1932.

A LAW to amend the Motor Omnibus Law, 1929.

[26th May, 1932.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Motor Omnibus (Amendment) Law 1932 and shall be read as one with the Motor Omnibus Law 1929 (Law 30 of 1929), in this Law referred to as the principal Law. Short Title.

2—The definition of “Motor Omnibus” in section one of the principal Law is hereby repealed and in place thereof the following definition shall be substituted:— Amendment of section 1 of Law 30 of 1929.

“‘Motor Omnibus’ means any mechanically propelled vehicle, not being a tramcar or a vehicle duly licensed as a hackney carriage, plying for hire by, or used to carry, passengers at separate fares.”

Amendment of
section 8 of Law
30 of 1929.

3—Section eight of the principal Law is hereby amended by the substitution of the following paragraph for paragraph (h) thereof:—

“(h) Providing for first and second class motor omnibuses and for the payment of fees or charges in connection with applications for any licence under this Law or the said Regulations, and the payment of fees and/or annual dues upon any such licence being granted or renewed; Provided that such fees, charges or dues in respect of a motor omnibus of the second class shall in no case exceed one-half of the fees, charges or dues prescribed for a motor omnibus of the first class.”

Repeal.

4—The Stage Carriage Law, 1888 (Law 39 of 1888), is hereby repealed.

No. 7.---1932.

I assent,

[L.S.]

R. E. STUBBS,

Governor.

20th May, 1932.

The Appropriation Law, 1932-33.

[26th May, 1932.]

WHEREAS of the amount of two million fifteen Preamble.
thousand seven hundred and seventy-one pounds
required for the service of the Civil Government of this
Island and for other purposes, for the Financial Year to
end 31st day of March, one thousand nine hundred and
thirty-three, the sum of four hundred and thirty-nine
thousand and nine pounds has been provided for by
Law, and it is now requisite to make a further provision
of one million five hundred and seventy-six thousand
seven hundred and sixty-two pounds.

Be it enacted by the Governor and Legislative Council
of Jamaica, as follows:—

1—The Treasurer of the Island shall, on the warrant
of the Governor, pay a sum not exceeding in the Amount
authorise!
aggregate one million five hundred and seventy-six
thousand seven hundred and sixty-two pounds for
defraying the several charges and expenses of the Civil
Government of this Island, and for other purposes, for
the Financial Year to end on the 31st day of March,
one thousand nine hundred and thirty-three set forth in
the Schedule to this Law annexed.

SCHEDULE.

	£
Charges of Debt	520
Pensions	5,300
Pensions of Widows and Orphans	50
Governor and Staff	2,445
Privy Council	62
Legislative Council	3,139
Colonial Secretariat	8,868
Lands Department	11,378
Audit Department	6,432
Public Treasury	7,325
Currency Commissioners	1,275
Government Savings Bank	9,492
Collector General's Department	87,260
Post Office	105,821
Supreme Court	2,496
Law Officers	3,715
Kingston Court	1,327
Resident Magistrates' Courts	15,423
Administrator General's Office	6,847
Medical—	
General Administration	58,718
Hospitals and Lepers' Home	80,686
Lunatic Asylum	48,879
Constabulary	191,578
Prisons	47,994
Industrial School, Stony Hill	7,971
Education	206,256
Harbours and Pilotage	6,954
Marine Board	1,586
Local Forces	8,293
Registrar General's Dept., Island Record Office	4,568
Registration of Titles Office	4,113
Government Printing Office	19,599
Board of Supervision	282
Department of Science and Agriculture	45,623
Agricultural Loan Societies Board	1,673
Subventions	39,676
Miscellaneous	71,665
Railway	51,821
Public Works Department	58,067
Public Works, Annually Recurrent	264,829
Public Works, Extraordinary	18,800
Colonial Development Fund	57,956
	£1,576,762

JAMAICA.

No. 8.-----1932.

I assent,

[L.S.]

R. E. STUBBS,

Governor.

20th May, 1932.

A LAW to extend the period for redemption of certain Debentures issued under the Jamaica Banana Producers Association Limited Debenture Law 1928.

[26th May, 1932.]

WHEREAS the Jamaica Banana Producers Association Preamble. Limited (in this Law referred to as "the Association") have in pursuance of the Jamaica Banana Producers Association Limited Debenture Law 1928 (in this Law referred to as the Principal Law) issued debentures for the sum of two hundred thousand pounds in value bearing interest at the rate of five pounds per centum per annum and redeemable on the first day of April one thousand nine hundred and thirty-three:

And whereas the redemption fund created under the Principal Law is insufficient to redeem at maturity thereof all and singular the said debentures:

And whereas, subject to the continuance of the guarantee by the Government of Jamaica contained in the Principal Law for payment of those debentures which are specified in the schedule to this Law, the holders thereof have consented to the postponement of redemption of such debentures for a maximum period of five years to commence from the day on which such debentures would otherwise be redeemable under the Principal Law:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

Short Title.

1—This Law may be cited as the **Jamaica Banana Producers Association Limited Debenture (Extension) Law 1932.**

**Redemption
period extended
for specified
debentures.**

2—(1) The period for redemption of all and singular the debentures issued under the Principal Law which are specified in the schedule to this Law is, with the consent of the holders of the said debentures, hereby extended for a period of five years from the first day of April one thousand nine hundred and thirty-three: Provided that the guarantee by the Government of Jamaica for payment of the said specified debentures, contained in the Principal Law, shall, until redemption thereof under the provisions of this Law, remain in full force and effect.

(2) From and after the first day of April one thousand nine hundred and thirty-three the Trustees of the Redemption Fund under the Principal Law, may, on giving to debenture holders six calendar months notice of such intention, cause to be redeemed on the first day of October or on the first day of April in any year all or any of the said specified debentures.

(3) The notice required by this section shall be in writing and signed by the said Trustees, and service thereof may be effected on the debenture holder to be affected thereby, either personally or by post, or if the debenture holder is absent from the Island, or cannot be found, publication in the Jamaica Gazette and in a daily newspaper published in Kingston of the said notice shall be deemed sufficient service thereof.

3—The holders of debentures which are specified in the schedule to this Law shall produce every such debenture to the Treasurer of the Island who shall endorse and sign on every such debenture the note following:—

Production to
Treasurer of
specified debentures for endorsement.

“Redemption of the within debenture is postponed to the first day of April one thousand nine hundred and thirty-eight unless sooner redeemed by the exercise of the option in that behalf conferred on the Trustees of the Redemption Fund by section two of the Jamaica Banana Producers Association Limited Debenture (Extension) Law 1932.”

And on presentation to the Secretary of the Association of a debenture endorsed as aforesaid the Secretary shall deliver the necessary interest coupons to the debenture holder to be attached to the said debenture.

4—The Principal Law, so far as it relates to the date for redemption of those debentures which are specified in the schedule to this Law, shall have effect as though for such date there were substituted the date or dates for redemption prescribed by section two of this Law.

Amendment of
Principal Law.

5—The provisions of the Principal Law, as amended by this Law, shall, so far as such provisions are not inconsistent with this Law, apply to those debentures specified in the schedule to this Law and redeemable under this Law in like manner as they apply to those debentures which on the coming into operation of this Law remain redeemable under the Principal Law.

Application of
Principal Law.

[No. 8.] *The Jamaica Banana Producers Association, Limited*
Debenture (Extension) Law, 1932.

SCHEDULE.

Debentures issued under the Principal Law which are redeemable under this Law.

Number.	Value
	£
255 to 270 inclusive and 274	8,500
245 to 254 inclusive	5,000
101 to 120 inclusive and 271 to 273 inclusive	11,500
121 to 158 inclusive	19,000
325 to 384 inclusive	50,000
176 to 180 "	
191 to 197 "	
201 to 211 "	
233 to 242 "	
318 to 324 "	
221 to 232 inclusive	6,000

No. 9.—1932.

I assent,

[L.S.]

R. E. STUBBS,

Governor.

23rd May, 1932.

A LAW to provide for the establishment of a Court of Appeal in this Island.

[The day of the date of any Proclamation notifying that His Majesty will not exercise his power of disallowance.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

PART I.

PRELIMINARY.

1—This Law may be cited as the Court of Appeal Law Short Title 1932.

2—In this Law, unless the context otherwise requires— Interpretation.

The expression "Appellant" includes a person who has been convicted and desires to appeal under this Law.

The expression "Clerk of the Court" means the Clerk of a Resident Magistrate's Court appointed or deemed to be appointed under the Resident Magistrates Law, 1927.

The expression "Supreme Court" means the Supreme Court of Judicature of Jamaica.

The expression "Grand Court" means the Grand Court of the Cayman Islands.

The expression "The Court" means the Supreme Court of Judicature of Jamaica or a Resident Magistrate's Court

The expression "Judge" means a Judge of the Supreme Court.

The expression "Judgment" or "Sentence" includes any order of a Court made on conviction with reference to the person convicted or his children, and any recommendation of a Court as to the making of an expulsion order in the case of a person convicted, and the power of the Court of Appeal to pass a sentence includes a power to make any such order of a Court or recommendation, and a recommendation so made by the Court of Appeal shall have the same effect for the purposes of section three of the Aliens (Expulsion) Law, 1920, as the certificate and recommendation of the convicting Court.

PART II.

ESTABLISHMENT OF COURT OF APPEAL.

Establishment of Court of Appeal.

3—(1) There shall be a Court of Appeal (in this Law referred to as "The Court of Appeal") which is hereby declared to form part of the Supreme Court of Judicature established by the Judicature Law, 1879 and which shall have jurisdiction and power to hear and determine appeals from the Courts of the Colony specified in this Law, subject however to the provisions of this Law and to Rules of Court made under this Law.

(2) The Court of Appeal shall have, and use as occasion may require, a seal, having the device or impression of the Royal Arms, with the inscription "The Court of Appeal."

Constitution of Court of Appeal.

4—(1) The Court of Appeal shall consist of two Judges who shall be—

- (a) the Chief Justice of Jamaica, who shall be President of the Court and
- (b) a person who shall be appointed by Letters Patent under the Public Seal of the Island by the Governor in accordance with such instructions as he may receive through one of His Majesty's Principal Secretaries of State; provided that a person who is not a member of the Bar of England, Scotland or Northern Ireland, of at least ten years standing, shall not be appointed a Judge of the Court of Appeal, unless at the time of his appointment he is a Judge of the Supreme Court.

(2) The person appointed under paragraph (b) of this section shall receive a salary of fourteen hundred pounds per annum.

(3) Every Judge of the Court of Appeal shall hold office during His Majesty's pleasure, subject to any conditions contained in any regulations made by or under the authority of His Majesty for His Majesty's Colonial Service, and shall not be removed from office except in accordance with His Majesty's pleasure signified under His Sign Manual; provided that the Governor may, with the advice of the Privy Council, for good cause suspend any such Judge from executing his office until His Majesty's pleasure is known.

(4) Whenever the office of any Judge of the Court of Appeal is vacant, or whenever any such Judge is unable from any cause to sit, or whenever in the opinion of the Governor the due administration of justice so requires, the Governor may, in the name of His Majesty, by Letters Patent under the Public Seal of the Island, appoint some person being a member of the Bar of England, Scotland or Northern Ireland, of ten years standing at least, to act as a Judge of the Court of Appeal, for such time as may be specified by the said Letters Patent.

(5) No Judge of the Court of Appeal shall exercise any jurisdiction other than the jurisdiction conferred on him by this Law.

(6) Where the Judges of the Court of Appeal are divided in opinion on any cause or matter brought before the Court

by way of appeal, the judgment, conviction, decree, order, rule or other determination appealed from shall stand.

Registrar.

5—(1) There shall be a Registrar of the Court of Appeal.

(2) The Registrar of the Supreme Court shall be the Registrar of the Court of Appeal and shall have such power and authority and perform such duties as shall be necessary for the due conduct and discharge of the business of the Court of Appeal and as the Judges of the Court of Appeal shall direct.

(3) Without prejudice to the generality of the provisions of this section, the Registrar shall take all necessary steps for obtaining a hearing under this Law of any appeals or applications, and shall obtain and lay before the Court in proper form all documents, exhibits and other things relating to the proceedings in the Court before which the case, or the appellant or applicant, was tried which appear necessary for the proper determination of the appeal or application.

Appointment of shorthand writers

6—(1) There shall be appointed such number of shorthand writers who shall receive such salary as the Governor with the sanction of the Legislative Council may determine.

(2) Shorthand notes shall be taken of the proceedings at the trial of any person on indictment in the Supreme Court, and on any appeal or application for leave to appeal a transcript of the notes or any part thereof shall be made if the Registrar of the Court of Appeal so directs, and furnished to the Registrar for the use of the Court of Appeal or any Judge thereof: Provided that a transcript shall be furnished to any party interested upon the payment of such charges as may be fixed by rules of Court.

(3) Rules of Court may make such provision as is necessary for securing the accuracy of the notes to be taken and the verification of the transcript.

Rules of Court.

7—(1) Rules of Court for the purposes of this Law shall be made, subject to the approval of the Governor in Privy Council by the Judges of the Court of Appeal. Rules so made may make provision with respect to any matter for which provision is to be made under this Law by rules

of Court, may fix the time of sittings of the Court, and if necessary during vacation, and the costs and fees upon proceedings therein and may regulate generally the practice and procedure under this Law, or any matter relating to the Court of Appeal or relating to the duties of the officers of the Court of Appeal, and the officers of any Court before whom an appellant's case has been tried or an appellant has been convicted, and the Superintendent or other officer of any Prison or other officers having the custody of an appellant, and any other officers or persons, shall comply with any requirements of those rules so far as they affect those officers or persons, and compliance with those rules may be enforced by order of the Court of Appeal.

(2) Rules made under this section shall not have any force or effect until they have been approved by the Legislative Council, and when so approved by resolution shall, as from the date of such approval, have the same force and effect as if they were contained in and formed part of this Law.

(3) All such rules shall be published in the Jamaica Gazette

PART III.

APPELLATE CIVIL JURISDICTION.

8—(1) Subject to the provisions of this Law, to any rules made under the (Imperial) Colonial Courts of Admiralty Act, 1890, to general rules made under the Bankruptcy Laws, 1871 to 1931, and to rules made under the Divorce Law, 1879 or to general rules and orders relating to bankruptcy or divorce made under the Judicature Law, 1879, an appeal shall lie to the Court of Appeal from any final judgment or decision of a Judge of the Supreme Court sitting as a Court of first instance in all civil proceedings, and from any interlocutory order made by a Judge in the course of any proceeding: Provided that no order made by consent of parties or as to costs only, which by Law are left to the discretion of the Court, shall be subject to an appeal except by leave of the Judge making the order.

Appeals from Supreme Court in civil proceedings.

(2) For the purposes of this section, there shall be vested in the Court of Appeal all jurisdiction and powers formerly vested in the Supreme Court, or Full Court, when exercising appellate jurisdiction, and for all the purposes of and incidental to the hearing and determination of any appeal and the amendment, execution and enforcement of any judgment or order made thereon the Court of Appeal shall have all the power, authority and jurisdiction of the Supreme Court or Full Court.

Appeals from
Cayman Islands.

9—(1) Subject to the provisions of this Law, to the provisions of a Law entitled "A Law for Improving the Administration of Justice in the Cayman Islands and in aid of Law 37 of 1893, the Cayman Islands Government Law, 1893," (Law 18 of 1894), regulating appeals from the Grand Court in civil proceedings and to rules made under that Law, an appeal shall lie to the Court of Appeal from any final judgment or decision of the Grand Court sitting as a Court of first instance in all civil proceedings and from any interlocutory order made by the Judge in the course of any proceedings: Provided that no order made by consent of parties or as to costs only, which by Law are left to the discretion of the Court shall be subject to any appeal except by leave of the Judge making the order.

(2) On appeals from the Grand Court under this section, the Court of Appeal shall have and may exercise the powers and authorities conferred on the Supreme Court by Law 18 of 1894, and references, wherever they occur, in sections one hundred and ninety-four to two hundred and three, inclusive, of that Law to "Supreme Court of Jamaica," "Court of Appeal," "Appellate Court" and "Clerk of the Appellate Court" shall be deemed to be references to the Court of Appeal established by this Law and the Registrar thereof respectively, and the said sections shall be read and construed accordingly.

Appeals from
Supreme Court,
Turks Island.

10—(1) Subject to the provisions of this Law and to the provisions of The Turks and Caicos Islands Appeal Law, 1908, regulating appeals from the Supreme Court of the Turks and Caicos Islands in civil proceedings, and to

rules made under the Supreme Court Ordinance, 1903, an appeal shall lie to the Court of Appeal from any final judgment or decision of a Judge of the said Court sitting as a Court of first instance in all civil proceedings and from any interlocutory order made by the Judge in the course of any proceedings: Provided that no order by consent of parties or as to costs only, which by Law are left to the discretion of the Court shall be subject to any appeal except by leave of the Judge making the order.

(2) On appeals from the Supreme Court under this section the Court of Appeal shall have and may exercise the powers and authorities conferred on the Court of Appeal by The Turks and Caicos Islands Appeal Law, 1908, and references, wherever they occur, in that Law to "Court of Appeal" and "Registrar of the Court of Appeal" shall be deemed to be references to the Court of Appeal established by this Law and the Registrar thereof respectively, and the said Law shall be read and construed accordingly.

11—(1) Subject to the provisions of this Law, to the provisions of the Resident Magistrates Law, 1927, regulating appeals from Resident Magistrates' Courts in civil proceedings, and to rules made or deemed to be made under that Law, an appeal shall lie to the Court of Appeal from any judgment, decree or order of a Resident Magistrate's Court in all civil proceedings.

Appeals from
Resident Magis-
trates Courts in
civil proceedings.

(2) On appeals from a Resident Magistrate's Court under this section the Court of Appeal shall have and may exercise the powers and authorities conferred on the Court of Appeal by the Resident Magistrates Law, 1927, and references, wherever they occur, in sections two hundred and fifty-five to two hundred and sixty-eight inclusive of that Law to "Court of Appeal," "Appellate Court," "Supreme Court" and "Clerk of the Appellate Court," shall where the context admits, be deemed to be references to the Court of Appeal established by this Law and the Registrar thereof respectively, and the said sections shall be read and construed accordingly.

PART IV.

APPELLATE CRIMINAL JURISDICTION (MAGISTRATES).

Appeals from Resident Magistrates in criminal proceedings.

12—Subject to the provisions of this Law, to the provisions of the Resident Magistrates Law, 1927, regulating appeals from Resident Magistrates in criminal proceedings and to rules made or deemed to be made under that Law, an appeal shall lie to the Court of Appeal from any judgment of a Resident Magistrate in any case tried by him on indictment, or on information in virtue of special statutory summary jurisdiction.

Powers of Court on appeals from Magistrates.

13—On appeals from a Resident Magistrate the Court of Appeal shall have and may exercise the powers and authorities conferred on the Supreme Court by the Resident Magistrates Law, 1927, and references, wherever they occur, in sections two hundred and ninety-six to three hundred and seven, inclusive, of that Law to “Supreme Court,” “Court” and “Registrar of the Supreme Court” shall, where the context admits, be deemed to be references to the Court of Appeal established by this Law and the Registrar thereof respectively, and the said sections shall be read and construed accordingly.

Appeals from Grand Court Cayman Islands in certain cases.

14—(1) Subject to the provisions of this Law and to the provisions of Law 18 of 1894, regulating appeals from the Grand Court in criminal proceedings, an appeal shall lie to the Court of Appeal from any conviction (other than a conviction on indictment) by the Grand Court under section two hundred and four of Law 18 of 1894.

(2) On appeals under this section the Court of Appeal shall have and may exercise the powers and authorities conferred on the Supreme Court by section two hundred and seventeen of Law 18 of 1894, and the reference in that section to “Supreme Court,” and the reference in section two hundred and eighteen to “the Court of Appeal” shall be deemed references to the Court of Appeal established by this Law.

PART V.

APPELLATE CRIMINAL JURISDICTION (SUPREME COURT).

15—A person convicted on indictment in the Supreme Court may appeal under this Law to the Court of Appeal—

Right of appeal on conviction in the Supreme Court.

- (a) against the conviction on any ground of appeal which involves a question of Law alone; and
- (b) with leave of the Court of Appeal, or upon the certificate of the Judge who tried him that it is a fit case for appeal, against his conviction on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, or on any other ground which appears to the Court to be a sufficient ground of appeal; and
- (c) with the leave of the Court of Appeal against the sentence passed on his conviction unless the sentence is one fixed by Law.

16—(1) The Court of Appeal on any such appeal against conviction shall allow the appeal if they think that the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence, or that the judgment of the Court before whom the appellant was convicted should be set aside on the ground of a wrong decision of any question of Law, or that on any ground there was a miscarriage of justice, and in any other case shall dismiss the appeal: Provided that the Court may, notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred.

Determination of appeals in ordinary cases.

(2) Subject to the special provisions of sections seventeen and twenty-five of this Law the Court of Appeal shall, if they allow an appeal against conviction, quash the conviction, and direct a judgment and verdict of acquittal to be entered.

(3) On an appeal against sentence the Court of Appeal shall, if they think that a different sentence should have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in Law by the verdict

(whether more or less severe) in substitution therefor as they think ought to have been passed, and in any other case shall dismiss the appeal.

**Wrong conclusion
on special verdict.**

17—Where on the conviction of the appellant the jury have found a special verdict, and the Court of Appeal consider that a wrong conclusion has been arrived at by the Court before which the appellant has been convicted on the effect of that verdict, the Court of Appeal may, instead of allowing the appeal, order such conclusion to be recorded as appears to the Court to be in Law required by the verdict, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in Law.

**Time for
appealing.**

18—Where a person convicted desires to appeal under this Law to the Court of Appeal, or to obtain the leave of that Court to appeal, he shall give notice of appeal or notice of his application for leave to appeal in such manner as may be directed by rules of Court within fourteen days of the date of conviction. Such rules shall enable any convicted person to present his case and his argument in writing instead of by oral argument if he so desires. Any case or argument so presented shall be considered by the Court.

Except in the case of a conviction involving sentence of death, the time, within which notice of appeal or notice of an application for leave to appeal may be given, may be extended at any time by the Court of Appeal.

**Judge's notes and
report to be fur-
nished on appeal.**

19—The Judge of any Court before whom a person is convicted shall, in the case of an appeal under this part of this Law against the conviction or against the sentence, or in the case of an application for leave to appeal under this part of this Law, furnish to the Registrar, in accordance with rules of Court, his notes of the trial; and shall also furnish to the Registrar in accordance with rules of Court a report giving his opinion upon the case or upon any point arising in the case.

**Forms and
instructions to be
furnished by
Registrar.**

20—The Registrar of the Court of Appeal shall furnish the necessary forms and instructions in relation to notices of appeal or notices of application under this part of this

Law to any person who demands the same, and to Officers of the Supreme Court, Superintendents of Prisons and such other officers or persons as he thinks fit, and the Superintendent of a Prison shall cause those forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under this part of this Law and shall cause any such notice given by a prisoner in his custody to be forwarded on behalf of the prisoner to the Registrar.

21—Any documents, exhibits or other things connected with the proceedings on the trial of any person, who, if convicted is entitled or may be authorised to appeal under this part of this Law, shall be kept in the custody of the Court of trial in accordance with rules of Court made for the purpose, for such time as may be provided by rules, and subject to such power as may be given by the rules for the conditional release of any such documents, exhibits or things from that custody.

Custody of documents and exhibits.

22—(1) The Court of Appeal may at any time assign to an appellant under this part of this Law a Solicitor and Counsel, or Counsel only, in any appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the Court, it appears desirable in the interest of justice that the appellant should have legal aid and that he has not sufficient means to enable him to obtain that aid.

Legal assistance to appellant.

(2) The Court of Appeal may allow to Counsel assigned, a fee not exceeding five pounds and five shillings, provided that the Court after the conclusion of the appeal, may, if they think fit and the hearing has lasted more than one full day, certify that the appeal was one of exceptional length or difficulty and thereupon the fee may be increased to such sum not exceeding ten pounds and ten shillings as the Court may direct.

(3) There may be allowed to the Solicitor a fee not exceeding two pounds and two shillings, provided that the Court after the conclusion of the appeal may, if they think fit, certify that the appeal was one of exceptional length or difficulty and thereupon the fee may be increased

to such sum not exceeding five pounds and five shillings as the Court may direct.

(4) The Registrar shall report to the Court or some Judge thereof any case in which it appears to him that, although no application has been made for the purpose, a Solicitor or Counsel, or Counsel only, ought to be assigned to an appellant under the powers given to the Court by this section.

Right of appellant to be present?

23—(1) An appellant, notwithstanding that he is in custody, shall be entitled to be present, if he desires it, on the hearing of his appeal.

(2) The power of the Court to pass any sentence under this Law may be exercised notwithstanding that the appellant is for any reason not present.

Criminal appeals Cayman and Turks Islands from conviction on indictment.

24—Any person convicted on indictment in the Grand Court or in the Supreme Court of the Turks and Caicos Islands may, subject to the provisions of Law 46 of 1908, where the convicting Court is the Supreme Court of the Turks and Caicos Islands, appeal to the Court of Appeal under this part of this Law and the provisions of this Law save and except the provisions of section six thereof relating to appeals under section fifteen thereof and of the said section shall apply to appeals from the said Courts in like manner as they apply to appeals under this part of this Law.

PART VI.

GENERAL PROVISIONS RELATING TO CRIMINAL APPEALS.

Powers of Court in special cases.

25—(1) If it appears to the Court of Appeal that an appellant, though not properly convicted on some count or part of the indictment, has been properly convicted on some other count or part of the indictment, the Court may either affirm the sentence passed on the appellant at the trial, or pass such sentence in substitution therefor as they think proper, and as may be warranted in Law by the judgment or verdict on the count or part of the indictment on which the Court consider that the appellant has been properly convicted.

(2) Where an appellant has been convicted of an offence and the Resident Magistrate, or jury could on the indictment have found him guilty of some other offence, and on the finding of the Resident Magistrate, or jury it appears to the Court of Appeal that the Resident Magistrate, or jury must have been satisfied of facts which proved him guilty of that other offence, the Court may, instead of allowing or dismissing the appeal, substitute for the judgment passed or verdict found by the Resident Magistrate, or jury a judgment or verdict of guilty of that other offence, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in Law for that other offence, not being a sentence of greater severity.

(3) If on any appeal it appears to the Court of Appeal that, although the appellant was guilty of the act or omission charged in the indictment against him, he was insane at the time the act was done or omission made so as not to be responsible according to Law for his actions, the Court may quash the sentence passed at the trial and order the appellant to be kept in custody as a criminal lunatic under the Trial of Lunatics Law, 1896, or under the Criminal Procedure Ordinance 1903 (Ordinance 7 of 1903 Turks and Caicos Islands) in the same manner as if a special verdict had been found by a Resident Magistrate, or jury under those Laws.

26—(1) The operation of any order for the restitution of any property to any person made on a conviction, and the operation, in case of any such conviction, of the provisions of sub-section (1) of section twenty-three of the Sale of Goods Law, 1895, as to the re-vesting of the property in stolen goods on conviction, shall (unless the Court before whom the conviction takes place direct to the contrary in any case in which, in their opinion, the title to the property is not in dispute) be suspended—

Re-vesting and restitution of property on conviction.

- (a) in any case until the expiration of fourteen days after the date of the conviction; and
- (b) in cases where notice of appeal, or leave to appeal, is given within fourteen days after the date of conviction, until the determination of the appeal; and in cases where the operation of any such order, or the

operation of the said provisions, is suspended until the determination of the appeal, the order or provisions, as the case may be, shall not take effect as to the property in question if the conviction is quashed on appeal. Provision may be made by rules of Court for securing the safe custody of any property, pending the suspension of the operation of any such order or of the said provisions.

(2) The Court of Appeal may by order annul or vary any order made on a trial for the restitution of any property to any person, although the conviction is not quashed; and the order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

Suspension of
sentence of death
or corporal
punishment.

27—In the case of a conviction involving sentence of death or corporal punishment—

- (a) the sentence shall not in any case be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this Law; and
- (b) if notice is so given, the appeal or application shall be heard and determined with as much expedition as practicable, and the sentence shall not be executed until after the determination of the appeal, or, in cases where an application for leave to appeal is finally refused, of the application.

Supplemental
powers of Court.

28—For the purposes of Part IV and Part V of this Law, the Court of Appeal may, if they think it necessary or expedient in the interest of justice—

- (a) order the production of any document, exhibit or other thing connected with the proceedings, the production of which appears to them necessary for the determination of the case; and
- (b) if they think fit, order any witnesses who would have been compellable witnesses at the trial to attend and be examined before the Court, whether they were or were not called at the trial, or order the examination of any such witnesses to be conducted in manner provided by rules of Court before any Judge of the Court or before any officer of the Court or Justice of the Peace or other person appointed by the Court for the purpose,

and allow the admission of any depositions so taken as evidence before the Court; and

- (c) if they think fit receive the evidence, if tendered, of any witness (including the appellant) who is a competent but not compellable witness, and, if the appellant makes an application for the purpose, of the husband or wife of the appellant, in cases where the evidence of the husband or wife could not have been given at the trial except on such an application; and
- (d) where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which cannot in the opinion of the Court conveniently be conducted before the Court, order the reference of the question in manner provided by rules of Court for inquiry and report to a special commissioner appointed by the Court, and act upon the report of any such commissioner so far as they think fit to adopt it; and
- (e) appoint any person with special expert knowledge to act as assessor to the Court in any case where it appears to the Court that such special knowledge is required for the proper determination of the case;

and exercise in relation to the proceedings of the Court any other powers which may for the time being be exercised by the Court of Appeal on appeals in civil matters, and issue any warrants necessary for enforcing the orders or sentence of the Court: Provided that in no case shall any sentence be increased by reason of or in consideration of any evidence that was not given at the trial.

29—(1) On the hearing and determination of an appeal or any proceedings preliminary or incidental thereto under Part IV or Part V of this Law no costs shall be allowed on either side.

Costs of appeal.

(2) The expenses, other than fees under section twenty-two of this Law, of any Solicitor or Counsel assigned to an appellant under this Law, and the expenses of any

witnesses attending on the order of the Court or examined in any proceedings incidental to the appeal, and of the appearance of an appellant on the hearing of his appeal or on any proceedings preliminary or incidental to the appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the Court for the purpose, or any reference of a question to a special commissioner appointed by the Court, or of any person appointed as assessor to the Court, shall be defrayed, up to an amount allowed by the Court, but subject to any rules of Court as to rates and scales of payment and in the manner expressed by such rules of Court.

Admission of
appellant to bail,
and custody when
attending Court.

30—(1) An appellant who is not admitted to bail shall, pending the determination of his appeal, be treated in such manner as may be directed by prison rules.

(2) The Court of Appeal may, if it seems fit, on the application of an appellant, admit the appellant to bail pending the determination of his appeal.

(3) The time during which an appellant, pending the determination of his appeal, is admitted to bail, and subject to any directions which the Court of Appeal may give to the contrary on any appeal, the time during which the appellant, if in custody, is specially treated as an appellant under this section, shall not count as part of any term of imprisonment or penal servitude under his sentence, and, in the case of an appeal under this Law, any imprisonment or penal servitude under the sentence of the appellant, whether it is the sentence passed by the Court of trial or the sentence passed by the Court of Appeal, shall, subject to any directions which may be given by the Court as aforesaid, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody, as from the day on which the appeal is determined, and, if he is not in custody, as from the day on which he is received into prison under the sentence.

(4) Where a case is stated under the Law entitled A Law for the Further Amendment of the Administration of the Criminal Law (Law 25 of 1872) or under The Turks and Caicos Islands Appeal Law, 1908, this section

shall apply to the person in relation to whose conviction the case is stated as it applies to an appellant.

(5) Provision shall be made by prison rules within the meaning of the Prison Law, 1882, for the manner in which an appellant when in custody, is to be brought to any place at which he is entitled to be present for the purposes of this Law, or to any place to which the Court of Appeal or any Judge thereof may order him to be taken for the purpose of any proceedings of that Court, and for the manner in which he is to be kept in custody while absent from prison for the purpose; and an appellant whilst in custody in accordance with those rules shall be deemed to be in legal custody.

(6) The power of the Governor with the advice of the Privy Council, under section four of The Prison Law, 1882, as amended by The Prison Law, 1882, Amendment Law, 1884, to make rules and regulations for regulating the conveyance of prisoners to and from prison shall extend to the prisons, and prisoners confined, in the Cayman Islands and the Turks and Caicos Islands.

31—The powers of the Court of Appeal under this Law to give leave to appeal, to extend the time within which notice of appeal or of an application for leave to appeal may be given, to assign legal aid to an appellant, and to admit an appellant to bail, may be exercised by any Judge of the Court of Appeal in the same manner as they may be exercised by the Court, and subject to the same provisions.

Powers which may be exercised by a Judge of the Court.

PART VII.

SUPPLEMENTAL.

32—All jurisdiction and authority under the Law entitled "A Law for the Further Amendment of the Administration of the Criminal Law," (Law 25 of 1872) and under sections nineteen to twenty-four inclusive of the Turks and Caicos Islands Appeal Law, 1908, shall be vested in

Procedure in Supreme Court.

the Court of Appeal under this Law, and in any case where a person convicted appeals under this Law against his conviction on any ground of appeal, which involves a question of Law alone, the Court of Appeal may, if they think fit, decide that the procedure under those Laws, as to the statement of a case should be followed, and require a case to be stated accordingly under those Laws in the same manner as if a question of Law had been reserved.

Restrictions on
appeals.

33—No appeal shall lie except as provided by this Law from any judgment of the Supreme Court, or Grand Court, or Supreme Court of the Turks and Caicos Islands, or a Resident Magistrate's Court, in any civil cause or matter, or in any criminal proceedings, and, subject to the provisions of section thirty-four of this Law, wherever in any Law a right of appeal or of reference from any Court is given to the "Supreme Court" or "Full Court" the appeal or reference shall lie or be to the Court of Appeal, and all other the jurisdiction and powers formerly vested in, or exercised by, the "Full Court" shall be vested in and exercised by the Court of Appeal.

Appeals from
Justices.

34—Nothing in this Law shall prejudice or affect the right of any person to appeal from a judgment of any Justice of the Peace or of a Resident Magistrate sitting in a Court of Petty Sessions under the Appeal Regulation Act, 1857 (21 Victoria Chapter 22) and in accordance with the provisions of that Act: Provided that all jurisdiction and authority vested in the Supreme Court under sections forty-two, forty-three, forty-six, forty-seven and forty-eight of that Act shall be vested in the Court of Appeal established by this Law, and references, wherever they occur, in sections forty-two to fifty-four inclusive of that Act to "Supreme Court," and "Clerk of the Supreme Court," shall, where the context admits, be deemed to be references to the Court of Appeal established by this Law and to the Registrar thereof respectively, and the said sections shall be read and construed accordingly.

Amendment to
Judicature Law,
1879.

35—The Judicature Law, 1879, is hereby amended as follows:—

- (a) Section 6 as re-enacted by the Judicature Law 1919 (Law 16 of 1919) is hereby repealed and in lieu thereof the following section is substituted:—

“6—(1) The Supreme Court shall consist of the Supreme Court constituted by this Law and the Court of Appeal constituted by the Court of Appeal Law 1932, with such jurisdiction as is conferred on those Courts respectively by this Law and that Law.

(2) The Supreme Court, other than the Court of Appeal, shall be constituted of two Judges who shall rank according to the dates of their appointment and shall be styled the Judges of the Supreme Court of Judicature of Jamaica.”

- (b) Section thirty is hereby amended by the substitution of the words “The Court of Appeal” for the words “Full Court” which occur in the fourth, fifth and sixth lines thereof, and the words, “elsewhere than in a Full Court,” which occur in the said section, are hereby repealed.
- (c) Section thirty-one is hereby amended by the substitution of the words “The Court of Appeal” for the words “Full Court” which occur in the last line thereof.
- (d) Section thirty-six is hereby amended by deleting the first paragraph thereof and by substituting therefor the following:—

“The Judges of the Supreme Court may from time to time make, and when made revoke, add to or alter, General Rules and Orders, herein called Rules of Court, for all or any of the purposes hereinafter mentioned.”

36—Section three hundred and one of The Resident Magistrates Law, 1927, is hereby amended by the deletion of the following words;—

Amendment of
Resident Magis-
trates Law, 1927

“All expenses reasonably incurred in complying with such order shall be defrayed from the Public Treasury and be payable on the same scale and in the same manner as witnesses’ expenses.”

PART VIII.

APPEALS IN CONTEMPT PROCEEDINGS.

Appeals from
Orders in
contempt
proceedings.

37—(1) An appeal shall lie to the Court of Appeal from any order made by a Judge of the Supreme Court or by the Judge of the Grand Court or of the Supreme Court of the Turks and Caicos Islands or by a Resident Magistrate imposing imprisonment or a fine for contempt of Court.

(2) Any person who shall be ordered by any such Judge or Magistrate to be imprisoned or to pay a fine for contempt of Court, may at the time of such order give notice to the Judge or Magistrate making the order of his intention to appeal to the Court of Appeal and may within two days thereafter enter into a recognizance with a surety to the satisfaction of the Registrar or Clerk of the Court, as the case may be, in a sum not exceeding twenty pounds to prosecute such appeal, and the giving of such notice and entering into such recognizance shall operate as a stay of such order.

(3) On such person entering into the prescribed recognizance the Judge or Magistrate making the order shall within twenty-one days thereafter transmit to the Registrar of the Court of Appeal a statement of the cause of such committal or fine and upon such statement being received the Registrar of the Court of Appeal shall within four days thereafter issue a summons, free of cost, calling on the appellant to appear before the Court of Appeal within a reasonable time thereafter and on a day to be named therein and the Court of Appeal shall hear and determine such appeal and either confirm the order or vary or quash such order and the Court of Appeal may from time to time return the proceedings to the Judge or Magistrate who made the order for further information.

(4) Where the Court of Appeal confirms or varies the order the Judge or Magistrate who made the order shall proceed to carry out and enforce his order as confirmed or varied in the same manner as if there had been no appeal against the same.

PART IX.

MISCELLANEOUS.

38—Nothing in this Law shall—

Savings.

- (a) affect the prerogative of mercy;
- (b) prejudice or affect the right of any person to appeal to His Majesty in Council;
- (c) affect the provisions of The Registration of Titles Law, 1888.

39—Any appeals pending in the Supreme Court or in the Full Court at the commencement of this Law shall, subject to rules of Court made under this Law, be transferred to the Court of Appeal.

Saving pending appeals.

40—The Laws mentioned in the schedule to this Law are hereby repealed to the extent indicated in the third column of the said schedule.

Repeal.

41—This Law shall come into operation on such day as the Governor shall appoint in that behalf by proclamation.

Commencement.

SCHEDULE.

No. and date of Law.	Title.	Extent of Repeal.
21 Victoria, Chapter 22	Appeal Regulation Act, 1857.	Section 49. The words "or of a Judge in Cham- bers" and "or a Judge thereof" which occur in Section 50.
Law 10 of 1876	A Law to amend the Laws of the Cayman Islands Regulating Appeals to the Supreme Court of Jamaica.	In so far as it re- lates to appeals from conviction on indictment.
Law 24 of 1879	Judicature Law, 1879.	Sections 27 and 32.
Law 18 of 1894	A Law for improving the Ad- ministration of Justice in the Cayman Islands and in aid of Law 37 of 1893, The Cayman Islands Government Law, 1893.	Section 195. Sec- tion 217 in so far as it relates to ap- peals from convic- tion on indict- ment.
Law 46 of 1908	The Turks and Caicos Islands Appeal Law, 1908.	Sections 4 and 15.
Law 22 of 1911	The Turks and Caicos Islands Appeal Amendment Law, 1911.	The whole Law.

No. 10.--1932.

I assent,

[L.S.]

R. E. STUBBS,

Governor.

28th May, 1932.

A LAW to consolidate and amend The Local Incribed Stock Laws.

[2nd June, 1932.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Local Incribed Stock Consolidation Law, 1932. Short Title.

2—In this Law—

“Governor” means the officer for the time being administering the Government of Jamaica and its Dependencies.

Interpre-
tation Clause.
S. 38 of 17 of
1891.
S. 2 of 13 of
1914.

“Treasurer” means the Treasurer of the Island of Jamaica and his successors in that office.

“Registrar” means the person who has the custody of the register of local inscribed stock, and is responsible for the entries therein.

“Register” includes any books kept by the Registrar under the provisions of this Law.

“Stockholder” means a person holding local inscribed stock, and being entered as a proprietor thereof in the register kept under this Law.

“Local Inscribed Stock” includes any share or interest in such stock.

Power to Governor to raise by means of local inscribed stock money which he is authorised to raise by loan. S. 1 of 17 of 1891. S. 2 of 13 of 1914.

3—It shall be lawful for the Governor, whenever he desires to raise any sum or sums of money, being the whole or any portion of any sum which he may have been or shall hereafter be authorised to raise, by way of loan, by any Law which may have been or at any time may be passed, and whether such Law provides that he shall raise the same by the issue of debentures or otherwise—to raise the same or any part thereof by the creation and issue of local inscribed stock under the provisions of this Law.

Such stock shall be styled “The Jamaica Local Inscribed Stock.”

Such inscribed stock to be issued in Jamaica by the Treasurer. S. 3 of 17 of 1891.

4—Such local inscribed stock shall from time to time be issued in Jamaica by the Treasurer of Jamaica upon the best and most favourable terms that can be obtained, and to such amounts and on such conditions, subject to the provisions of this Law, as the Governor may before the issue thereof from time to time direct.

Register of stock and transfers thereof. S. 4 of 17 of 1891. S. 2 of 13 of 1914.

5—A register shall be kept in Kingston by the Treasurer of Jamaica, at his office, in which all such stock shall be inscribed at the time of issue, and in which all transfers of and dealings in such stock under the provisions of this Law shall be registered, and in which shall be entered all matters and things which by this Law are required to be entered on the register.

Treasurer to be Registrar of stock with power to make regulations as to same. S. 5 of 17 of 1891.

6—The Treasurer of Jamaica shall be the Registrar under this Law; and he may as such Registrar, before the inscription of any stock, with the consent and approval of the Governor in Privy Council, make with respect to the transfer of such stock, or otherwise in relation to such stock, reasonable regulations not inconsistent with the

provisions of this Law. It shall be lawful in and by such regulations to prescribe fees to be paid on such transfer or otherwise.

A printed copy of the documents containing the authority for and conditions of the issue of stock to which this Law applies, and of all regulations with respect to the transfer of such stock, or otherwise in relation to such stock, shall be entered in the register of the stock.

7—The Registrar may from time to time, as he may be directed by the Governor, make arrangements for all or any of the following things:—

Power of the Registrar.
S. 6 of 17 of 1891.

- (a) For inscribing stock in the register to be kept under this Law.
- (b) For managing the creation, inscription and issue of local inscribed stock.
- (c) For effecting the conversion of loans and debentures held for such loans, into local inscribed stock.
- (d) For paying interest on local inscribed stock, and managing transfers thereof.
- (e) For any other purpose for duly carrying out the provisions of this Law.

8—On the creation and issue to any person of any inscribed stock under the provisions of this Law, such person shall be entitled to a certificate, under the hand of the Registrar, of his title to such stock.

Certificate to stockholders.
S. 7 of 17 of 1891.

9—Any register kept in pursuance of this Law shall on its mere production from the custody of the Registrar, and any copy of any entry in any register, purporting to be certified under the hand of the Treasurer, shall be sufficient prima facie evidence of all matters entered therein, and of the title of persons whose names are entered therein as proprietors of local inscribed stock.

How far register so certified or extracts therefrom evidence.
S. 8 of 17 of 1891.

10—The Registrar shall keep, in a separate book, a list of the stockholders on whose stock the dividends have been unclaimed for ten years, together with their registered addresses and description, and such list shall be open for inspection at the usual hours of transfer upon payment of a fee of one shilling.

List of stockholders of unclaimed dividends.
S. 9 of 17 of 1891.

The Registrar shall give, within a reasonable time after application, a certificate stating the following particulars relating to local inscribed stock, or such of the same as may be required by the applicant, that is to say:—

- (a) The total amount of such stock issued;
- (b) The total number of the persons in whose names any stock or part thereof is originally inscribed, or, after the register of such stock or part has been once closed as regards transfers, the total amount of stockholders at the last preceding date at which the transfer books were closed; and
- (c) The total number of such class of persons in whose names the stock or part is originally inscribed, or after the register of the stock or part has been once closed as regards transfers, of such class of stockholders at the last preceding date at which the transfer books were closed, the classification being according to the amounts held, omitting fractions of a hundred pounds; and
- (d) A copy or extract certified by the Registrar, or by some officer appointed for the purpose, to be a true copy or extract of any conditions or regulations required by this Law to be entered on the register.

Provided always that the Registrar shall not be required to give any such certificate in relation to any local inscribed stock until after the expiration of one month after the stock or any part of the stock to which the certificate refers has been inscribed.

Within a reasonable time after the application of any person who is a stockholder of local inscribed stock, the Registrar shall give him a list of the registered names and addresses of the stockholders of such stock at the last preceding date at which the register was closed as regards transfers.

The Registrar before giving a certificate and list under this section may demand payment of a fee not exceeding one shilling, and a further sum of sixpence for every folio of seventy-two words.

Any certificate or list given under this section, and duly certified under the hand of the Registrar, shall be admitted in evidence.

11—Local inscribed stock inscribed in any register as aforesaid shall be transferred as follows:—

Transfer of
Stock.
S. 10 of 17 of
1891.

- (a) The transfer shall be made only in the register in which such stock is inscribed, and shall be signed by the transferor or, if he be absent, by his attorney thereto lawfully authorized by some writing executed under his hand and seal, and duly attested.
- (b) The transferee may, if he thinks fit, underwrite his acceptance of the transfer.
- (c) The executors or administrators of a deceased stockholder shall alone be recognised by the Registrar as having any title to the stock or any dividend thereon.
- (d) Any person who may become entitled to any local inscribed stock in consequence of the death, bankruptcy or marriage, of the stockholder, or in any way except by the transfer of the stock, shall produce such evidence of his title as may be reasonably required by the Registrar, but the person so becoming entitled to any stock may transfer such stock to another person without being registered himself.

12—The Registrar may, for such period not exceeding fourteen days previous to each payment of dividends on any local inscribed stock under the provisions of this Law, close the register of that stock as regards transfers upon giving not less than seven days' notice of such closing, by advertisement in the Jamaica Gazette and in one other newspaper published in this Colony.

Closing of the
register of
stock.
S. 11 of 17 of
1891.

The persons who on the day of such closing are inscribed as stockholders shall, as between them and their transferees, be entitled to the dividend then next payable thereon.

Receipt for dividends of stock owned partly by an infant or person of unsound mind. S. 12 of 17 of 1891.

13—Where local inscribed stock under the provisions of this Law is standing in the name of an infant, or person of unsound mind, jointly with any person not under legal disability, a letter of attorney for the receipt of dividends in the stock shall be sufficient authority in that behalf, if given under the hand and seal of the person not under disability, and duly attested.

The Registrar may, however, require proof to his satisfaction of the alleged infancy or unsoundness of mind, by the declaration of competent persons made under the Act sixth Victoria chapter 24, or in such manner as is provided by Law.

Local inscribed stock secured by Island Revenues. S. 13 of 17 of 1891.

14—The principal moneys and interest secured by any local inscribed stock created under the provisions of this Law are hereby charged upon and guaranteed by, and shall be paid out of the General Revenue and Assets of the Government of Jamaica.

Interest and payment thereof. S. 2 of 15 of 1917.

15—Interest shall be payable on such local inscribed stock half-yearly by the Treasurer on behalf of the Colony at the rate fixed by the Governor in Privy Council at the time of the issue of such stock.

When stock redeemable.

16—Any local inscribed stock which may be created under the provisions of this Law shall be redeemable at par on a date to be named by the Treasurer in that behalf when issuing the stock, and from and after that date all interest on the principal moneys secured thereby shall cease and determine whether payment of the principal shall have been demanded or not.

Appropriation out of General Revenue of sums to meet interest when due. S. 16 of 17 of 1891.

17—So long as interest shall continue to be payable on any of the local inscribed stock the Governor shall, in each half-year ending with the day on which the interest on such local inscribed stock falls due, appropriate, out of the General Revenue and Assets of the Colony of Jamaica, a sum equal to one half-year's interest on the whole of such local inscribed stock, and shall authorize the Treasurer to pay thereout the then current half-year's interest on the day when it falls due.

18—After the date specified in the prospectus relating to the issue of local inscribed stock as that on which contribution to the sinking fund shall commence, the Governor shall further appropriate out of the said General Revenue and Assets in each half-year ending with the date on which the interest thereon falls due, an additional sum equal to one half of the annual contribution specified in the prospectus in respect of the total nominal amount of such inscribed stock for the formation of the sinking fund, and such sinking fund shall be vested in the hands of three trustees, of whom the Colonial Secretary and the Auditor-General for the time being shall in each case be two, and the third shall be appointed from time to time by the Governor; and as each such third trustee shall from time to time die or resign, or otherwise vacate his trusteeship, a fresh trustee shall be appointed in his stead. The trustees of each sinking fund shall in each case keep the moneys belonging to such fund separate and distinct from those of any other fund. Provided that when local inscribed stock authorised to be issued under any Law is issued in two or more instalments it shall be lawful for the trustees to credit the contributions to the sinking fund in respect of each instalment of such stock to a common sinking fund for the redemption of the aggregate amount of the stock.

Sinking fund
for redemption
of stock.
S. 17 of 17 of
1891, amended.

They shall from time to time receive such monies as shall be payable to the fund of which they are trustees, and also all dividends and interest on money previously received and invested by them, and shall deposit the same, until investment, in some bank or banks to be approved of by the Governor, and shall from time to time invest them in the purchase of such debentures, stocks or securities, as may from time to time be approved of by the Governor, and may from time to time with the like approval change any such investment.

The trustees of each such sinking fund shall hold the same, together with all accretions to the same, in trust for the repayment of the principal moneys secured by the stock for the redemption of which it is formed.

Commencement
of appropriation
S. 18 of 17 of
1891 amended.

19—In the case of that portion of local inscribed stock created and exchanged for debentures, or issued in lieu of debentures authorized to be issued by any of the Laws in force in the Colony, which debentures were subject to repayment by annual drawings, the said additional appropriation shall commence at the date at which the contribution to the fund for the redemption of the debentures so exchanged, or in lieu of which such portion of stock was issued, would have commenced had the debentures continued outstanding or been issued, and in the case of loans authorized to be raised by the issue of inscribed stock by any Law which has been passed, or which may be passed after the date of this Law, the said additional appropriation shall commence at the date specified for the purpose in the Laws authorizing such loans.

Effect of
exchange of
debentures
for stocks.
S. 19 of 17 of
1891

20—On the exchange for stock under this Law of any debentures issued under any of the Laws now in force in the Colony, the obligation imposed by those Laws respectively on the Governor to make remittances, or to set aside sums of money in respect of such debentures, shall cease, and such debentures on being cancelled in manner hereinafter mentioned shall be regarded for all the purposes of the said Laws as if they had never been issued.

Insufficiency
of sinking fund,
how to be met.
S. 20 of 17 of
1891.

21—In case the sinking fund shall be insufficient to provide the necessary funds for the redemption of any local inscribed stock when the same shall have become due, the deficiency shall be made good out of the General Revenue and Assets of the Colony, and the Governor shall be and is hereby authorized to set aside sufficient funds to make good the deficiency.

Expenses of
sinking fund.
S. 21 of 17 of
1891.

22—All expenses of or incidental to the management of the sinking fund, or to the repayment of the principal moneys borrowed, shall be paid out of the sinking fund.

Governor's
powers under
this Law.
S. 22 of 17 of
1891.

23—The Governor shall also have and may exercise the following powers and authorities, or any of them:—

- (a) He may from time to time declare all or any of the existing debentures of the Colony of Jamaica, which have been issued under any of the Laws in

force at the date of the passing of this Law, or which may be passed subsequent to such date, to be convertible at the option of the holders thereof into local inscribed stock on such terms as he may from time to time determine.

- (b) He may authorize the creation and issue of such an amount of local inscribed stock in exchange for the debentures held for such loans as may be necessary.
- (c) Any conversion so authorised may be effected either by arrangement with the holders of existing securities, or by purchase thereof out of moneys raised by the sale of local inscribed stock, or partly in one way and partly in the other.
- (d) Any power conferred on the Governor by this section may be exercised from time to time; and he may alter any conditions as often as occasion shall require: Provided that no contract or engagement previously entered into shall be prejudicially affected thereby.

24—The Registrar shall, on application and payment of such fees as may from time to time be fixed in that behalf by regulation made under section 6 of this Law, grant to a stockholder a certificate (in this Law called a stock certificate to bearer) which shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

Stock certificates to bearer. S. 23 of 17 of 1891.

There shall be attached to any such certificate coupons entitling the bearer or person entitled to the certificate to the dividend on the stock for a limited period.

All stock certificates shall be signed by the Treasurer and countersigned by the Auditor-General of Jamaica for the Government of Jamaica.

25—On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued under this Law, the certificate may be exchanged, on payment of the fees prescribed in that behalf as aforesaid, for another certificate with coupons for another period.

Renewal of stock certificates to bearer. S. 24 of 17 of 1891.

How such
certificated
stock dealt
with.
S. 25 of 17 of
1891.

26—Any stock in respect of which a stock certificate to bearer has been so issued shall, so long as such certificate be outstanding, cease to be dealt with through the medium of the register.

Certificates
to issue only
for £5, or
multiple
thereof.
S. 26 of 17 of
1891.

27—A stock certificate to bearer shall not be issued in respect of any sum of stock under five pounds, or of any sum not being a multiple of five pounds.

Surrender of
stock
certificate;
effect thereof.
S. 27 of 17 of
1891.

28—On delivery to the Registrar of a stock certificate to bearer issued under this Law, and of all unpaid coupons belonging thereto, the Registrar shall enter the name of the bearer in the register as proprietor of the stock described in the certificate, and thereupon that stock shall become transferable, and the dividends thereupon payable, as if no stock certificate to bearer had been issued in respect of that stock.

Effect of
inserting name
of a person on
certificate.
S. 28 of 17 of
1891.

29—If the bearer of a stock certificate to bearer issued under this Law insert therein the name, address and quality, of some person, such certificate shall cease to be transferable, and the person so named, or some person deriving title from him by devolution in Law, shall alone be recognized by the Registrar as entitled to the stock described in the certificate, and shall be entitled to be entered in the register as proprietor of that stock in like manner as if he were the bearer of a stock certificate to bearer, but if deriving his title by devolution of Law, he shall produce such evidence of title as the Registrar may reasonably require.

Trustee not
to apply for
or hold stock
certificate to
bearer.
S. 29 of 17 of
1891.

30—A trustee shall not apply for or hold a stock certificate to bearer issued under this Law unless expressly authorized to do so by the terms of his trust.

But this provision shall not impose on the Registrar an obligation to enquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the Registrar to any liability in the event of his issuing a stock certificate to bearer to a trustee, or invalidate any stock certificate to bearer issued.

31—No notice of any trust in respect of any stock issued under this Law, or of any certificate thereof, or of any coupon annexed to such certificate, shall be entered in the register, or receivable by the Registrar or by the Government of this Island.

No notice of trust to be received or registered. S. 30 of 17 of 1891.

32—If any stock certificate to bearer issued under this Law is lost, mislaid or destroyed, the Registrar shall—on such indemnity being given as he may reasonably require, and on payment of the expense of the issue—issue a fresh stock certificate to bearer in the place of the certificate so lost, mislaid or destroyed.

Renewing lost certificate to bearer. S. 31 of 17 of 1891.

33—Stock described in a stock certificate to bearer issued under this Law shall, save as relates to the mode of transfer be subject to the same incidents in all respects as if it had continued to be transferable in the register.

Only difference between ordinary stock and certificated stock. S. 32 of 17 of 1891.

34—No stamp duty shall be payable in respect of any dividend, warrant, transfer of stock, or stock certificate.

Exemption from stamp duty. S. 33 of 17 of 1891.

35—Where a person or holder of any stock, debenture, stock certificate, dividend warrant, or other document under this Law, is required to sign his name, it shall be sufficient in the case of a Corporation that the corporate seal be affixed to any letter of application, deed of transfer, receipt or other document so required to be signed, and that the same be signed by the secretary or other principal officer of such corporation: Provided that any change in the person of such secretary or officer shall from time to time be notified to the Registrar, together with a specimen of his usual signature witnessed under the corporate seal, and the signature of the Chairman of Directors or other principal governing member of the Corporation.

Signature by Corporation. S. 34 of 17 of 1891.

36—Every debenture exchanged or otherwise converted into local inscribed stock shall be forthwith cancelled by the Treasurer for the Government of Jamaica, and forwarded to the Colonial Secretary.

Cancellation of converted debentures. S. 35 of 17 of 1891.

Payment of
fees.
S. 36 of 17 of
1891.

37—All fees payable under this Law shall be paid into the Treasury, and shall form part of the General Revenue of the Island.

Stock
certificates
and coupons
are securities.
S. 37 of 17 of
1891.

38—Any stock certificate or coupon issued under this Law shall be deemed to be a security within the meaning of the Forgery Law.

Repeal and
Saving.

39—The Laws mentioned in the schedule to this Law are repealed, provided that nothing in this Law or in the repeal of any of the Laws hereby repealed shall affect the rights of any person who holds stock under the authority of any of the Laws repealed by this Law. And provided further that all Regulations made in virtue of the said Laws and in force at the date of the commencement of this Law shall remain in operation so far as they are not inconsistent with the provisions of this Law until they have been rescinded or replaced by Regulations made under this Law.

Construction
of references

40—Where any Law or instrument refers to any Law or enactment repealed by this Law such reference shall be construed to be a reference to this Law or to the corresponding enactment of this Law or to any Law amending or substituted for the same.

SCHEDULE.

<u>No.</u>	<u>Title.</u>
17 of 1891	The Local Inscribed Stock Law 1891.
33 of 1894	The Local Inscribed Stock Law 1891, Amendment Law 1894.
13 of 1914	The Local Inscribed Stock Amendment Law 1914.
15 of 1917	The Local Inscribed Stock Amendment Law 1917.

No. 11.----1932.

I assent,

[L.S.]

R. E. STUBBS,

Governor.

28th May, 1932.

A LAW to amend the Cattle Contagious Diseases Law,
1890 (Law 24 of 1890).

[2nd June, 1932.]

BE it enacted by the Governor and Legislative Council
of Jamaica as follows:—

1—This Law may be cited as the Cattle Contagious Short Title.
Diseases Law, 1932.

2—This Law shall be read and construed as one with Construction.
the Cattle Contagious Diseases Law, 1890 (Law 24 of
1890) and any Laws amending the same.

3—Section 2 of Law 24 of 1890 as amended by Section Amendment to
7 of Law 33 of 1893 is hereby amended by adding at the s. 2 of Law 24 of
end thereof “and provided further that it shall be lawful 1890.
for the Governor in Privy Council from time to time to
permit horses intended for racing to be imported from
such countries and upon such conditions as the Governor
in Privy Council may by regulations prescribe.”

JAMAICA.

No. 12.---1932.

I assent,

[L.S.]

R. E. STUBBS,
Governor.

28th May, 1932.

A LAW to authorise the use for sewerage extension of part of the moneys to be raised under Law 25 of 1923.

[2nd June, 1932.]

WHEREAS it is desirable that part of the moneys Preamble. raised or to be raised under the Kingston and St. Andrew Corporation Loan Law 1923 (Law 25 of 1923) shall be used for the purpose of sewerage extension:

Be it enacted by the Governor and Legislative Council of Jamaica:

1—This Law may be cited as the Kingston and St. Andrew Corporation (Sewer Extension) Loan Law 1932 and shall be read as one with The Kingston and St. Andrew Corporation Law 1923 (Law 25 of 1923) and The Kingston and St. Andrew Corporation Loan Amendment Law 1924 (Law 17 of 1924). Short Title and Construction.

Appropriation
of portion of
loan raised under
Law 25 of 1923.

2—The sum of £50,000 part of the amount raised or to be raised by the Governor in pursuance of Section 2 of The Kingston and St. Andrew Corporation Loan Law 1923 shall be advanced by the Government to the Kingston and St. Andrew Corporation to be utilized for the purpose of extending the Sewerage system in the Corporate Area of Kingston and St. Andrew.

No. 13.----1932.

I assent,

[L.S.]

R. E. STUBBS,

Governor.

28th May, 1932.

A Law to Control the Retail Prices of Sugar in Jamaica.

[2nd June, 1932.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Sugar Retail Prices Short Title.
Control Law 1932.

2—(1) It shall be lawful for the Governor during the continuance of this Law by order published in the Gazette to fix the maximum retail prices for the various grades of sugar in Jamaica and also by like order to vary such maximum prices and to revoke or amend any such order previously made. Power to control retail prices.

(2) Any person selling sugar in excess of such maximum prices so fixed as aforesaid, shall on summary conviction before a Resident Magistrate or two or more Justices of the Peace be liable to a penalty not exceeding five pounds for any such offence, and in default of payment of the penalty imposed to imprisonment with or without hard labour for any period not exceeding one month.

Repeal.

3—Sub-sections (7) and (8) of section three of the Sugar Industry Aid Law 1931 are hereby repealed.

Duration.

4—This Law shall continue in force until the thirty-first day of December, 1933.

No. 14.—1932.

I assent,

[L.S.]

R. E. STUBBS,
Governor.

28th October, 1932.

A LAW further to amend the Tariff Law, 1925 (Law 4 of 1925).

[28th October, 1932.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Tariff Law Further Amendment Law 1932 and shall be read and construed with the Tariff Law 1925 (Law 4 of 1925) hereinafter referred to as the principal Law, and all Laws amending the same.

Short Title and construction.

2—Sub-section (1) (a) of section 2 of the principal Law is hereby repealed and the following sub-section substituted therefor, namely:—

Repeal of sub-section (1) (a) of Section 2 of Law 4 of 1925 and substitution of new sub-section.

“(a) The rates of duty set forth in the column headed ‘Preferential Tariff’ of the first schedule shall apply to goods the growth, produce or manufacture of the British Empire: Provided that such goods shall be accompanied by such evidence of origin as may be prescribed by the Governor in Privy Council from time to time.”

Definition of
British, Empire.

3—For the purposes of this Law the term “British Empire” shall be held to mean and include:—

- (1) The United Kingdom
- (2) The British Dominions
- (3) All territories administered by or under the authority of a Dominion Government including territories administered under a Mandate
- (4) India
- (5) Southern Rhodesia
- (6) All Colonies and Protectorates
- (7) The Mandated territory of Tanganyika
- (8) The Cameroons under British Mandate
- (9) Togoland under British Mandate

Repeal of Section
5 of Law 4 of
1925 and sub-
stitution of new
Section.

4—Section 5 of the principal Law is hereby repealed and the following section substituted therefor:—

“5 The articles enumerated in the fourth schedule to this Law shall pay duty at the rate of five per centum ad valorem: Provided that if they are the growth produce or manufacture of the British Empire such articles shall be admitted free of duty.”

Repeal of Section
7 (2) of Law 4
of 1925.

5—Sub-section (2) of section 7 of the principal Law is hereby repealed.

Amendment of
Section 20 of;
Law 4 of 1925.

6—Section 20 of the principal Law is hereby amended by inserting between the words “paid” and “are” in the second line of the section the following words namely:—

“except shooks of all kinds, wood hoops, truss hoops, staves and headings.”

Repeal of Section
26 of Law 4 of
1925.

7—Section 26 of the principal Law is hereby repealed.

Amendment of
the first schedule
to Law 4 of 1925.

8—The first schedule of the principal Law as amended by the Tariff Amendment Law, 1927 (Law 11 of 1927) and the Tariff Further Amendment Law, 1927 (Law 29 of 1927) and the Tariff Further Amendment Law, 1931 (Law 1 of 1931) is hereby amended as follows:—

- (a) By deleting item 4 and by substituting therefor
“4. Biscuits, bread and cakes unsweetened:—
(1) In bulk, i.e., packed in barrels or boxes
not containing small internal packages per
100 lbs. ‘3s. 1d.’ ‘5s. 2d.’
(2) Otherwise packed per lb. ‘1½d.’ ‘2½d.’”
- (b) By deleting item 16 and by substituting therefor—
“16. Fruit:
(1) fresh: apples ad valorem ‘10 p.c.’ ‘20 p.c.’
(2) dried, ad valorem ‘15 p.c.’ ‘30 p.c.’”
- (c) By deleting the rates of duty in item 21 (b) and substituting therefor “10 p.c.” “25 p.c.”
- (d) By deleting the rates of duty in item 23 (a) and substituting therefor “1s. 6d.” “1s. 6d. plus 10 p.c. ad valorem” and by adding to item 23 the following—
“(c) powdered or preserved ad valorem ‘15 p.c.’ ‘25 p.c.’”
- (e) By deleting item 32 (c) and substituting therefor—
“(c) (1) Cigarettes manufactured within the British Empire containing not less than 50 per cent. of British Empire tobacco (the weight of the cigarettes to include the paper covering) per lb. ‘9s.’ ‘....’
(2) Cigarettes manufactured within the British Empire and containing less than 50 per cent. of British Empire tobacco (the weight of the cigarettes to include the paper covering) per lb. ‘10s.’ ‘....’
(3) Cigarettes not otherwise specified (the weight of the cigarettes to include the paper covering) per lb. ‘....’ ‘12s.’”
- (f) By deleting the rates of duty specified in item 35 (a), (b), (c), (d) and (e) and by substituting the following rates of duty, namely:—

- “For (a) ‘6s. 9d.’ ‘6s. 9d. plus 10 p. c. ad valorem.’
 “ (b) ‘10s. 6d.’ ‘10s. 6d. plus 10 p. c. ad valorem.’
 “ (c) ‘4s. 6d.’ ‘4s. 6d. plus 10 p. c. ad valorem.’
 “ (d) ‘4s. 6d.’ ‘4s. 6d. plus 10 p. c. ad valorem.’
 “ (e) ‘3s.’ ‘3s. plus 10 p. c. ad valorem.’ ”
- (g) By inserting a new item 42—
 “42. Boots and shoes:—Rubber or canvas with rubber soles per pair ‘15 p. c. ad valorem’ ‘15 p. c. ad valorem plus 1s.’ ”
- (h) By inserting a new item 43—
 “43. Hosiery:—
 (1) Cotton, ‘10 p. c. ad valorem’ ‘10 p. c. ad valorem plus 6d. per pair.’ ”
 (2) Silk, and artificial silk and hosiery of which the chief component of value is silk, or artificial silk ‘10 p. c. ad valorem’ ‘10 p. c. ad valorem plus 9d. per pair.’ ”
- (i) By inserting a new item 44—
 “44. Shooks of all kinds also wood hoops, truss hoops, staves and headings ‘Free’ ‘10%.’ ”
- (j) By inserting a new item 45—
 “45. Apparel of all kinds not elsewhere included ad valorem ‘15 p. c.’ ‘25 p. c.’ ”
- (k) By inserting a new item 46—
 “46. Hardware, ad valorem ‘15 p. c.’ ‘25 p. c.’ ”
- (l) By inserting a new item 47—
 “47. Jams, jellies and preserved fruits ad valorem, ‘15 p. c.’ ‘30 p. c.’ ”
- (m) By inserting a new item 48—
 “48. Motor vehicles including component parts and accessories, ad valorem ‘10 p. c.’ ‘30 p. c.’ ”
- (n) By inserting a new item 49—
 “49. Rubber tyres and tubes for motor vehicles, ad valorem ‘10 p. c.’ ‘30 p. c.’ ”

9—The second schedule of the principal Law as amended by the Tariff Further Amendment Law 1927 (Law 29 of 1927) and the Tariff Further Amendment Law 1931 (Law 1 of 1931) is hereby amended as follows:—

Amendment of the Second Schedule to Law 4 of 1925.

- (a) By repealing item 27.
- (b) By deleting the words “wood hoops and truss hoops also staves and headings, and also” appearing in the first line of item 32.

No. 15.----1932.

I assent,

[L.S.]

A. R. SLATER,
Governor.

22nd December, 1932.

A LAW for affording Temporary Assistance to the Banana Industry of the Island and to enable Loans in aid thereof.

[22nd December, 1932.]

WHEREAS the Banana Industry of this Island has been materially damaged by hurricane: Preamble.

And whereas it is expedient that the Industry should be assisted by the Government by way of loans and that the repayment of such loans should be secured:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Banana Industry Aid Law 1932. Short Title.

2—For the purposes of this Law—
The term “land” means banana plantations or estates and all lands appurtenant thereto and enjoyed therewith and all other real estate or property Interpretation.

usually or about to be cultivated for producing a crop of bananas and specified in the application of an owner for an advance under this Law.

“Owner” means any person for the time being legally charged with the cultivation or the receipt of the rents and profits of land within the meaning of this Law and includes life tenants, guardians of infants, committees of lunatics, trustees and executors, if such trustees and executors are so charged by the instrument of their appointment, and receivers, if appointed by a Court of competent jurisdiction in the Island to take charge of, cultivate and receive the rents and profits of such land.

“The Board” means the Banana Industry Aid Board established under this Law.

Authority to raise loan, interest thereon and security therefor.

3—(1) It shall be lawful for the Governor to raise a loan either at one time or in instalments as may be convenient not exceeding the sum of one hundred thousand pounds to be used and applied solely in making loans under this Law to owners in respect of land damaged by hurricane. Such loans may be raised by borrowing the whole or any part thereof from any Bank or Banks carrying on business in the Island or in such other mode as the Governor may direct.

(2) The loan shall bear interest at a rate not exceeding four pounds and ten shillings per centum per annum from the date on which the loan is made and shall be repayable within eighteen months from that date or in such extended period as may be arranged between the Government and the lender.

(3) The principal moneys and interest thereon borrowed under this Law are hereby charged upon and shall be payable out of the general revenue and assets of the Island of Jamaica.

Establishment of Board.

4—(1) There shall be established a Board comprised of not less than seven members for the purpose of carrying out the provisions of this Law, who, and the Chairman of which, shall be appointed by the Governor.

(2) The Governor may fill any vacancy on the Board caused by the death, resignation, illness, absence from the Island, or inability to act of any member thereof or in any other manner whatsoever and may revoke the appointment of any member of the Board.

5—(1) Notwithstanding any temporary vacancy or vacancies in the body of members composing the Board the same shall be deemed to be fully constituted for the purposes of this Law. Provisions relating to Board.

(2) The persons appointed as members of the Board shall be one body politic and corporate in deed and name by the name of the Banana Industry Aid Board and by that name shall and may sue and be sued in all the Courts of this Island and shall have perpetual succession and a Common Seal.

(3) No personal liability shall attach to any member of the Board in respect of anything done or suffered in good faith under the provisions of this Law.

(4) Each member of the Board shall be entitled to reimbursement of all travelling expenses reasonably incurred.

(5) Four members including the Chairman or acting Chairman shall form a quorum for the transaction of business and may do anything that the Board may do under this Law.

(6) The Chairman shall have the right to vote on any question on which the Board is divided and in the event of the division of votes being equal he shall have also a casting vote.

(7) The Chairman of the Board shall have full power to call meetings of the Board.

6—The moneys raised under the provision of this Law shall be placed at the disposal of and vested in the Board for the purpose of making advances to owners of land in Proceeds of loan vested in Board and advances to owners.

such cases as the Board shall deem it advisable for the preservation of the Banana Industry that such loans shall be made.

Powers of Board.

7—It shall be lawful for the Board—

- (a) to appoint such secretary, clerk, inspector or other employee as may be necessary at such remuneration as it may think fit;
- (b) to dismiss any such secretary, clerk, inspector or other employee and to fill any vacancy so created;
- (c) to arbitrate any matter in dispute or compromise any proceedings, and any money the payment of which is rendered necessary by such arbitration or compromise shall be paid out of the funds placed at its disposal;
- (d) to pay out of such funds all judgments and decrees for the payment of money and the costs incident thereto obtained against it, and all legal expenses incurred in and about the business of the Board and any other expenses of whatever kind necessary in conducting the business of the Board.
- (e) to make rules governing and regulating the transactions of the Board.

Accounts of the Board.

8—The accounts of the Board relating to its transactions shall from time to time be audited by the Auditor-General or some other suitable person appointed by the Governor for the purpose, and who shall have access to the books of the Board at all convenient times; and the cost of such audit, as may be determined by the Governor, shall be defrayed out of the funds referred to in section seven paragraph (d) of this Law. A report of the result of such audit shall be laid on the table of the Legislative Council and published in the Gazette.

Applications for advances by owners of land and interest thereon.

9—(1) All applications for advances by owners of land within the meaning of this Law damaged by hurricane shall be in the form A in the schedule to this Law and shall be addressed to the Chairman of the Board who may if he think fit require the applicant to make a statutory declaration verifying the particulars stated in his applica-

tion.

(2) The Chairman shall lay all applications before the Board and the Board shall consider each application on its merits and in its absolute discretion may grant or refuse any advance, and shall fix the amounts to be allowed and the interest thereon and the conditions on, and the times at which advances shall be made, and, subject to the provisions of section fourteen paragraph (a) of this Law, the purposes to which such advances shall be applied.

(3) Advances made by the Board shall bear interest at a rate which shall not be more than six pounds per centum per annum.

10—Where application for an advance is made by an owner who is a Receiver within the meaning of this Law, such owner shall before any money is advanced by the Board obtain an order by a Judge of the Supreme Court in Chambers approving of the amount that is necessary for carrying on the cultivation of the land subject to the conditions of this Law.

Special to
Receivers.

11—As soon as possible after the making of any advance the Chairman of the Board shall complete the form of Notification in the form B in the schedule to this Law and shall sign and forward the same to the Deputy Keeper of the Records who shall file the same in a book to be kept for the purpose and such book shall be open to the public free of cost.

Notification
and filing
thereof.

12—Subject as hereinafter provided all moneys advanced to an owner under the authority of this Law with the interest thereon shall be—

Advance to be
charged on
crops and land
of owner.

- (a) a first and preferential charge upon the crops of bananas growing or to be grown on the land specified in the Notification in the form B in the schedule to this Law when reaped or gathered therefrom, and such crops on severance from the land shall not be deemed to be personal chattels within the meaning of the Law for preventing Frauds upon Creditors by Secret Bills of Sale of Personal Chattels (Law 27 of 1867).

- (b) a first charge on the said land of such owner and on all buildings and machinery erected and

standing thereon belonging to the owner and used and worked in connection with such land. Provided however, that the charge hereby created on the said land, buildings, and machinery, shall be subject to all incumbrances, estates, interests and rights affecting such land, buildings, and machinery, subsisting or outstanding at the commencement of this Law.

Constructive notice of advance to persons dealing with land subject to the charge.

13—Notwithstanding anything in the Registration of Titles Laws, or in any other Law contained, or any provision of Law, or Rule of Equity, to the contrary, immediately upon the making to an owner of an advance authorised by this Law, all persons dealing with the land, buildings, machinery, or crops, subject to the charge created by this Law, or any interest therein, shall be deemed to have notice of such advance, and any such dealing shall, subject to the provisions of this Law, be subject to the charges created by this Law.

Conditions of advance.

14—Every owner to whom an advance shall be made under this Law shall observe the following conditions, namely:—

- (a) He shall expend the said advance in restoring, preserving and maintaining cultivation on the land subject to the charge.
- (b) He shall out of the profits and proceeds of the said land repay the said advance with interest at the rate and at the times specified in the Notification in the Form B in the schedule to this Law.
- (c) He shall repay the said advance with interest, at the rate and at the times specified in the said Notification.
- (d) He shall produce at such intervals as may be required by the Board or by any person thereunto authorised in writing by the Board an account showing an expenditure of the moneys advanced from time to time, vouched on oath, or by affirmation, or in such other manner as may be required by the Board or by such person.

- (e) He shall at all times allow inspection by the Board, or by any person thereunto authorised in writing by the Board, of the land subject to the charge and of the cultivation thereon.
- (f) He shall at all times whilst any portion of the advance remains unpaid uphold and maintain the cultivation on the land subject to the charge so that the security shall not deteriorate in value.
- (g) He shall furnish to the Board, or to any person authorised by the Board in writing, full information as to any sale or sales of produce of the land subject to the charge and shall dispose of the purchase money as the Board or such person shall direct in writing and shall inform the Board or such person of any contract or contracts for the sale of such produce.
- (h) He shall, unless waived by the Board, give an order or orders on the purchaser of such produce or on the person or association to whom such produce has been delivered to be marketed so that the purchase money for the same or any portion thereof approved by the Board, may be paid over to the Board or to any person authorised by the Board in order that the Board may apply the same towards repayment of the advance, or portion thereof, for the time being payable by the owner and interest at the specified rate.

15—The Board may out of the moneys vested in it under this Law advance to any person authorised by the Board under the provisions of this Law to carry out the purposes of this Law any expenses that may be incurred in carrying out the provisions of this Law.

Expenses of person authorised by Board.

16—On repayment by an owner of all advances made to him under this Law, and of all interest payable thereon the Board shall give a receipt for the same, and thereupon the charges created by this Law in

Release of charges on repayment of advance.

respect of such advance and interest shall be released, and the Deputy Keeper of the Records shall, upon production to him of such receipt, endorse on every Notification filed by him and relating to such advances a memorandum to the effect that such charges have been released, and the Deputy Keeper of the Records shall sign such memorandum.

Enforcement of security.

17—If any owner shall make default in the payment of any moneys payable by him to the Board under this Law, it shall be lawful for the Board to order a sale of the land subject to the charge, or any part thereof, subject nevertheless to all incumbrances, estates, interests, rights and easements affecting the same at the date of the commencement of this Law and still subsisting or outstanding.

Sale by public auction.

18—Every sale made in pursuance of the power of sale conferred by this Law shall be by public auction and shall be conducted by the Crown Solicitor or by such person nominated by him and approved by the Board. Notice of such sale shall be given by advertisement appearing in one or more daily local newspapers and published once at least in each of six consecutive weeks before the day of such sale. Provided always that the Board may at any time before the sale of any land so advertised postpone the sale thereof either generally or to some specified day.

Conveyance by Board and application of purchase money.

19—Whenever any land shall have been sold by public auction under the provisions of this Law the Board shall convey the same by deed, or transfer the same by memorandum of transfer under the provisions of the Registration of Titles Laws (as the case may require) to the purchaser, and the land therein described shall become the property of the purchaser subject only to any incumbrances, estates, interests, rights or easements affecting the same to which the sale has been made subject, and the purchase money shall be applied as follows:—first, in or towards payment of all amounts advanced to such owner under this Law with the interest payable thereon and insurance premia and interest thereon referred to in section twenty-six, of this Law, or the unpaid parts thereof respectively, and of all costs, charges and expenses properly incurred and incident-

tal to the sale or any postponed or attempted sale under the provisions of this Law, and secondly, the residue, if any, of the purchase money shall be deposited with the Board and the Board shall pay the same to the person legally entitled to give a discharge therefor.

20—A memorandum of transfer or deed executed by the Board in exercise of the power of sale conferred by this Law shall be entered, on the delivery thereof to the proper officer, in the case of land subject to the provisions of the Registration of Titles Laws, in the Register Book, and in the case of land not so subject, in the Register Book of Deeds.

Registration of conveyance on sale.

21—(1) Any person who—

Offences and penalty.

- (a) obtains an advance under this Law by means of any false representation;
- (b) wilfully applies any money advanced under this Law to any other use or purpose other than those specified in paragraph (a) of section 14 hereof;
- (c) makes any false oath or affirmation under this Law;
- (d) having obtained an advance made under this Law afterwards wilfully destroys any of the crops or products the subject of the charge created by this Law without the consent in writing of the Board or person deputed by the Board;
- (e) contravenes, or fails to comply with, any of the provisions of section fourteen paragraphs (d), (e), (g) and (h) of this Law;

shall be guilty of an offence.

(2)—Any person guilty of an offence under this section shall on summary conviction before a Resident Magistrate be liable to a penalty not exceeding Twenty-five Pounds and in default of payment thereof to imprisonment with or without hard labour for any term not exceeding three months. Provided that no prosecution for any offence under this section shall be begun or proceeded with after the secured advances, interest and expenses shall have been satisfied.

Security not diminished by failure of Board to see to proper application of advance.

22—There shall be no obligation on the Board to see to the due application by an owner of any advance made to him under the provisions of this Law and the mis-application or non-application of such advance shall not affect the security for the same given by this Law.

Suits by Board.

23—Any sum due on account of an advance to an owner may be recovered by proceedings in a court of competent jurisdiction at the suit of the Board.

Appointment of Receiver by Supreme Court on application by Board.

24—The Board, on filing with the Registrar of the Supreme Court a certified copy of the Notification in the form B in the schedule to this Law and an affidavit by a member or clerk of the Board stating the sum owing on account of the advance for principal and interest, and that default has been made in the payment of the principal, or principal and interest, as the case may be, or, in any case where default has not actually been made, stating that the cultivation of the land the subject of the charge has ceased or that it is deemed advisable by the Board for the protection of the rights of the Board and the preservation of the banana industry that an appointment shall be made, shall be entitled to the appointment by one of the Judges of the Supreme Court of a Receiver. It shall not be necessary to make any person other than the Board a party to the suit nor interrogatories be administered, or any appearance or answer be filed. Any person who has obtained the permission of a Judge of the Supreme Court may appear at the hearing and defend the suit but the costs of such appearance and defence shall not be allowed unless the Judge shall so order.

Balance of advance due by owner to be paid on demand

25—Any sum due, on account of an advance made under this Law to an owner, after payment to the Board of the proceeds of the sale of the crops of the land subject to the charge shall be repaid to the Board with interest due thereon on demand.

Insurance.

26—(1) Subject to the provisions of sub-section two of this section, the Board is hereby empowered to insure and keep insured—

- (a) the buildings, and machinery, on land subject to the charge created by this Law against loss or damage occasioned by fire, and
- (b) the crops on such land against loss or damage occasioned by hurricane,

in such office, in such name or names and in such amounts as the Board may determine. The premium paid in respect of any insurance with interest thereon at the rate of six pounds per centum per annum shall, in case of insurance under paragraph (a) of this section, merge in and form part of the charge created by section twelve paragraph (b) of this Law, and in case of insurance under paragraph (b) of this section, be merged in and form part of the charge created by section twelve paragraph (a) of this Law, and such premia and interest shall respectively rank in priority accordingly.

(2)—Where the buildings, machinery, or crops on any such land are already insured the Board may effect an additional insurance thereon to the extent and amount (if any) which the Board shall deem necessary to fully secure the Board against the aforesaid loss or damage.

(3)—The receipt of the Board for any moneys payable under any such policy shall be a sufficient discharge for the same.

(4)—All moneys received in respect of any insurance of the buildings, and machinery, on any such land effected by the Board shall be applied, at the option of the Board, either in or towards the discharge of the amount secured to the Board, or in making good the loss or damage in respect of which money is received, and all moneys in respect of any insurance of any crops on any such land effected by the Board shall be applied in or towards the discharge of the amount secured to the Board against the crops of such land.

27—For the purposes of this Law an attorney of any owner appointed by deed to carry on the cultivation of land within the meaning of this Law may exercise on behalf of the owner all and singular the powers conferred on such owner under this Law in the same manner as such owner could exercise them. Attorneys.

Advances to
tenants and
Security therefor.

28—(1) Notwithstanding anything in this Law contained, it shall be lawful for the Board to make advances to tenants of land damaged by hurricane, and all applications for advances by tenants under this section shall be in the form C in the schedule to this Law.

(2) As soon as possible after the making of any advance the Chairman of the Board shall complete the form of Notification in the form D in the schedule to this Law, and the Chairman and the Deputy Keeper of the Records shall deal with such Notification as they deal with Notifications under section eleven of this Law.

(3) All moneys advanced to a tenant under the authority of this section, with interest thereon shall be a first and preferential charge upon all crops growing or to be grown on the land in respect of which the advance is made until repayment in full of such advances, and interest and such crops on severance from the land shall not be deemed to be personal chattels within the meaning of the Law for Preventing Frauds upon Creditors by Secret Bills of Sale of Personal Chattels (Law 26 of 1867).

(4) If a tenant shall make default in the payment of any moneys payable by him to the Board under this section the Board shall have all and singular the powers which a lender under section three of the Agricultural Loans Law 1887 (Law 6 of 1887) has on breach of an agreement or covenant under that Law, and the moneys derived from such crops shall be applied in like manner as moneys are applied under section four of that Law.

(5) Subject to the provisions of this section, the provisions of section nine (which relate to applications for advances), of section ten (which relate to Receivers), of section thirteen (so far as they relate to crops), of section fourteen (which relate to conditions of advances), of section sixteen (which relate to the release of the charge), of section

twenty-one (which relate to offences), of section twenty-two (which relate to the security), of section twenty-three (which relate to suits by the Board) of section twenty-five (which relate to unpaid balances), of section twenty-six (so far as they relate to insurance on crops), and of section twenty-seven (which relate to attorneys), shall, although no charge is created by this section against the land in respect of which the advance is made, apply to applications by, and advances to, tenants in like manner as they apply to applications by and advances to owners under this Law.

(6) For the purposes of this section "tenant" means a lessee, or a tenant other than a tenant for life, or a person in possession of land other than an owner within the meaning of this Law.

29—The statutory declaration which may be required under section nine of this Law to accompany an application under that section shall be made by the applicant and in the case of the applicant being a firm shall be made by some member of the firm and in the case of a corporation by one of its officers.

Statutory
declarations by
whom to be
made.

30—All documents executed under this Law shall be exempt from all fees and stamp duties.

Exemption from
stamp duties
and fees.

SCHEDULE.

FORM A.

The Banana Industry Aid Law, 1932.

No.

Application for an advance from the Banana Industry Aid Board to the owner of.....
situate in the parish of.....
in the county of.....

1. Name of owner

} In addition to name here state
whether land is held in own right and
quality of ownership in the land. (If
a life tenant, guardian, trustee, executor,
committee of lunatic, or receiver that
fact should be stated).

Address of owner.....

2. Lands of owner wholly or partly cultivated in bananas.

(a) Give short description of such lands with the names (if any) and acreage of the several parcels.

(b) If any portions of the parcels described above are intended to be excluded from the charge created by the Law, specify such portion, giving full particulars thereof including acreage and state why it is desired that such portions are not to be included in the charge.

3. Buildings and machinery. Give short particulars.

4. Incumbrances.

Give particulars of incumbrances with registered numbers of deeds, etc., (if any) and amounts now due with interest; and in the case of debentures particulars of those issued and now outstanding.

5. Number of bunches of bananas produced in 1931 and in 1932 up to date of application.

6. Contracts

State particulars of any contract or arrangement entered into by owner for the sale of the crop or any portion thereof.

7. Insurance.

State particulars of any insurance on crops, buildings, and machinery, giving amount for which insurance is effected.

8. Advance applied for.

9. Signature of applicant. State after signature whether owner in own right or life tenant, guardian, committee of lunatic, trustee, executor, receiver, or duly constituted attorney of owner.

Dated:

NOTE.—The conditions on which advances are made are set forth in Section 14 of the Law and are as follows:—

Every owner to whom an advance shall be made under this Law shall observe the following conditions, namely:—

- (a) He shall expend the said advance in restoring, preserving and maintaining cultivation on the land subject to the charge.
- (b) He shall out of the profits and proceeds of the said land repay the said advance with interest at the rate and at the times specified in the Notification in the Form B in the schedule to this Law.
- (c) He shall repay the said advance with interest, at the rate and at the times specified in the said Notification.
- (d) He shall produce at such intervals as may be required by the Board or by any person thereunto authorised in writing by the Board an account showing an expenditure of the moneys advanced from time to time, vouched on oath, or by affirmation, or in such other manner as may be required by the Board or by such person.
- (e) He shall at all times allow inspection by the Board, or by any person thereunto authorised in writing by the Board, of the land subject to the charge and of the cultivation thereon.
- (f) He shall at all times whilst any portion of the advance remains unpaid uphold and maintain the cultivation on the land subject to the charge so that the security shall not deteriorate in value.
- (g) He shall furnish to the Board, or to any person authorised by the Board in writing, full information as to any sale or sales of produce of the land subject to the charge and shall dispose of the purchase money as the Board or such person shall direct in writing and shall inform the Board or such person of any contract or contracts for the sale of such produce.
- (h) He shall, unless waived by the Board, give an order or orders on the purchaser of such produce or on the person or association to whom such produce has been delivered to be marketed so that the purchase money for the same or any portion thereof approved by the Board may be paid over to the Board or to any person authorised by the Board in order that the Board may apply the same towards the repayment of the advance, or portion thereof, for the time being payable by the owner and interest at the specified rate.

FORM B.

The Banana Industry Aid Law, 1932.

Notification by Chairman of the Banana Industry Aid Board.

Under Section 11.

To the Deputy Keeper of the Records.

1. No. of application.
 2. Name, address of owner and description of ownership as stated in the application for the advance.
 3. Particulars of land charged with the repayment of advance made to the owner. Give particulars of land to be charged as set out under Head 2 of application of the owner.
 4. Amount advanced to the owner.
 5. Date for repayment of advance and if to be repaid by instalments, date for payment of each instalment.
 6. Amount of interest and date or dates for payment thereof.
 7. Signature of Chairman.
- Dated:

FORM C.

The Banana Industry Aid Law, 1932.

No.

Application for an advance from the Banana Industry Aid Board to the tenant of.....situate in the parish of.....in the county of.....

1. Name of tenant. In addition to name state nature of tenancy, term for which the land is held and rent payable in respect thereof.
2. Land in possession of tenant wholly or partly cultivated in bananas and other crops. Give short description of such land with the names, if any, and acreage of the several parcels. State quantity of land cultivated in bananas and other crops respectively.
3. Number of bunches of bananas produced in 1931 and in 1932 up to date of application.
4. Contracts. State particulars of any contract or arrangement entered into by the tenant for the sale of the crop or any portion thereof.
5. Advance applied for.
6. Signature of applicant.

Dated:

NOTE.—The conditions on which advances are made are set forth in Section 14 of the Law and are as follows:—

Every owner to whom an advance shall be made under this Law, shall observe the following conditions, namely:—

- (a) He shall expend the said advance in restoring, preserving and maintaining cultivation on the land subject to the charge
- (b) He shall out of the profits and proceeds of the said land repay the said advance with interest at the rate and at the times specified in the Notification in the Form B in the schedule to this Law.
- (c) He shall repay the said advance with interest, at the rate and at the times specified in the said Notification.
- (d) He shall produce at such intervals as may be required by the Board or by any person thereunto authorised in writing by the Board an account showing an expenditure of the moneys advanced from time to time, vouched on oath, or by affirmation, or in such other manner as may be required by the Board or by such person.
- (e) He shall at all times allow inspection by the Board, or by any person thereunto authorised in writing by the Board, of the land subject to the charge and of the cultivation thereon.
- (f) He shall at all times whilst any portion of the advance remains unpaid uphold and maintain the cultivation on the land subject to the charge so that the security shall not deteriorate in value.
- (g) He shall furnish to the Board, or to any person authorised by the Board in writing, full information as to any sale or sales of produce of the land subject to the charge and shall dispose of the purchase money as the Board or such person shall direct in writing and shall inform the Board or such person of any contract or contracts for the sale of such produce.
- (h) He shall, unless waived by the Board, give an order or orders on the purchaser of such produce or on the person or association to whom such produce has been delivered to be marketed so that the purchase money for the same or any portion thereof approved by the Board, may be paid over to the Board or to any person authorised by the Board in order that the Board may apply the same towards the repayment of the advance, or portion thereof, for the time being payable by the owner and interest at the specified rate.

FORM D.

The Banana Industry Aid Law, 1932.

Notification by Chairman of the Banana Industry Aid Board under Section 28.

To the Deputy Keeper of the Records:

1. Number of application.
2. Name, address of tenant and description of tenancy stated in the application for advance.
3. Particulars of land in respect of which the advance is made. Give particulars of land as set out under Head 2 of application of the tenant.
4. Amount advanced to the tenant.
5. Date for repayment of advance and if to be repaid by instalments, date of payment of each instalment.
6. Amount of interest and date or dates for payment thereof.
7. Signature of Chairman.

Dated.

No. 16—1932.

I assent.

[L.S.]

A. R. SLATER,
Governor.

22nd December, 1932.

A LAW to Allow and Confirm Certain Expenditure
incurred in the financial year 1931-1932.

[22nd December, 1932.]

WHEREAS expenditure was necessarily incurred during Preamble.
the financial year 1931-1932, on certain services not
provided for by Law 9 of 1931:

Be it enacted by the Governor and Legislative Council
of Jamaica as follows:—

1—This Law may be cited as the Supplementary Approp- Short Title.
riation (1931-1932) Law, 1932.

2—The expenditure during the financial year 1931-1932 Amount autho-
rised for the
financial year
1931-32.
to the amount of One hundred and thirty-three thousand,
one hundred and fifty-seven pounds four shillings and eight
pence three farthings on certain services set forth in the
Schedule to this Law and not provided for or not fully
provided for by Law 9 of 1931 is hereby allowed and
confirmed.

SCHEDULE.

	£	s.	d.
II. Pensions	844	8	5½
VI. Legislative Council	929	13	3
XII. Government Savings Bank	91	1	2
XVII. Law Officers	252	11	3
XX. Administrator General's Office	28	4	2
XXI. Medical—General Administration	573	0	6
XXXV. Board of Supervision	0	19	4
XXXIX. Miscellaneous	103,961	10	8½
XL. Railway	2,651	11	1
XLII. Public Works Annually Recurrent	23,824	4	10
	<hr/>		
	£133,157	4	8½

JAMAICA.

No. 17.--1932.

I assent,

[L.S.]

A. R. SLATER,

Governor.

22nd December, 1932.

A LAW to Amend The Roads Loan Law 1931 (Law 21 of 1931).

[22nd December, 1932.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Roads Loan Amendment Law 1932, and shall be read and construed with the Roads Loan Law 1931 (Law 21 of 1931) hereinafter referred to as the Principal Law. Short Title and construction.

2—Section three, sub-section one of the Principal Law is hereby repealed and the following sub-section substituted therefor:— Amendment of sub-section (1) of section 3 of Law 21 of 1931.

“3 (1)—If the Loan hereby authorised or any part thereof shall be issued under the provisions of the General Loan and Inscribed Stock Law 1921 (Law 12 of 1921) then the contribution to the sinking fund as contemplated by sections thirteen and twenty-seven of that Law shall commence six months after the date

from which the interest on the stock to be issued under that Law shall begin to run. If the said loan or any part thereof shall be issued under the provisions of the Local Inscribed Stock Law 1891 (Law 17 of 1891) or any Law amending the same or of the Local Debenture Law 1925 (Law 9 of 1925) then the contribution to sinking fund as contemplated by sections seventeen and eighteen of Law 17 of 1891 and section four of Law 9 of 1925 shall commence one year after the date from which the interest on stock or debentures to be issued under Law 17 of 1891 or Law 9 of 1925 shall begin to run."

JAMAICA.

No. 18.---1932.

I assent,

[L.S.]

A. R. SLATER,

Governor.

22nd December, 1932.

A LAW to Validate the Jury Lists for the Parishes of Saint James and Trelawny for the Year 1932-1933.

[22nd December, 1932.]

WHEREAS doubts have arisen as to the validity of the Preamble.
final settlement of the Jury Lists for the parishes
of Saint James and Trelawny for the year 1932-1933:

And whereas it is deemed advisable to remove all such doubts and to validate and confirm the Jury Lists as aforesaid for the parishes of Saint James and Trelawny respectively as valid and effectual Lists of the Common and Special Jurors for the said parishes for the year 1932-1933:

Be it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Jury Lists (Saint Short Title.
James and Trelawny) Validating Law, 1932.

Special Juries
and Common
Juries.

2—The persons whose names appear in the Lists transmitted to the Registrar of the Supreme Court by the Inspectors of Police of the parishes of Saint James and Trelawny as the Jury Lists for the parishes of Saint James and Trelawny for the year 1932-1933 shall, as regards those opposite to whose names the words "Special Juror" are written, be the Special Jurors, and as regards the remainder, be the Common Jurors qualified and liable to serve on the Jury for the parish of Saint James and the Jury for the parish of Trelawny, as the case may be, for the year 1932-1933, and until the formation of a new Jury List for each such parish, and the Lists transmitted as aforesaid shall be and be deemed to have been as good and valid and effectual to all intents and purposes whatsoever as if all the requirements of the Jury Law, 1898 (Law 13 of 1898) had been strictly followed.

