



1895

The Laws of Jamaica, 1895

Jamaica

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LAWS OF JAMAICA

PASSED IN THE YEAR

1895.

Edw. Osbourne Smith

		
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LAWS OF JAMAICA

*Passed in a Session which began on the 12th day of February,
1895, and adjourned sine die on the 24th day of April, 1895.*

PUBLISHED BY AUTHORITY.

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GOVERNMENT PRINTING OFFICE, 79 DUKE STREET, KINGSTON.

1895.

TABLE OF LAWS.

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STATUTES AND LAWS.

Repealed, Amended or otherwise affected by Laws 1 to 27 of 1895.

Statutes or Laws Repealed or Amended.	How affected.	Number of Law of 1895.
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STATUTES AND LAWS.

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Statutes or Laws Repealed or Amended.	How affected.	Number of Laws of 1895.
Law 24 of 1890 Law 33 of 1893	... Section 2 amended and In- ... corporated with	} Law 17 of 1895.
Law 8 of 1867	... Incorporated with	Law 18 of 1895.
Law 3 of 1893	.. Section 1 amended by	Law 19 of 1895.
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JAMAICA—LAW 1 OF 1895.

The Wreck and Salvage Law, 1875, Amendment Law, 1895.

[28th May, 1895.]

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

Section 37 of "The Wreck and Salvage Law 1875" (Law 14 of 1875) shall be and the same is hereby amended by striking out the words "and the same shall be carried to and form part of the Revenue of this Island or of such Dependency" and by substituting in lieu thereof the words "and shall be disposed of, under order of the Governor, in accordance with the Law for the time being in force regulating the disposal of Droits of Admiralty."

Section 37 of Law
14 of 1875
amended.



JAMAICA—LAW 2 OF 1895.

A Law to amend Law 13 of 1873.

[29th March, 1895.]

WHEREAS the Customs Duties on Spirits, Wines, Beer and Tobacco imported into the Island and the Excise Duty on Rum manufactured in the Island have been increased since the passing of Law 13 of 1873, intituled “A Law to provide an allowance for Military Officers in lieu of exemption from certain import duties” and it is deemed desirable to increase proportionately the allowances secured by the said Law to the Officers of Her Majesty’s Army serving in Jamaica :—

Preamble.

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

1—Section 2 of the said Law 13 of 1873 shall be and the same is hereby amended by striking out therefrom the scale of allowances therein set forth and by substituting for the same the scale following (that is to say) :—

Section 2 of Law
13 of 1873,
amended.

To the Officer Commanding the Troops in Jamaica and its Dependencies, not being under the rank of Colonel	11s. 9 $\frac{3}{4}$ d. per day
“ Colonels 	5s. “
“ Regimental Lieutenant-Colonels and Officers of corresponding relative rank 	3s. 11 $\frac{1}{4}$ d. “

To Regimental Majors	ditto	ditto	3s. 4½d. per day
‘ Captains	ditto	ditto	2s. 9¾d. “
“ Lieutenants, Sub-Lieutenants	ditto		2s. 3d. “
“ Brigade Major			2s. 9¾d. “
“ The Garrison Adjutant			2s. 9¾d. “

Duration of the
Law.

2—This Law shall be deemed to be incorporated with and form part of Law 13 of 1873 aforesaid, and shall continue in force until the 31st day of March 1897 and no longer.



JAMAICA—LAW 3 OF 1895.

Law 7 of 1874 Amendment Law 1895.

[28th May, 1895.]

WHEREAS it is expedient to further alter the Law (Law 7 of 1874) as to the right of the Governor after assuming the Government to draw the full salary of the office during certain absences from the Island, or temporary incapacity to perform the duties of the office, and as to the right of any officer provisionally administering the Government, during any such absence or incapacity, to draw any part of the Governor's salary:—

Preamble.

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

1—Sections 4 and 5 of Law 7 of 1874, and the whole of Law 24 of 1882 amending the said Sections shall be and the same are hereby repealed.

Repeal Section.

2—In lieu of the said Section 4 of Law 7 of 1874, the following shall be read as such Section 4 (that is to say):—

New Section in lieu of Section 4 of Law 7 of 1874.

4—Save as hereinafter provided when the Governor after having assumed the Government shall be absent from the Colony or shall be incapacitated from performance of the duties of his office and another officer is sworn in to administer the Government, he shall be entitled to receive half salary only during such absence or incapacity: Provided always that the above provision shall not apply in cases where the Governor shall be,

(a) on an official visit to any dependency of this Island;
or

(b) on any such short vacation, not exceeding six weeks in any one year, as by Her Majesty's regulations he is or shall be entitled to take without special leave of absence (subject however to any arrangements that the Governor may make to the contrary, or to such general or special directions as the Secretary of State may from time to time give to the contrary); or

(c) on a visit to any other West India Colony for the purpose of studying on the spot any question specially affecting this Island; provided that such visit shall be of not more than four weeks duration at any one time or in any one year, and that the same shall be undertaken at his own expense, and in accordance with any regulations that may be made by Her Majesty or directions that may be given by the Secretary of State;

but in any such case as aforesaid the Governor shall be entitled to receive the full salary attached to his office notwithstanding his absence.

New Section in
lieu of Section 5 of
Law 7 of 1874.

3—In lieu of Section 5 of the said Law 7 of 1874, the following shall be read as such Section 5 (that is to say):—

5—Any officer provisionally sworn in to administer and administering the Government of this Island, during any vacancy in the office of Governor, or during the incapacity or absence of the Governor from the Island, (except in any case of absence in which under the provisions of the Section immediately preceding, the Governor is entitled to draw full salary), shall be entitled to one-half of the Governor's salary, and, if he be the holder of any other office, one-half of the salary of such office.



JAMAICA—LAW 4 OF 1895.

The Banker's Books Evidence Law 1895.

[28th May, 1895.]

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

1—Subject to the provisions of this Law, a copy of any entry in a banker's book shall in all legal proceedings be received as *prima facie* evidence of such entry, and of the matters, transactions and accounts therein recorded.

Mode of proof of entries in banker's books.

2—A copy of an entry in a banker's book shall not be received in evidence under this Law unless it be first proved that the book was at the time of the making of the entry one of the ordinary books of the bank, and that the entry was made in the usual and ordinary course of business, and that the book is in the custody or control of the bank.

Proof that book is a banker's book.

Such proof may be given by a partner or officer of the bank, and may be given orally or by an affidavit sworn before any Justice of the Peace or other person authorised to take affidavits.

3—A copy of an entry in a banker's book shall not be received in evidence under this Law unless it be further proved that the copy has been examined with the original entry and is correct.

Verification of copy.

Such proof shall be given by some person who has examined the copy with the original entry, and may be given either

orally or by an affidavit sworn before any Justice of the Peace or other person authorised to take affidavits.

Case in which
banker, &c., not
compellable to pro-
duce book, &c.

4—A banker or officer of a bank shall not, in any legal proceeding to which the bank is not a party, be compellable to produce any banker's book the contents of which can be proved under this Law, or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by order of a judge made for special cause.

Court or judge may
order inspection,
&c.

5—On the application of any party to a legal proceeding a court or judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceedings. An order under this section may be made either with or without summoning the bank or any other party, and shall be served on the bank three clear days before the same is to be obeyed, unless the court or judge otherwise directs.

Costs.

6—The costs of any application to a court or judge under or for the purposes of this Law, and the costs of anything done or to be done under an order of a court or judge made under or for the purposes of this Law shall be in the discretion of the court or judge, who may order such last mentioned costs or any part thereof to be paid to any party by the bank, where the same have been occasioned by any default or delay on the part of the bank in complying with an order made as aforesaid. Any such order against a bank may be enforced as if the bank was a party to the proceeding.

Interpretation of
"bank," "banker,"
and "banker's
books."

7—In this Law, the expression "bank" or "banker" means any bank established by Royal Charter, Act of Parliament, or Act, Law or Ordinance of the Legislature of any British Possession and carrying on the business of bankers in this Island, and also any person, persons, partnership, or company carrying on business as aforesaid who is or are required by section 1 of the Act, 7 Viet., c. 47 to furnish to the Commissioner of Stamps the accounts or return in that section mentioned and who has or have duly furnished the same, and also the Go-

vernment Savings Bank established under Law 33 of 1882, and any other Savings Bank established and carrying on business within the Island under the provisions of any Act or Law relating to Savings Banks. The fact of any such bank having duly made a return to the Revenue Commissioner may be proved in any legal proceeding by production of a copy of its return verified by the affidavit of a partner or officer of the bank, or by production of a copy of a newspaper purporting to contain a copy of such return published by the Revenue Commissioner; the fact that any such Savings Bank is established and carrying on business as aforesaid may be proved by the production of an office or examined copy of the rules or regulations of such Savings Bank certified under the provisions of the Act 7 Will. IV c. 14 as aforesaid.

Expressions in this Law relating to "banker's books" include ledgers, day books, cash books, account books, and all other books used in the ordinary business of the bank.

8—In this Act—The expression "legal proceeding" means any Civil or Criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration ;

Interpretation of
"legal proceeding,"
"court," "judge."

The expression "the Court" means the Court, Judge Arbitrator persons or person before whom a legal proceeding is held or taken ;

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

The Judge of a Resident Magistrate's Court may with respect to any action in such Court exercise the powers of a Judge under this Law.



JAMAICA—LAW 5 OF 1895.

The Debenture Law, 1895.

[27th March, 1895.]

WHEREAS it is expedient to confer on the Governor in Preamble.
all cases in which by any Law hereafter to be passed he shall be empowered to raise money by way of loan, a discretionary power to raise the same by the issue of inscribed stock, local inscribed Stock or debentures, or partly in one way and partly in the other according as it may seem to him most advantageous to the Island at the particular juncture:—

And whereas it is expedient to comprise in one general law sundry provisions which are usually introduced into laws authorising the raising of money by the issue of debentures, as well for the purpose of avoiding the necessity of repeating such provisions in each law authorising the issue of debentures by the Governor as for ensuring greater uniformity in the provisions themselves:—

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

1—In the construction of this Law and of laws to be incorporated therewith the following words shall have the meanings hereby assigned to them respectively, unless the Interpretation Clause.
same is repugnant to the context that is to say:—

“The special law” shall mean any law which shall be hereafter passed authorising the Governor to raise money by way of loan and with which this Law shall be incorporated.

Power to raise loans by debentures.

2—In each and every case in which, by any law hereafter to be passed empowering the Governor to raise any sum or sums of money by way of loan with which this Law shall be incorporated, it shall be lawful for the Government to raise the same or any part thereof by the issue of debentures under the provisions of this Law: Provided that nothing herein contained shall affect the power of the Governor to raise any such sum by the issue of inscribed stock, or local inscribed stock.

This Law shall apply to all debentures hereafter issued unless varied.

3—Any such debentures as aforesaid shall be deemed and styled "Debentures under the provisions of the Debenture Law, 1895, and the special law" and thereupon the provisions hereinafter contained and set forth, save and except such part or parts thereof as may be expressly excepted or varied by the special law, shall apply to and regulate the issue of any such debentures and everything relating to them as if the several sections and provisions hereof were specially repeated and enacted in and by the special law.

Provisions regulating debentures.

4—In case the Governor shall determine to raise the whole or any part of any such sum as aforesaid, by the issue of Debentures, the following provisions shall apply:—(that is to say),

Place of issue.

(1) The debentures may be issued either in England or in this Island, or partly in England and partly in this Island, as the Governor may from time to time in each case determine.

Amount of each debenture.

(2) Every debenture shall be for a sum of not less than fifty pounds sterling, and shall bear interest at a rate to be fixed in the special law, payable half-yearly.

Debentures charged upon the General Revenue.

(3) The principal moneys and interest secured by any such debenture shall be a charge upon and shall be guaranteed by, and shall be payable out of, the General Revenues and Assets of the Government of Jamaica.

How signed.

(4) The debentures when issued in England shall be issued in London, on behalf of the Government of

Jamaica, by the Crown Agents for the Colonies, (in this Law referred to as the Crown Agents,) and shall be signed by them or one of them in that behalf, and when issued in Jamaica shall be signed by the Colonial Secretary and be countersigned by the Treasurer of the Island of Jamaica.

- (5) Every debenture issued in England shall, before being issued, be registered in a Register Book, to be kept for that purpose at the office in London of the Crown Agents; and every debenture issued in Jamaica shall, before being issued, be registered in a Register Book, to be kept for that purpose at the Public Treasury. Register Book.
- (6) The interest upon the principal money secured by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture, if issued in England, by the Crown Agents out of the moneys remitted to them by the Treasurer as hereinafter provided, and, if issued in Jamaica, by the Treasurer out of the Revenues appropriated as hereinafter provided. Interest how and when paid.
- (7) There shall be attached to every debenture coupons for the payment of the interest to become due in each half year upon the principal secured by the debenture. Coupons.

The coupons shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Governor, or the Crown Agents acting on behalf of the Government of Jamaica in England, may determine.

- (8) The debentures and the coupons thereto to be issued in Jamaica shall be in such form as the Governor, and those to be issued in England as the Crown Agents, may direct or approve. Form of debentures and coupons.

Transferable by
delivery.

- (9) Every debenture or coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery.

Payment out of
General Revenue
for Interest and
Redemption Fund.

- (10) So long as any of the debentures issued under the powers of borrowing conferred by the special law remain outstanding, the Governor shall, in each half year ending with the day on which the interest on such debentures falls due, appropriate out of the General Revenues and Assets of this Colony a sum equal to one half year's interest on the whole of such debentures theretofore issued, whether in England or Jamaica including any which may have been redeemed; and, from and after the day on which the first of the said debentures issued under the special law, or such other day as may be fixed in the special law in that behalf, are issued, and so long thereafter as any of the said debentures remain outstanding, the Governor shall in each half year ending as aforesaid also appropriate out of the Revenues and Assets of this Colony, an additional sum equal to ten shillings sterling per cent. on the total nominal amount of all the debentures issued under the special law on or before the first day of that half year, including any which may have been redeemed.

Remittances to
England.

- (11) Such portion of the sum appropriated as aforesaid for or in respect of such of the debentures as have been issued in England shall be remitted by the Treasurer to the Crown Agents at such time as will enable them to pay thereout on the day that the same falls due the current half year's interest on such of the said debentures issued in England, as may be then outstanding.

Payment of
interest in Jamaica
and formation of
Redemption Fund.

- (12) Out of the remainder of such moneys, the Treasurer shall pay the then due half yearly interest on such of the said debentures as have been issued in Jamaica and shall be then outstanding, and the balance

of that sum shall be invested by the Treasurer under the direction of the Governor towards the formation of a fund applicable in manner hereinafter provided in the redemption of such of the said debentures as may have been issued in Jamaica.

- (13) The Crown Agents shall, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, on deposit at interest in their names with some bank or banks in London or Westminster; and shall hold all such moneys and the accumulations thereon in trust to apply them, in the first place in payment of the interest for the current half year upon such of the said debentures as shall have been issued in England and outstanding, and in the next place in the formation of a fund applicable, in manner hereinafter provided, to the redemption of the debentures of such issue issued in England.
- (14) The funds applicable to the redemption of debentures shall be applied, in the first place in payment of all expenses of or incidental to the redemption of debentures, including the charges of the Notary Public attending at any drawing thereof, and the cost and expenses of all notices required by this or any special law to be given, and in the next place, subject to the aforesaid payments, in repayment of the principal moneys for the time being secured by the debentures.
- (15) Debentures issued under any special law, if issued in England, shall at the option of the Crown Agents, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, and if issued in Jamaica, shall at the option of the Treasurer, subject to the direction of the Governor, be redeemed either by purchase in the open

Application of
moneys remitted
to Crown Agents.

Application of
Redemption
Fund.

Redemption of
debentures.

market or by annual drawings, and, subject to the aforesaid payments, the sums to be applied annually in England and Jamaica respectively to such redemption shall in each country correspond as nearly as may be to, but not exceed, the amount applicable therein under the provisions of this Law to the redemption of the debentures of that issue.

Drawing of debentures to be redeemed.

- (16) From and after the day on which the first of the debentures of any issue is issued, and so long thereafter as any of the debentures of that issue remain outstanding and unsatisfied, the Crown Agents as to the debentures of that issue issued in England, and the Treasurer, if so directed by the Governor, as to the debentures issued in Jamaica, shall, in every year after the day on which the first of the debentures of that issue is issued, (unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof), appoint respectively a day in that year for the drawing by lot of the debentures to be redeemed.

Notice of days appointed for drawing.

- (17) If a day is appointed for drawing, the Crown Agents as to debentures issued in England shall give by advertisement in the London Times Newspaper, and the Treasurer as to debentures issued in Jamaica shall give by advertisement in the Jamaica Gazette and in not less than two newspapers published in the Colony, not less than fifteen days' previous notice, specifying the days on which and the hours and places at which the drawings will take place, and the nominal amount of the debentures to be redeemed at those drawings respectively.

Drawing at specified time.

- (18) On the day and at the hour and place so specified the Crown Agents and Treasurer respectively shall hold meetings, (at which the holder of any debenture may if he think fit be present) and shall then, in the presence of such debenture holders (if any) as may attend, and of a Notary Public draw by lot,

out of the whole number of debentures of that issue for the time being outstanding, debentures of the specified nominal amount.

- (19) The Crown Agents and Treasurer respectively shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall as soon as may be, in case of debentures issued in England by advertisement in the London Times Newspaper, and in case of debentures issued in Jamaica by advertisement in the Jamaica Gazette and in not less than two newspapers published in the Colony, specify those numbers and the special law under which they were issued and appoint a day, not being later as to each debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys secured by the debentures so distinguished will be re-paid. Notification of debentures drawn.
- (20) On the day so appointed, the Crown Agents in respect of debentures issued in England at their Office in London, and the Treasurer in respect of debentures issued in Jamaica, at the Island Treasury shall on demand pay to the holders of the debentures drawn for re-payment the principal moneys secured by those debentures, with all interest payable thereon up to that day. Payment of debentures drawn.
- (21) From and after the day appointed for the re-payment of any debenture all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded. Cesser of interest.
- (22) Upon the re-payment of the principal moneys secured by the debentures, the debenture with all the coupons thereunto belonging, if issued in England shall be delivered up to the Crown Agents, and if issued in Jamaica to the Treasurer, to be by Delivery up of debentures and unused coupons.

them respectively cancelled and forwarded to the Auditor General of Jamaica.

Any debenture redeemed by purchase shall likewise be so cancelled and forwarded.

Money not to be re-borrowed.

- (23) No money applied in redemption of a debenture shall be re-borrowed, and no debenture shall be issued in respect of or in substitution for any cancelled debenture.

Exemption from Stamp Duty.

- (24) Debentures issued under this Law shall not be liable to Stamp Duty.

Provision for debenture defaced or coupons exhausted.

- (25) If any debenture shall become defaced or worn, then on a fee of five shillings being paid into the Treasury, or if the coupons thereunto attached shall have become exhausted, then without the payment of any such fee, it shall be lawful for the Governor to cause a fresh debenture to be made in manuscript and issued instead of such old debenture; and the new debenture shall be of the same number and date as the old debenture, and shall correspond therewith in every respect, and shall be for all purposes in substitution therefor, but a note shall be made on the face thereof, shewing that it is a renewed debenture, and stating the date of such renewal, and the old debenture shall be cancelled in the presence of the Auditor General, and deposited in his office.

Provision for lost or destroyed debentures.

- (26) Upon proof to the satisfaction of the Governor, that any debenture has been lost or destroyed before the same shall have been paid off and discharged, the Governor may direct that a new debenture, which shall bear the same number and date, and shall correspond in every respect with the debenture lost or destroyed, be given to the person entitled thereto; and if any debenture, so proved to have been lost or destroyed, shall be due, the Governor may direct the same to be paid off: Provided, that in every

such case the Governor shall cause notice to be inserted in the "Jamaica Gazette," for six consecutive weeks, of the particulars of such debentures, and shall take good security to indemnify the public against any loss which might otherwise be incurred in case any debenture, stated to have been lost or destroyed, should at any time afterwards be presented for payment, or interest should be claimed as due thereon.



JAMAICA—LAW 6 OF 1895.

The Rio Cobre Canal Law, Further Amendment Law, 1895.

[4th June, 1895.]

WHEREAS it is desirable that the Rio Cobre Canal Commissioners should be abolished and that the Colonial Secretary of Jamaica on behalf of the Colony should have all the rights, powers and immunities and be subject to all the duties and liabilities imposed by Law on the said Rio Cobre Canal Commissioners:—

Preamble.

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

1—Sections 3 and 4 of Law 27 of 1872 shall be and the same are hereby repealed.

Sections 3 and 4 of Law 27 of 1872 repealed.

2—The terms “the Rio Cobre Canal Commissioners, “the Commissioners” and “such Commissioners” wherever they occur in the “Rio Cobre Canal Laws 1872-1889,” shall henceforth (unless such construction is repugnant to the context) be read as if in lieu thereof the words “the Colonial Secretary of Jamaica” had been inserted, so that from and after the passing of this Law the Colonial Secretary of Jamaica shall in all respects have and enjoy all rights, powers and immunities and be subject to all duties and liabilities in as full and ample a manner as he would have done or been if he had been named in the said Laws instead of The Rio Cobre Canal Commissioners.

The Colonial Secretary substituted for the Rio Cobre Canal Commissioners.

All rights vested
in the Commis-
sioners transferred
to the Colonial
Secretary.

3—Any action, suit or proceeding now pending in which the Commissioners are a party shall, after the passing of this Law, be continued and carried on as if the Colonial Secretary had been or were party thereto in lieu of the Commissioners and all rights, whether of property or of action, at the time of the passing of this Law vested in the Commissioners or in any other party against the Commissioners, shall henceforth be vested in, or may be enforced against the said Colonial Secretary, without prejudice to the rights of the parties to any such actions, suits or proceedings.

Incorporation of
laws.

4—This Law and "The Rio Cobre Canal Laws 1872—1889" shall be read and construed together as one Law and may be cited as "The Rio Cobre Canal Laws, 1872—1895."



JAMAICA—LAW 7 OF 1895.

A Law to Amend Section 9 of 14 Victoria, Chapter 46.

[10th June, 1895.]

WHEREAS so much of Section 9 of 14 Victoria, Chapter 46, entitled “An Act for the more effectual prevention of Trespasses upon Property” as provides for the appropriation of penalties imposed thereunder is, and for many years has been, practically obsolete, and penalties imposed by the authority or under the provisions of the said Statute have, for several years past, instead of being applied as directed by the said section, been paid to the Government of this Colony as a part of the General Revenue thereof :—

Preamble.

And whereas it is desirable to amend the said section, so far as the same provides for the appropriation of penalties imposed under the said Act as aforesaid, and to confirm the disposition hitherto made of the said penalties :—

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

1—Section 9 of the said 14 Victoria, Chapter 46, entitled “An Act for the more effectual prevention of Trespasses upon Property” shall be and the same is hereby amended by omitting so much of the said section as provides for the appropriation of penalties imposed under the said act,

Section 9 of 14
Vic. c. 46 amended.

Disposition of
penalties.

2—All penalties imposed under the said act shall be paid into the Treasury to the credit of the Parochial General Purposes Fund of the Parish in which the same are imposed; and all appropriations of such penalties to General Revenue made before the 1st day of January, 1880, are hereby validated and confirmed.



JAMAICA—LAW 8 OF 1895.

A Law Further in Aid of the Sanitary Laws.

[28th May, 1895]

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

1—The provisions of Law 13 of 1877 (A Law in Aid of the Sanitary Laws) are hereby extended to all ponds, tanks, reservoirs or other receptacles for water, provided by or vested in the Parochial Board of any Parish or other public body out of Public or Parochial Funds, and contributing to or forming any public water supply, as fully as by the said Law they are made applicable to the rivers, streams or springs therein mentioned.

Law 13 of 1877
extended to ponds,
tanks, &c.

2—This Law, Law 6 of 1867 (A Law to establish Boards of Health), Law 14 of 1873 (A Law in aid of and to amend Law 6 of 1867), the said Law 13 of 1877, and other Laws passed in amendment of the said Law 6 of 1867, shall be read and construed together as one Law and may be cited as “The Sanitary Laws 1867—1895.”

Incorporation of
Laws.



JAMAICA—LAW 9 OF 1895.

A Law to allow and confirm certain expenditure in 1893-94.

[28th May, 1895.]

WHEREAS expenditure was necessarily incurred during the Financial Year 1893-94 on certain services not provided for or not fully provided for by Law 25 of 1893 :—

Preamble.

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

1—The expenditure during the Financial Year 1893-94 to the amount of twenty thousand, three hundred and forty-seven pounds, two shillings and eight pence and one farthing on certain services set forth in the Schedule to this Law annexed, and not provided for or not fully provided for by Law 25 of 1893 is hereby allowed and confirmed.

Expenditure of
£20,347 2s. 8½d.
in 1893-94 allowed.

SCHEDULE.

				Schedule
Legislative Council	...	£564	11 2½	
Railway	...	56	12 10	
Audit Department	...	36	19 3¼	
Judicial	...	504	9 10¼	
Education	...	10,290	19 0	
Jamaica Institute	...	34	16 6	
Public Gardens and Plantations	...	38	9 6¼	
Miscellaneous	...	6,848	17 4½	
Public Works and Buildings	...	1,971	7 1	
		£20,347	2 8½	



JAMAICA—LAW 10 OF 1895.

*The Administrator General's Law, 1873, Amendment Law,
1895.*

[28th May, 1895.]

WHEREAS it is desirable to continue in force for a limited Preamble.
period subject to amendment the Administrator General's
Law, 1873, Amendment Law, 1894, (Law 26 of 1894):—

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

1—Section 5 of the said law shall be and the same is Section 5 of Law
26 of 1894 repealed.
hereby repealed.

2—In amendment of Section 7 of the said law, it is hereby Section 7 of the
said Law amended.
provided that the said law amended as aforesaid shall con-
tinue in force until the 31st day of May Anno Domini, 1896,
and no longer.

3—The Administrator General's Law, 1873, Amendment Incorporation of
Laws.
Law, 1894 (Law 26 of 1894), and this Law shall be read
together and construed as one Law.



JAMAICA—LAW 11 OF 1895.

The Public General Holidays Law, 1895.

[27th April, 1895.]

WHEREAS it is expedient to provide for the establishment and observance of certain Public General Holidays in this Island:—

Preamble.

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

1—The several days mentioned in the Schedule to this Law, and such other special day or days as may be appointed under Section 6 of this Law, are hereby declared to be “Public General Holidays.”

Public General
Holidays.
Schedule.

2—From and after the passing of this Law all Courts of Justice Public Offices and all Wharves Public and Private (save as in Section 8 of this Law is provided), and all Banks and their Agencies, and the Offices and Places of Business of all Solicitors, Assurers, Insurers, Bill Discounters, Building Societies and all persons licensed to carry on the business of Merchants, General Factors, Wholesale Dealers, Storekeepers, Commission Agents, and First-class and Second-class Retailers and Printing and Newspaper Offices shall be closed throughout the whole of each Public General Holiday: Provided that nothing in this section shall in any way invalidate any rule or regulation made by the Collector General with the approval of the Governor under the Customs Consolidation Law 1877 (Law 18 of 1877) for enabling ships to be

What offices and
places of business
to be closed on
Public Holidays.

entered or cleared laden or unladen on Public Holidays. Provided always that nothing herein contained shall prevent any Judge on the holding of any Court on any day preceding any Public General Holiday from adjourning such Court to such Public General Holiday and on such adjournment being made it shall be lawful for such Court to sit on such Public General Holiday as if this Law had not been passed.

Payments, &c.,
falling due, or to be
done on a holiday
—when to be made
or done.

3—Subject to the provisions of the Bills of Exchange Law, 1893—as to Bills of Exchange and Promissory Notes—all Bonds, or other money obligations, which are or shall be made so as to become due and payable on any such Public General Holiday, shall be payable on the day immediately preceding and not on such Public General Holiday, and whenever any notice is required to be given or any act done whether under any contract, custom or law, and the same shall fall to be given or done on a Public General Holiday the same shall be given or done on the day immediately preceding.

Construction of
Laws or documents
—when the time
for making a pay-
ment or doing an
act falls on a holi-
day.

4—Whenever by any Law, or by any record, specialty or simple contract, any payment is required to be made, or act to be done, on a day certain, or within a time limited, and such day certain, or the last day of such time limited, shall happen to fall on a Public General Holiday, such Law, record, specialty or simple contract, shall be read and construed, and shall take effect and be enforceable only, in the particular instance, as if such payment or act were thereby required to be made or done on the next day following such Public General Holiday; and the making of such payment and the doing of such act on such next day following, shall be equivalent to payment of the money or doing of the act on the holiday.

“Next day follow-
ing” and “day im-
mediately preced-
ing”—
Explanation.

5—For the purpose of this Law, the “next day following” any Public General Holiday shall mean the first day succeeding the day, which is neither a Sunday nor a Public General Holiday and the “day immediately preceding” shall mean the first day preceding the day which is neither a Sunday nor a Public General Holiday.

6—It shall be lawful for the Governor, from time to time as he may see fit, by Proclamation, to be published in the Jamaica Gazette not less than seven days before the day or the first of the days hereinafter mentioned, to appoint any special day or days, not exceeding three at any one time, to be observed as a Public General Holiday, either throughout the Island or in any particular County, Parish or City, and the day or days so appointed shall thereupon, for the time being, be a Public General Holiday, and all the provisions of this Law shall apply thereto in precisely the same manner as if such day or days had originally been mentioned in the schedule hereto.

Power to appoint special holidays.

7—It shall be lawful for the Governor in Privy Council, in like manner, whenever it shall appear to be expedient, to declare that any special office, business or workshop, which is mentioned in the said Section 2, shall cease to be under the operation of this Law, either generally or for such special or limited purpose or time as may appear to be expedient, and thereupon this Law shall cease to operate upon the same accordingly.

Power to exempt any office, business, &c., from observance of holidays.

8—It shall be lawful for the Postmaster for Jamaica, subject to the approval of the Governor, to make special arrangements for keeping all or any of the several Post Offices and Telegraph Offices open for such limited portion only of any Public General Holiday as may appear to be necessary for the convenience of the public; and it shall also be lawful for the owner or manager of any wharf to keep open and carry on his business as such so far as may be necessary for the purpose of loading, unloading or coaling any ship on any Public General Holiday, subject however to any rule or regulation made by the Collector General, with the approval of the Governor, under the Customs Consolidation Law, 1877, regulating the loading or unloading of ships on Public Holidays.

Post Offices and Telegraph Offices.

Wharves.

9—Every contract for any service in any office, business, or other place mentioned, included or brought under the operation of Section 2 of this Law, whereby the person employed

Contracts not to observe holidays if general—void.

If special—allowable.	undertakes or agrees generally not to claim or to observe all or any Public General Holiday (except in the case mentioned in Section 8) shall be absolutely void; but it shall nevertheless be lawful for any person employed as aforesaid, as well as for other persons not so employed to make a special agreement on the approach of any Public General Holiday, to forego his right to any such particular Public General Holiday and to continue in service or to enter upon and perform any duties during the whole or any part of such particular Public General Holiday.
Offences against this Law.	10—Every person who does anything which is forbidden by this Law, or wilfully omits, neglects or refuses to do anything required by this Law to be done by him, shall be guilty of an offence against this Law, and shall be liable to a penalty not exceeding £10.
Penalty.	
Recovery of penalties.	11—All penalties under this Law shall be recoverable in a summary manner before a Resident Magistrate, or two Justices of the Peace.
When holidays not to be reckoned in computing time.	12—When any limited time, less than six days from or after any date or event is appointed or allowed for doing any act or taking any proceeding, any Public General Holiday shall not be reckoned in the computation of such limited time.
Repeal clause.	13—The Act 8 Victoria, Chapter 30, and Section 8 of Law 18 of 1877, shall be, and the same are hereby repealed.

Schedule.

SCHEDULE.

1. New Year's Day, or in case New Year's Day falls on a Sunday, then the day after New Year's Day.
2. Ash Wednesday.
3. Easter Monday.
4. The Monday in Whitsun Week.
5. The first day of August unless it falls on a Saturday or a Sunday then the following Monday.
6. The day after Christmas Day, or when Christmas Day falls on a Sunday, then the 26th and 27th December.
7. The day appointed by the Governor to be kept as the Birth-day of the Reigning Sovereign.



JAMAICA—LAW 12 OF 1895.

The Sale of Goods Law, 1895.

[28th May, 1895.]

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

PART I.

FORMATION OF THE CONTRACT.

Contract of Sale.

- 1—(1) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration, called the price. There may be a contract of sale between one part owner and another. Sale and agreement to sell.
- (2) A contract of sale may be absolute or conditional.
- (3) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called a sale; but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled the contract is called an agreement to sell.
- (4) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

2—Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property. Capacity to buy and sell.

Provided that where necessities are sold and delivered to an infant, or minor, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or minor or other person, and to his actual requirements at the time of the sale and delivery.

Formalities of the Contract.

Contract of sale—
how made.

3—Subject to the provisions of this Law and of any statute in that behalf, a contract of sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties.

Provided that nothing in this section shall affect the law relating to corporations.

Contract of sale for
ten pounds and
upwards.

4—(1) A contract for the sale of any goods of the value of ten pounds or upwards shall not be enforceable by action unless the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract be made and signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such contract, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof or rendering the same fit for delivery.

(3) There is an acceptance of goods within the meaning of this section when the buyer does any act in relation to the goods which recognizes a pre-existing contract of sale whether there be an acceptance in performance of the contract or not.

Subject Matter of Contract.

- 5—(1) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Law called "future goods." Existing or future goods.
- (2) There may be a contract for the sale of goods, the acquisition of which by the seller, depends upon a contingency which may or may not happen.
- (3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

6—Where there is a contract for the sale of specific goods, and the goods without the knowledge of the seller have perished at the time when the contract is made, the contract is void. Goods which have perished.

7—Where there is an agreement to sell specific goods, and subsequently the goods, without any fault on the part of the seller or buyer, perish before the risk passes to the buyer, the agreement is thereby avoided. Goods pending before sale, but after agreement to sell.

The Price.

- 8—(1) The price in a contract of sale may be fixed by the contract, or may be left to be fixed in manner thereby agreed, or may be determined by the course of dealing between the parties. Ascertainment of price.
- (2) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

- 9—(1) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party, and such third party cannot or does not make such valuation, the agreement is avoided; provided that if the goods or any part Agreement to sell at valuation.

thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

- (2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault.

Conditions and Warranties.

Stipulation as to time.

- 10—(1) Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not, depends on the terms of the contract.

- (2) In a contract of sale "month" means *prima facie* calendar month.

When condition to be treated as warranty.

11—(1)

- (a) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition, or may elect to treat the breach of such condition as a breach of warranty, and not as a ground for treating the contract as repudiated.

- (b) Whether a stipulation in a contract of sale is a condition, the breach of which may give rise to a right to treat the contract as repudiated, or a warranty, the breach of which may give rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated, depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract.

- (c) Where a contract of sale is not severable, and the buyer has accepted the goods, or part thereof, or where the contract is for specific goods,

the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty, and not as a ground for rejecting the goods and treating the contract as repudiated, unless there be a term of the contract, express or implied, to that effect.

- (2) Nothing in this section shall affect the case of any condition or warranty, fulfilment of which is excused by law by reason of impossibility or otherwise.

12—In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is—

Implied undertaking as to title, &c.

- (1) An implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass :
- (2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods :
- (3) An implied warranty that the goods shall be free from any charge or incumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made.

13—Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description ; and if the sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

Sale by description.

14—Subject to the provisions of this Law and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows :—

Implied conditions as to quality or fitness.

- (1) Where the buyer, expressly or by implication, makes known to the seller the particular pur-

pose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose, provided that in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose:

- (2) Where goods are bought by description from a seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality; provided that if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed:
- (3) An implied warranty or condition as to quality or fitness for a particular purpose, may be annexed by the usage of trade:
- (4) An express warranty or condition does not negative a warranty or condition implied by this Law unless inconsistent therewith.

Sale by Sample.

Sale by sample.

- 15—(1) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.
- (2) In the case of a contract for sale by sample—
 - (a) There is an implied condition that the bulk shall correspond with the sample in quality:
 - (b) There is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample:

- (c) There is an implied condition that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

EFFECTS OF THE CONTRACT.

Transfer of Property as between Seller and Buyer.

16—Where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained. Goods must be ascertained.

17—(1) Where there is a contract for the sale of specific or ascertained goods the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred. Property passes when intended to pass.

(2) For the purpose of ascertaining the intention of the parties regard shall be had to the terms of the contract, the conduct of the parties, and the circumstances of the case.

18—Unless a different intention appears the following are rules for ascertaining the intention of the parties as to the times at which the property in the goods is to pass to the buyer. Rules for ascertaining intention.

Rule 1.—Where there is an unconditional contract for the sale of specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment or the time of delivery, or both, be postponed.

Rule 2.—Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done and the buyer has notice thereof.

Rule 3.—Where there is a contract for the sale of specific goods in a deliverable state, but the seller is

bound to weigh, measure, test, or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing be done, and the buyer has notice thereof.

Rule 4—When the goods are delivered to the buyer on approval or “on sale or return” or other similar terms the property therein passes to the buyer:—

- (a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction:
- (b) If he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 5—(1) Where there is a contract for the sale of unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be given either before or after the appropriation is made:

(2) Where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee or custodian (whether named by the buyer or not) for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract.

Reservation of
right of disposal.

19—(1) Where there is a contract for the sale of specific goods or where goods are subsequently appropri-

ated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled. In such case, notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee or custodian for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

- (2) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is *prima facie* deemed to reserve the right of disposal.
- (3) Where the seller of goods draws on the buyer for the price, and transmits the bill of exchange and bill of lading to the buyer together to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honour the bill of exchange, and if he wrongfully retains the bill of lading, the property in the goods does not pass to him.

20—Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not.

Risk *prima facie* passes with property.

Provided that where delivery has been delayed through the fault of either buyer or seller, the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee or custodian of the goods of the other party.

Transfer of Title.

- 21—(1) Subject to the provisions of this Law, where goods are sold by a person who is not the owner thereof,

Sale by person not the owner

and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Provided that nothing in this Law shall affect—

- (a) The provisions of any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof;
- (b) The validity of any contract of sale under any special common law or statutory power of sale or under the order of a Court of competent jurisdiction.

Sale under voidable title.

22—When the seller of goods has a voidable title thereto but this title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

Revesting of property in stolen goods on conviction of offender.

23—(1) Where goods have been stolen and the offender is prosecuted to conviction, the property in the goods so stolen reverts in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them;

(2) Notwithstanding any enactment to the contrary where goods have been obtained by fraud or other wrongful means not amounting to larceny, the property in such goods shall not revert in the person who was the owner of the goods, or his personal representative, by reason only of the conviction of the offender.

Seller or buyer in possession after sale.

24—(1) Where a person having sold goods continues or is in possession of the goods, or of the documents of title to the goods, the delivery or transfer by that per-

son, or by his duly appointed agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

- (2) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by his duly appointed agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, to any person receiving the same, in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were the duly appointed agent of the owner in possession of the goods or documents of title with his consent.

- (3) In this section the term "duly appointed agent" shall include any person whose agency the principal is under the circumstances estopped from denying.

- 25—(1) A writ of *fieri facias* or other writ of execution against goods shall bind the property in the goods of the execution debtor as from the time when the writ is delivered to the bailiff to be executed; and, for the better manifestation of such time, it shall be the duty of the bailiff, without fee, upon the receipt of any such writ to endorse upon the back thereof the hour, day, month, and year when he received the same.

Effect of writs of execution.

Provided that no such writ shall prejudice the title to such goods acquired by any person in good

faith and for valuable consideration, unless such person had at the time when he acquired his title notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached had been delivered to and remained unexecuted in the hands of the bailiff.

- (2) In this section the term "bailiff" includes any officer charged with the enforcement of a writ of execution.

PART III.

PERFORMANCE OF THE CONTRACT.

Duties of buyer
and seller.

26—It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

Payment and
delivery are con-
current conditions.

27—Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Rules as to de-
livery.

28—(1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, the place of delivery is the seller's place of business, if he has one, and if not, his residence: Provided that, if the contract be for the sale of specific goods, which to the knowledge of the parties when the contract is made are in some other place, then that place is the place of delivery.

- (2) Where under the contract of sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.
- (3) Where the goods at the time of sale are in the pos-

session of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf; provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

- (4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.
- (5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

29—(1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he must pay for them at the contract rate.

Delivery of wrong quantity.

(2) Where the seller delivers the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

30—(1) Unless otherwise agreed, the buyer of the goods is not bound to accept delivery thereof by instalments.

Instalment deliveries.

(2) Where there is a contract for the sale of goods to

be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case whether the breach of contract is a repudiation of the whole contract, or whether it is a severable breach giving rise to a claim for compensation but not to a right to treat the whole contract as repudiated.

Delivery to carrier.

- 31—(1) Where, in pursuance of a contract of sale, the seller is authorised or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is *prima facie* deemed to be a delivery of the goods to the buyer.
- (2) Unless otherwise authorised by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.
- (3) Unless otherwise agreed, where goods are sent by the seller to the buyer by a route involving sea transit, under circumstances in which it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their sea transit, and, if the seller fails so to do, the goods shall be deemed to be at his risk during such sea transit.

32—Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must, nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

Risk where goods are delivered at distant place.

33—(1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

Buyer's right of examining goods.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

34—The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Acceptance.

35—Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them.

Buyer not bound to return rejected goods.

36—When the seller is ready and willing to deliver the goods, and he requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. Provided that nothing in this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract.

Liability of buyer for neglecting or refusing delivery of goods.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

Unpaid seller defined

37—(1) The seller of goods is deemed to be an "unpaid seller" within the meaning of this Law—

- (a) When the whole of the price has not been paid or tendered ;
- (b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise.

(2) In this part of this Law the term "seller" includes any person who is in the position of a seller, as for instance, an agent of the seller to whom the bill of lading has been indorsed, or a consignee or agent who has himself paid, or is directly responsible for the price.

Unpaid seller's rights.

38—(1) Subject to the provisions of this Law, and of any statute in that behalf, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law—

- (a) A lien on the goods or right to retain them for the price while he is in possession of them ;
 - (b) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them ;
 - (c) A right of resale as limited by this Law.
- (2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien, and stoppage in transitu where the property has passed to the buyer.

Unpaid Seller's Lien.

39—(1) Subject to the provisions of this Law, the unpaid seller of goods who is in possession of them, is entitled to retain possession of them until payment or tender of the price in the following cases, viz. :—

Seller's lien.

- (a) Where the goods have been sold without any stipulation as to credit ;
- (b) Where the goods have been sold on credit, but the term of credit has expired ;
- (c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee or custodian for the buyer.

40—Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien or retention on the remainder, unless such part delivery has been made under such circumstances as to show an agreement to waive the lien or right of retention.

Part delivery.

41—(1) The unpaid seller of goods loses his lien or right of retention thereon—

Termination of lien.

- (a) When he delivers his goods to a carrier or other bailee or custodian for the purpose of transmission to the buyer without reserving the right of disposal of the goods ;
 - (b) When the buyer or his agent lawfully obtains possession of the goods ;
 - (c) By waiver thereof.
- (2) The unpaid seller of goods having a lien or right of retention thereon, does not lose his lien or right of retention by reason only that he has obtained judgment or decree for the price of the goods.

Stoppage in Transitu.

42—Subject to the provisions of this Law, when the buyer of goods becomes insolvent, the unpaid seller who has parted

Right of stoppage in transitu.

with the possession of the goods has the right of stopping them in transitu, that is to say, he may resume possession of the goods as long as they are in course of transit, and may retain them until payment or tender of the price.

Duration of transit.

- 43—(1) Goods are deemed to be in course of transit from the time when they are delivered to a carrier by land or water, or other bailee or custodian for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee or custodian.
- (2) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.
- (3) If, after the arrival of the goods at the appointed destination, the carrier or other bailee or custodian acknowledges to the buyer, or his agent, that he holds the goods on his behalf and continues in possession of them as bailee or custodian for the buyer, or his agent, the transit is at an end, and it is immaterial that a further destination for the goods may have been indicated by the buyer.
- (4) If the goods are rejected by the buyer, and the carrier or other bailee or custodian continues in possession of them, the transit is not deemed to be at an end, even if the seller has refused to receive them back.
- (5) When goods are delivered to a ship chartered by the buyer it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier, or as agent to the buyer.
- (6) Where the carrier or other bailee or custodian wrongfully refuses to deliver the goods to the buyer, or his agent in that behalf, the transit is deemed to be at an end.

- (7) Where part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement to give up possession of the whole of the goods.

- 44—(1) The unpaid seller may exercise his right of stoppage in transitu either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other bailee or custodian in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.
- (2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee or custodian in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such redelivery must be borne by the seller.

How stoppage in transitu is effected

Resale by Buyer or Seller.

45—Subject to the provisions of this Law, the unpaid seller's right of lien or retention or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

Effect of such sale or pledge by buyer.

Provided that where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, then, if such last mentioned transfer was by way of sale the unpaid seller's right of lien or retention or stoppage in transitu is defeated, and if such last mentioned transfer was by way of pledge or other disposition for value, the unpaid

seller's right of lien or retention or stoppage in transitu can only be exercised subject to the rights of the transferee.

Sale not generally rescinded by lien or stoppage in transitu.

- 46—(1) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage in transitu.
- (2) Where an unpaid seller who has exercised his right of lien or retention or stoppage in transitu resells the goods, the buyer acquires a good title thereto as against the original buyer.
- (3) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to resell, and the buyer does not within a reasonable time pay or tender the price, the unpaid seller may resell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.
- (4) Where the seller expressly reserves a right of resale in case the buyer should make default, and on the buyer making default, resells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim the seller may have for damages.

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.

Remedies of the Seller.

Action for price.

- 47—(1) Where, under a contract of sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may maintain an action against him for the price of the goods.
- (2) Where, under a contract of sale, the price is payable on a day certain irrespective of delivery, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the

price, although the property in the goods has not passed, and the goods have not been appropriated to the contract.

- 48—(1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance. Damages for non-acceptance.
- (2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.
- (3) Where there is an available market for the goods in question the measure of damages is *primâ facie* to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

Remedies of the Buyer.

- 49—(1) Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery. Damages for non-delivery.
- (2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.
- (3) Where there is an available market for the goods in question the measure of damages is *primâ facie* to be ascertained by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

50—In any action for breach of contract to deliver specific or ascertained goods the court may, if it thinks fit, on the Specific performance.

application of the plaintiff, by its judgment or decree, direct that the contract shall be performed specifically without giving the defendant the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price, and otherwise, as to the court may seem just, and the application by the plaintiff may be made at any time before judgment or decree.

Remedy for breach
of warranty.

51—(1) Where there is a breach of warranty by the seller, or where the buyer elects, or is compelled, to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods; but he may

(a) set up against the seller the breach of warranty in diminution or extinction of the price; or

(b) maintain an action against the seller for damages for the breach of warranty.

(2) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(3) In the case of breach of warranty of quality such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty;

(4) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage.

Interest and special
damages.

52—Nothing in this Law shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI

SUPPLEMENTARY.

53—Where any right, duty, or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by usage, if the usage be such as to bind both parties to the contract.

Exclusion of implied terms and conditions.

54—Where, by this Law, any reference is made to a reasonable time the question what is a reasonable time is a question of fact.

Reasonable time a question of fact.

55—Where any right, duty or liability is declared by this Law, it may, unless otherwise by this Law provided, be enforced by action.

Rights, &c. enforceable by action.

56—In the case of a Sale by auction—

- (1) Where goods are put up for sale by auction in lots, each lot is *prima facie* deemed to be the subject of a separate contract of sale: Auction sales.
- (2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made any bidder may retract his bid:
- (3) Where a sale by auction is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person: Any sale contravening this rule may be treated as fraudulent by the buyer:
- (4) A sale by auction may be notified to be subject to a reserved or upset price, and a right to bid may also be reserved expressly by or on behalf of the seller.

Where a right to bid is expressly reserved, but not otherwise, the seller, or any one person on his behalf, may bid at the auction.

Repeal.

57—The Act of the Imperial Parliament, 1 Jac. 1 cap. 21 intituled “An Act against Brokers” shall, in so far as under the provisions of the Act 8 Vic., ch. 16, section 7, the same has hitherto had the force of law in the Island, cease to have such force.

The Act as aforesaid of 29 Car. II., ch. 3, intituled “An Act for the prevention of Frauds and Perjuries” shall, in so far as under the provisions of the Act aforesaid it has the force of law in this island, continue to be in force as aforesaid in an amended form only, to wit, with the omission of section 16 (the marginal note of which is “Writs of execution shall bind the property of goods but from the time of the delivery to the officer”) and section 17 (the marginal note of which is, “Contracts for sales of goods for ten pounds or more”).

Law 17 of 1872, being “The Mercantile Law, Amendment Law, 1872” shall be and the same is hereby amended by the omission of section 3 thereof.

Provided that such repeal or amendment shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Law, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

Savings.

- 58—(1) The rules in bankruptcy relating to contracts of sale shall continue to apply thereto, notwithstanding anything in this Law contained.
- (2) The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Law, and in particular the rules relating to the law of principal and agent and the effect of fraud, misrepresentation, duress or coercion, mistake, or other invalidating cause, shall continue to apply to contracts for the sale of goods.
- (3) Nothing in this Law or in any repeal effected thereby shall affect the enactments relating to bills of sale, or any enactment relating to the sale of goods which is not expressly repealed by this Law.

- (4) The provisions of this Law relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge, or other security.

59—(1) In this Law, unless the context or subject-matter otherwise requires,— Interpretation of terms.

“Action” includes counter-claim and set-off:

“Buyer” means a person who buys or agrees to buy goods:

“Contract of Sale” includes an agreement to sell as well as a sale:

“Delivery” means voluntary transfer of possession from one person to another:

“Document of title to goods” means and includes any bill of lading, dock warrant, warehouse keepers certificate, warrant, or order for the delivery of goods, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented:

“Fault” means wrongful act or default:

“Future Goods” means goods to be manufactured or acquired by the seller after the making of the contract of sale:

“Goods” include all chattels personal other than things in action and money. The term includes emblements, industrial, growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale:

“Plaintiff” includes every person asking any relief against any other person, by any form of proceeding

whether the same be taken by way of action, suit, petition, motion, summons, counter-claim or otherwise :

“Property” means the general property in goods, and not merely a special property :

“Quality of Goods” includes their state or condition :

“Sale” includes a bargain and sale as well as a sale and delivery :

“Seller” means a person who sells or agrees to sell goods :

“Specific Goods” means goods identified and agreed upon at the time a contract of sale is made :

“Warranty” means an agreement with reference to goods which are the subject of a contract of sale, but collateral to the main purpose of such contract, the breach of which gives rise to a claim for damages, but not to a right to reject the goods and treat the contract as repudiated.

(2) A thing is deemed to be done “in good faith” within the meaning of this Law when it is in fact done honestly, whether it be done negligently or not.

(3) A person is deemed to be insolvent within the meaning of this Law, who either has ceased to pay his debts in the ordinary course of business, or cannot pay his debts as they become due whether he has committed an act of bankruptcy or not, and whether he has been adjudicated bankrupt or not.

(4) Goods are in a “deliverable state” within the meaning of this Law when they are in such a state that the buyer would under the contract be bound to take delivery of them.

60—This Law shall come into operation on the first day of July, 1895.



JAMAICA—LAW 13 OF 1895.

The Mountain Roads Law, 1895.

[28th May, 1895.]

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

1—It shall be lawful for the Governor from time to time to raise by way of loan a sum not exceeding in the aggregate the sum of One Hundred Thousand Pounds to be expended on the construction of the several roads and works set forth in the schedule hereto.

Power to raise
£100,000 for roads
in schedule.

2—The Director of Public Works shall, in relation to making surveys for and the laying out and construction of any such roads have and enjoy all the powers, rights and immunities conferred on him by the Main Road Law, 1879, Amendment Law, 1887 (Law 41 of 1887) in relation to main roads, and the said roads, or any of them, as and when constructed shall be main roads within the meaning of the said Law to all intents and purposes.

Power of the Di-
rector of Public
Works.

3—The Debenture Law, 1895, shall be incorporated with this Law.

Incorporation of
the Debenture
Law, 1895.

4—The rate of interest payable on debentures issued under this Law shall be the rate of four per cent. per annum, or such lower rate as the Governor, at the time of making the first issue of such debentures, shall, by notice in the Gazette, fix and determine,

Rate of interest.

SCHEDULE.

Schedule.

1. From the Main Road near Gordon Town in the Parish of St. Andrew via Newcastle and Hardware Gap to the Main Road in the Buff Bay River Valley in the Parish of Portland.
2. From the Main Road near Bath in the Parish of St. Thomas via the Cuna Cuna Pass to the Main Road near Moretown in the Parish of Portland.
3. From the Main Road at Gordon Town in the Parish of St. Andrew via Guava Ridge and Mavis Bank to the Main Road in Windsor Forest in the Parish of St. Thomas.
4. From the above-mentioned Road, No. 3, near Mavis Bank to the above-mentioned Road, No. 1, near Silver Hill Gap.
5. From the Main Road at Cedar Valley in the Parish of St. Thomas to the above-mentioned Road, No. 4, near Silver Hill Gap.



JAMAICA—LAW 14 OF 1895.

*The Married Women's Property Law, 1886, Amendment Law,
1895.*

[21st June, 1895.]

WHEREAS it is expedient further to amend The Married Preamble
Women's Property Law, 1886 (Law 21 of 1886):—

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

1—Every contract hereafter entered into by a married Effect of contracts
by married women.
woman, otherwise than as agent,

(a) shall be deemed to be a contract entered into by her
with respect to and to bind her separate property
whether she is or is not in fact possessed
of or entitled to any separate property at the time
when she enters into such contract;

(b) shall bind all separate property which she may at
that time or thereafter be possessed of or entitled
to; and

(c) shall also be enforceable by process of law against
all property which she may thereafter, while dis-
covert, be possessed of or entitled to;

Provided that nothing in this section contained shall render
available to satisfy any liability or obligation arising out of
such contract any separate property which at that time or
thereafter she is restrained from anticipating.

Costs may be ordered to be paid out of property subject to restraint on anticipation.

2—In any action or proceeding now or hereafter instituted by a woman or by a next friend on her behalf, the court before which such action or proceeding is pending shall have jurisdiction by judgment or order from time to time to order payment of the costs of the opposite party out of property which is subject to a restraint on anticipation, and may enforce such payment by the appointment of a receiver and the sale of the property or otherwise as may be just.

Will of married woman.

3—Section nineteen of the Wills Act, 1840, the Act 3 Victoria Chapter 51 intituled "An Act for the amendment of the Laws with respect to Wills," shall apply to the Will of a married woman made during coverture whether she is or is not possessed of, or entitled to, any separate property at the time of making it, and such Will shall not require to be re-executed or republished after the death of her husband.

Repeal.

4—Sub-sections (3) and (4) of Section two of the Married Women's Property Law, 1886, are hereby repealed.

Incorporation with Law 21 of 1886.

5—Law 21 of 1886 and this Law shall be read and taken together as one Law.



JAMAICA—LAW 15 OF 1895.

The Wharfage Law, 1895.

[7th August, 1895.]

WHEREAS it is expedient to repeal the Wharfage Law Preamble.
1869 (Law 29 of 1869) and Law 24 of 1891 amending
the same and to re-enact the same with amendments:—

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

1—The Wharfage Law, 1869, (Law 29 of 1869) and The Repeal of Laws 29
Wharfage Law, 1869, Amendment Law, 1891 (Law 24 of 1891) of 1869 and 24 of
are hereby repealed: Provided that such repeal shall not be 1891.
construed to lessen or affect any liability now existing there-
under, or to invalidate or affect anything done prior to the
passing of this Law, in pursuance of the said laws or either
of them, and all penalties and forfeitures incurred under the
said laws or either of them, may be recovered and enforced,
as if this Law had not been passed: Provided further that
any goods, wares or merchandise received on any wharf prior
to the coming into operation of this Law and being on such
wharf at that date shall be liable to the rates specified in Law
29 of 1869.

2—"Wharfage" shall mean the payment authorised by Interpretation
this Law to be demanded and received by any wharfinger Clause.

for and in respect of the use of his wharf by any person and for services rendered thereat in respect of any goods of such person.

"Wharfinger" shall mean the person in occupation of any public wharf and carrying on the business of landing, receiving and otherwise dealing with thereat the goods of other people.

"Goods" shall mean and include any article, goods, wares, merchandise, produce, being or thing, animate or inanimate, that is brought to any wharf by water with a view to its being landed thereat or which is brought to any wharf by land with a view to its being put on board ship.

What constitutes a public wharf.

3—If any wharfinger or any person in his employment shall receive payment for any goods landed on or delivered at or shipped from such wharf, or for any vessel lying, or delivering, or landing thereat, or on the adjacent beach or riverside, the said person in possession shall be deemed to be carrying on the business of a wharfinger under Law 18 of 1867 and this Law and the said wharf shall be declared and held to be a public wharf; and if any goods be landed or shipped at or from any beach or riverside in any harbour or port of this island, where there is a public wharf, (not being the goods of the proprietor or occupier of such beach, or goods which such proprietor or occupier has landed at or shipped from any such beach or riverside under any contract with the owner for the transport of the same by sea), the wharfinger of the nearest public wharf in such harbour or port shall, subject to the provisions of Section 5, be entitled to demand and recover from the owner of such goods if known or if unknown from the proprietor or occupier of such beach or riverside permitting the use of such beach or riverside for such purpose, payment of the rates of wharfage on such goods according to the schedules to this Law annexed.

Wharf book.

4—Every wharfinger shall be obliged to keep or cause to be kept a book, wherein shall be fairly entered the marks and numbers of all goods which shall be landed on or deliver-

ed at his wharf, and also if known, the names of the persons by whom landed or delivered, and the names of the persons to whom the same are to be delivered, and the names of the vessels out of or on which the said goods shall be taken or shipped, and shall also give receipts for all goods that shall be so delivered or landed at or upon his wharf; and all Revenue Officers and persons having an interest in any goods landed at or shipped from such wharf shall in respect of the entries of such goods have free access to the same during the working hours of the day at such wharf; and any wharfinger who shall neglect to keep such book, and to make such entries, or to give receipts as aforesaid, or refuse access to such book, if demanded, to any Officer or person as aforesaid, shall forfeit, for every offence, a sum not exceeding ten pounds.

5—Every wharfinger is hereby obliged, to the extent of the accommodation available, to receive, ship or deliver all goods, wares and merchandise other than explosives brought to his wharf and to put into a good proper store or stores, or other safe and dry place, such of the goods, wares and merchandise as are liable to damage by exposure and are by custom ordinarily placed in stores and to weigh, gauge, measure, count or examine, according to their nature and quality, all goods, wares and merchandise when received or landed, and if thereto required when delivered or shipped at his wharf.

Duties of
wharfinger to re-
ceive, store and
deliver goods.

For the purposes of this section, cocoanuts, coals, dyewood, lumber, shingles, and heavy pieces of machinery are to be considered goods which it shall not be necessary to place in a store.

In any case in which any goods shall be refused to be received for want of accommodation and the owner of such goods lands or delivers such goods on any other wharf, beach or riverside he shall not thereby render himself liable to wharfage rates under section 3 of this Law.

6—Every wharfinger shall, either personally or by his servant, on demand made during the working hours by or on behalf of the person or persons whose names shall be entered in the books of such wharf as the person or persons to

Wharfinger to
deliver goods.

whom or on whose order any goods on such wharf are to be delivered, and on production of the bill of lading, ticket, receipt, or other voucher therefor, and on payment being tendered for the wharfrage and storage (if any) of such goods, according to the rates fixed in one of the schedules to this Law as applicable to the same, deliver such goods or any part of them: Provided nevertheless that nothing in this section shall be deemed to deprive or affect the general lien conferred by law on wharfingers on goods received into their custody or possession for wharfrage dues payable by the owner thereof, whether before or after the passing of this Law.

Duty to erect
crane and sheds,
&c.

7—Every wharfinger shall erect and maintain on his Wharf a proper crane for landing goods, and adequate sheds, or other places of security for storing such goods as may be brought to the same; and no articles liable to damage from exposure shall be allowed to remain exposed longer than the time necessary for removing them to the said sheds or places of security; and every description of goods liable to damage from contact with the ground shall be placed on skids of the height of four inches at least from the ground, and be properly secured, under a penalty, not exceeding two pounds for every day in default, irrespective of liability to an action at law for damages in respect of any goods which for want of such precaution shall be damaged or shall be lost or stolen from such wharf.

Wharfinger to
make declaration
half yearly, to be
entered in book.

8—Every wharfinger is hereby obliged, within fourteen days after the 30th day of June and the 31st day of December in every year, to make a declaration before a Justice of the Peace, that the accounts entered in his wharf book from the day of _____ preceding (being the day on which he commenced to keep the said wharf, or the day up to which he had previously made the declaration under this or any law hereby repealed) are just and true, and in conformity to the law in that respect; and every such declaration shall be entered in the said wharf book at the close of the entries therein for the immediately preceding six months, which declaration shall be in the words, or to the effect following:—

I, A B, wharfinger of _____ do declare that
all the accounts of wharfage, storage, weighing,
prices, shipping, receival, and delivery of all goods,
wares and merchandise, brought to this wharf from
the _____ day of _____ to the
day of _____ are just and true, and entered to
the best of my knowledge and belief, in pursuance
of, and in conformity to the directions of "The
Wharfage Law, 1895."

Form of declara-
tion.

Taken and declared at _____ before me
this _____ day of _____ 18 .

C. D., J.P.

and the entries in such book, so declared to as hereinbefore
directed, or examined extracts from or copies thereof duly
declared to before a Justice of the Peace, under the provisions
of the Act 6 Victoria, Chapter 24, shall be received, deemed
and taken in the several Courts of Law and Equity of this
Island, as good and valid evidence of the several matters en-
tered in such book in compliance with the provisions of this
section.

Entries and
examined extracts,
&c., evidence.

9—If any wharfinger shall neglect or refuse to do and per-
form his duty in any of the particulars hereinbefore set forth
for which no penalty is by this Law imposed, or shall ask, de-
mand, or receive any greater or larger rates than are fixed
by law, he shall be guilty of an offence under this Law and
shall on prosecution by the party aggrieved and conviction
forfeit a sum not exceeding ten pounds for every such offence.

Wharfinger
neglecting duty or
asking larger rates
liable to penalty.

10—The following shall be the rates of wharfage payable
under the provisions of this Law (that is to say):—

Rates of wharfage.

- (1) A wharfinger in Kingston shall in the case of any of
the goods enumerated in schedules A and B to this
Law which shall be landed at his wharf, be entitled
to demand and receive wharfage at and after the rate
stated in the first column of the said schedules re-
spectively opposite to such goods, and in the case of
any such goods as shall be shipped from his said
wharf, wharfage at half the above rate. In respect

of any of the said goods that shall be landed and re-shipped, wharfage at the rate aforesaid shall be payable for both landing and shipping.

- (2) The wharfinger of any wharf out of Kingston shall be entitled, in respect of any of the goods enumerated in the said schedules, to but one wharfage whether for landing and delivering or landing and reshipping or receiving and shipping. Such wharfage shall be at and after the rate stated in the second column of the said schedules respectively opposite to such goods.
- (3) The wharfage rate aforesaid shall in the case of any goods landed at any wharf include and cover the receiving from the ship's side if the ship be along side the wharf, and if not, from the lighter bringing the same, and the stowing, shedding, weighing, skidding, gauging, properly securing and delivering, together with all labour involved therein; and in the case of goods received for shipment, the wharfage shall include and cover the receiving, storing, and delivery to the ship, if the ship be along side the wharf, and if not, to the lighter that is to take the same, together with all labour involved therein; provided that
 - (a) in the case of any wharf situate in the parish of Kingston, the storing included in the wharfage payable at the rate aforesaid on goods landed thereat, shall cover and include the storing of any of the goods enumerated in schedule A for a period of fourteen clear days only, and for any of the goods in schedule B for three months only; in the case of goods received for shipment such wharfage shall cover storing for a period of three months prior to the arrival of the ship by which they are to be shipped;
 - (b) in the case of any wharf situate in any parish other than Kingston, the storing deemed to

be covered and included in payment of wharfage at the above rate on goods landed thereat shall include and cover storing for a period of three months only—such period to run, in the case of goods landed at any such wharf which by the terms of the bill of lading thereof are required to be landed free of charge to the consignee for landing, from the expiration of fourteen clear days from the date of landing, and in the case of goods not so required as aforesaid, from the day of landing. In the case of goods received for shipment, wharfage at the rate aforesaid from the date of such receipt shall cover and include storing for three months prior to the arrival of the ship by which they are to be shipped ;

in case that in any instance such storing exceeds the periods above fixed the wharfinger shall be entitled to an additional payment at the rate of one-fourth the rate payable in respect of the goods for every month or part of a month beyond the period of fourteen days or three months (as the case may be) fixed as aforesaid : Provided that as to gauging the wharfinger shall not be called upon to gauge any rum or other spirits in any store or warehouse which is secured under revenue lock.

- (4) For landing, receiving, keeping on wharf and delivery therefrom or for receiving and shipping any of the goods enumerated in schedule C to this Law, the wharfage shall be, in the case of any wharf in Kingston, at the rate set opposite such goods in the first column of the said schedule, and in the case of any wharf out of Kingston, at the rate set forth in the second column. When any such goods are landed and subsequently re-shipped from any wharf in Kingston, wharfage for both landing and shipping shall be payable.
- (5) Wharfage at the above rate shall, in the case of lum-

ber and shingles, cover a keeping on the wharf not exceeding three months, and in the case of coal or patent fuel not exceeding six months.

- (6) Where lumber or shingles are left on a wharf for a period exceeding three months, wharfage shall be payable at the rate of one-twelfth part of the original wharfage for every month or part of a month in excess of the three months; and where coal or patent fuel is left for a period exceeding six months, at the rate of threepence per ton additional. At the expiration of twelve months, any such coal or patent fuel, shall be chargeable anew with wharfage as if then first landed at the wharf.
- (7) Before any additional wharfage rate under sub-sections 3, 4 or 6 hereof shall be made, three clear days notice in writing shall be given to the person chargeable therewith either personally or to his agent to remove the same, with an intimation that, if he fails to do so, the extra wharfage authorised by the said sub-section will be payable; and in case such person or agent cannot be found such notice may be posted to the last known place of business or abode of such person or agent.
- (8) For the use of a wharf for the shipping of fruit the wharfage payable shall be at the rate stated in schedule D.
- (9) Any goods not particularly enumerated and set forth in the schedules annexed to this Law shall be liable to be charged for in proportion to the rates therein fixed; provided however that in respect of machinery and other heavy packages exceeding two tons in weight the rates shall be fixed by special agreement.

Publication of
rates.

11—An exact table or list of the rates appointed by this Law shall be affixed to some public place on every public wharf.

Penalty for giving,
lending or using
goods on wharf

12—If any wharfinger shall knowingly give, lend, or use, or consent, or be in any way privy to any person in his employ-

ment giving, lending, or using any goods landed at or received on his wharf without the consent of the owner of, or person entitled to, the said goods, first had and obtained, such wharfinger shall, on information by the owner of such goods and on conviction before any two Justices of the Peace of the Parish be liable to a penalty not exceeding ten pounds or imprisonment, not exceeding thirty days, without prejudice to any other remedy at Law by the owner or party entitled to such goods.

without consent of owner.

13—Every wharfinger receiving logwood, fustic or other dyewoods, or other woods, or lumber, staves, or shingles upon his wharf, shall weigh such dyewoods or other woods and take an account of the measurement of such lumber, and count such staves and shingles, and enter in the book to be kept by him as aforesaid against the entry of the said articles, the result of such weights, measurement, or counting, with the dates when made, and shall if required place the said several articles respectively in separate lots; and every such wharfinger as aforesaid neglecting to perform any of such duties shall, on conviction before any two Justices of the Peace of the Parish be liable to a penalty, not exceeding ten pounds. Provided that whenever any wharfinger is unable from want of space to comply with the requirement as to placing dyewoods or other woods in separate lots, he shall before accepting delivery of such wood give the owner notice in writing of his inability so to do, and such owner may thereupon store such dyewoods or other woods on and ship the same from any other wharf or beach or riverside without rendering himself liable to wharfage under Section 3 to the wharfinger giving such notice.

Wharfage of dyewoods, lumber, shingles, &c.

14—In case any goods shall have remained on any public wharf for a period of one year from the landing thereof (whether the same shall have been landed before or after the coming into operation of this Law), and the same shall be unclaimed, or the person or persons to whom the same shall have been consigned or belong shall refuse or neglect to pay the person in possession of such wharf the legal rates of wharfage, landing, and storing of such goods, or such lower

Goods remaining on wharf one year may be sold.

rate as may have been agreed upon, then and in every such case it shall be lawful for the wharfinger to sell, or cause to be sold by public auction, such goods; and the monies arising from such sale shall be applied and appropriated by the person in possession of such wharf in defraying the amount due for wharfage, landing, and storage as aforesaid, and the expenses of sale, including the expenses of advertising as hereinafter directed, and the residue of the said monies, shall be paid to the person or persons entitled thereto, if known, or if not known, or if such person or persons shall refuse to receive the same, to the Treasurer of this Island to be by him kept without interest until the same shall be claimed by the person or persons legally entitled thereto, on due proof to the satisfaction of such Treasurer: Provided that it shall not be lawful for the wharfinger to sell or dispose of any such goods, unless he shall first have advertized the same by four insertions in the Jamaica Gazette and in the event of such goods being of a value of five pounds or upwards two insertions on alternate days in two Jamaica Newspapers, giving full and specific particulars of such goods, and the dates of their landing, and by what vessel, the port from whence shipped, and the names of the shipper and consignee thereof, if within his knowledge.

Penalty for retaining surplus proceeds of sale.

15—In case the wharfinger shall, for the space of fourteen days after any such sale as aforesaid, neglect to pay the surplus monies arising from any such sale to the party entitled, if known, or if not known, or if he shall refuse to receive the same, to the Treasurer of this Island, every such person so offending, shall forfeit and pay a sum not exceeding twenty pounds, to be recovered by Plaint at the instance of Her Majesty's Attorney General, in the Resident Magistrate Court of the Parish where the sale shall have taken place.

Wharfinger to give notice to parties of any loss apprehended to goods.

16—It shall be the duty of every wharfinger to give notice to any party having goods at his wharf of any loss likely to accrue thereto, of which such wharfinger shall have reasonable cause of apprehension, and in the event of such loss, without such notice having been given, such wharfinger shall be

liable to forfeit and pay a sum not exceeding five pounds :
Provided that nothing herein contained shall prevent the party
suffering such loss from enforcing his remedy for the value
thereof by action at law or otherwise.

17—The working hours for receiving and delivering under
this Law shall be in Kingston from the hour of seven in the
morning until five in the afternoon, and in the other parishes
from seven in the morning until four in the afternoon.

Working hours
defined.

18—All books required to be kept in pursuance of this Law
shall be carefully preserved by the wharfinger and be acces-
sible to all parties as aforesaid, for the space of six years
from the period of the completion of all entries therein, un-
der a penalty of twenty pounds.

Books to be
preserved for six
years.

19—All penalties under this Law, not declared how to be
recovered, may be recovered before any two Justices of the
Peace of the parish where the offence was committed, and shall
be appropriated and applied to the use of the Government of
this Island.

Recovery of
penalties.

20—This Law shall come into operation on the 1st day of
July, 1895.

Commencement of
Law.

SCHEDULE A.

Schedule A.

	Column No. 1.		Column No. 2.	
	s.	d.	s.	d.
Apples, potatoes and other fruit and vegetables in baskets, barrels, boxes or other packages, per package ...	0	3	0	4½
Arms, chests of ...	3	0	4	6
Bales, bundles, boxes, cases, chests, trunks and crates of cordage, dry goods, earthenware, glassware and groceries, except as hereinafter specified, not exceeding 8 cubic feet, per cubic foot ...	0	3	0	4½
For every cubic foot above 8 an additional ...	0	1½	0	2½
Bacon, hams and dried meats in casks or tierces, per 112lbs. ...	0	3	0	4½
Beef, pork, tongues and other wet provisions, per tierce	0	9	1	1½
Ditto per barrel	0	4	0	6
Ditto per half barrel	0	3	0	4½
Bellows, Smith's, each ...	1	0	1	6
Boats, per foot, keel measurement ...	0	6	0	9
Bricks, tiles and slates, per 1,000 ...	6	0	9	0
Butter and lard in firkins, per 56lbs. each ...	0	3	0	4½
Candles in boxes, 100lbs. ...	0	4	0	6

	Column No. 1.	Column No. 2.
	s. d.	s. d.
Canvas, oznaburg or crocus, loose, per bolt ...	0 1½	0 2¼
Carriages of four wheels, including wheels, each ...	15 0	15 0
Carts and carriages of two wheels, ditto each ...	6 0	6 0
Cement, per barrel ...	0 6	0 9
Coals or slate, per hogshead ...	1 6	2 3
Cordage, per 112lbs. ...	0 4	0 6
Corn and pulse, including barley, maize, oats, wheat, beans, pease and grits, per barrel ...	0 4	0 6
Ditto per bag of two bushels ...	0 2	0 3
Cheese in hampers or boxes, per 112lbs. ...	0 6	0 9
Demijohns, jars and jugs of any description, empty, per gallon ...	0 0½	0 0½
Earthenware, glassware or hollowware, per hogshead ...	1 6	2 3
Fish, dried, per tierce or drum ...	1 0	1 6
per box ...	0 4	0 6
per half box ...	0 2	0 3
Fish, smoked, per barrel ...	0 6	0 6
smoked not including red herrings, per box ...	0 3	0 4
" " " per half box ...	0 1½	0 3
" red herrings, per small box ...	0 0½	0 1
pickled or wet, salted, per barrel ...	0 6	0 6
per half barrel ...	0 3	0 4½
Flour, meal, biscuits or other dry provisions, per barrel ...	0 3	0 4½
Furniture, including chairs, tables, jointers, piano- fortes, desks, sideboards, and every other article of furniture, per cubic foot ...	0 3	0 4½
Gunpowder, per barrel ...	6 0	6 0
" half barrel ...	3 0	3 0
" keg ...	1 6	1 6
Hoops, truss, per set ...	0 6	0 9
wood, per 1,000 ...	4 0	6 0
Horses, mules, asses and horned cattle passed through the wharf, each ...	2 0	3 0
Ice, loose, per block 200lbs. ...	0 2	0 3
per hogshead ...	2 0	3 0
Iron ware, pewter, copper, lead, tin and brass of every description in packages not exceeding 20 cwt., per 112lbs. ...	0 3	0 4½
Over one ton, and not exceeding two tons, per 112lbs. ...	0 4½	0 6½
Iron pots, taches and other hollow ware, per ton ...	10 0	15 0
Iron or Steel in Engines and Machinery, pipes, gir- ders and other large pieces not exceeding two tons in any one piece, per cwt. ...	0 4	0 6
Lime, temper or other, per puncheon ...	1 0	1 6
Ditto per hogshead ...	1 6	2 3
Malt Liquors, cider and vinegar, per tun ...	6 0	9 0
per butt ...	3 0	4 6
per hogshead ...	1 0	1 6
per barrel ...	0 9	1 1½
Ditto bottled, in barrels or cases of 4 dozen quarts, and 7 dozen pints, per barrel or case ...	0 6	9 0

	Column No. 1.	Column No. 2.
	s. d.	s. d.
Nails and staples in kegs, per 100lbs. ...	0 3	0 4
Oars and handspikes, per doz ...	0 9	1 1½
Oil, kerosine, per case of eight gallons ...	0 4	0 6
Ditto per barrel ...	1 6	2 3
Oil, other than kerosine, in barrels, drums, and kegs, per gallon ...	0 0½	0 0¾
Ox bows, per dozen ...	0 3	0 4½
Paint in kegs and drums, per 112lbs. ...	0 4	0 6
Plough or harrow ...	1 0	1 6
Rice, per bag, per 100lbs. ...	0 3	0 4½
Salt, loose, per bushel ...	0 1½	0 2¼
" in bags or sacks, per 200lbs. ...	0 4½	0 6
" per barrel ...	0 4	0 6
" " hogshead ...	2 0	3 0
Sheep, hogs and goats passed through the wharf ...	0 6	0 9
Shooks for hogsheads ...	0 3	0 4½
" " puncheons ...	0 6	0 6
" " barrels in bundles, 10 in each bundle, per bundle ...	0 5	0 7¾
Staves for butts and pipes, per 1,000 ...	7 6	11 3
" " hogsheads and puncheons per 1,000 of 1,200 ...	6 0	9 0
Spades, shovels and forks, per doz. ...	0 3	0 4½
Soap in boxes, per 112lbs. ...	0 4½	0 6¾
Stones, dripstones, each ...	0 9	1 1½
grindstones and tombstones not exceeding two tons, per 112lbs. ...	0 6	0 9
Ditto above two tons by agreement paving stones, 12 x 12 inches each ...	0 1½	0 2¼
Spirits or Wines, per pipe or butt ...	3 0	4 6
Ditto per hogshead ...	1 6	2 3
Ditto per quarter cask ...	1 0	1 6
Ditto bottled in cases of one dozen quarts, or two dozen pints, per case ...	0 4	0 6
Tar, pitch or turpentine, per barrel ...	0 4	0 6
Tea in chests, half chests and boxes, per 120lbs. ...	0 9	1 1½
Tobacco in hogsheads, half hogsheads, boxes, bales or seroons, per 112lbs. ...	0 6	0 9
Turtle each, by agreement. ...		

SCHEDULE B.

Schedule B.

Produce manufactured or otherwise the exports of this Island.

	Kingston.	Other Parishes.
	s. d.	s. d.
Annotto, arrowroot and beeswax, per barrel ...	0 4	0 6
Cigars in boxes and cases, per cubic foot ...	0 3	0 4½
Cocconuts, loose, per 1,000 ...	6 0	9 0
Ditto in bags of 100, per bag ...	0 3	0 4½
Cocoa, in bags and barrels, per 112lbs. ...	0 3	0 4½

	Kingston.		Other Parishes.	
	s.	d.	s.	d.
Coffee, per tierce	...	1 4	2 0	
per barrel	...	0 4	0 6	
per bag of not exceeding 2 cwt.	...	0 4	0 6	
Ginger, per tierce	...	1 6	2 3	
in bags and barrels, each	...	0 4	0 6	
Hides, wet, each	...	0 1 $\frac{1}{2}$	0 2	
dry, each	...	0 1 $\frac{1}{2}$	0 2	
Honey, per quarter cask	...	0 6	0 9	
per keg	...	0 3	0 4 $\frac{1}{2}$	
Limejuice, per puncheon	...	1 4	2 0	
Pimento in bags, per bag	...	0 3	0 4	
Rum, per puncheon	...	1 4	2 0	
per hogshead	...	1 0	1 6	
per quarter cask	...	0 8	1 0	
Sugar, per hogshead	...	2 0	3 0	
per tierce	...	1 4	2 0	
per barrel	...	0 4	0 6	
per bag of 2 cwt.	...	0 4	0 6	
Wood, logwood, fustic, bitterwood, and other dye or hardwoods, per ton	...	3 6	5 3	
Lancewood spars not exceeding 6 inches in diameter at the thick end, per dozen	...	2 0	3 0	
Exceeding 6 inches in diameter as aforesaid by special agreement.				
Mahogany, cedar and other cabinet woods, per 1,000 feet	...	6 0	9 0	
Native Shingles, loose, per 1,000	...	3 0	4 6	
Ditto in packages, per 1,000	...	2 0	3 0	
Walking sticks in bundles not exceeding 8 cubic feet, per bundle	...	0 4	0 6	
Ditto loose, per 100	...	1 0	1 6	
Wool, sheep's, in bales or bags, per cubic foot	...	0 3	0 4 $\frac{1}{2}$	
Yams, and ground provisions, exclusive of labour, per cwt.	...	0 3	0 4 $\frac{1}{2}$	

Schedule O.

SCHEDULE C.

For landing, receiving, keeping on wharf and delivering therefrom within three months.			
Lumber, dressed or undressed, pitch pine, per 1,000 ft.	6 0	9 0	
Ditto white pine or spruce per 1,000 ft.	4 0	6 0	
Shipping same, per 1,000 feet	2 0	—	
Shingles, loose, per 1,000	3 0	4 6	
in packages, per 1,000	2 0	3 0	
Shipping same, half rate additional in Kingston			
Coals and patent fuel, landing, receiving, keeping on wharf for 6 months and delivery, per ton	4 0	6 0	
For keeping on wharf for every subsequent month up to twelve months in all, per ton	0 3	0 6	
Shipping coal or patent fuel	2 0	—	

SCHEDULE D.

Schedule D.

s. d. s. d.

For use of wharf for shipping, exclusive of labour.

Bananas, per bunch of any size, for use of wharf and for shipping exclusive of labour ...	0	0½	0	0½
Bananas, per bunch of any size, for merely passing through the wharf ...	0	0¼	0	0¼
Oranges, loose, per 1,000 ...	1	0	1	0
For use of wharf for shipping, inclusive of labour.				
Oranges and other fruit, per barrel ...	0	3	0	3
Boxes of fruit, per cubic foot ...	0	0½	0	0½



JAMAICA—LAW 16 OF 1895.

A Law to secure a Pension to the Reverend Henry Clarke.

[28th May, 1895.]

WHEREAS it is expedient to grant a Pension to the
Reverend Henry Clarke in respect of his services in
this Island :—

Preamble.

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

1—It shall be lawful for the Treasurer of this Island and
he is hereby ordered to pay to the Reverend Henry Clarke
for the term of his natural life in respect of his services in
this Island, as Island Curate, a Pension at the rate of two
hundred and twenty-six pounds thirteen shillings and four-
pence per annum, such pension to date back and to com-
mence as and from the 12th day of September, 1890.

Pension granted to
Rev. Henry
Clarke.



JAMAICA—LAW 17 OF 1895.

*The Cattle Contagious Diseases Law, 1890, Further Amendment
Law, 1895.*

[28th May, 1895.]

WHEREAS it is expedient further to amend The Cattle Contagious Diseases Law 1890 (Law 24 of 1890) :— Preamble.

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

1—In amendment of Section 2 of the said Law (Law 24 of 1890), it shall be lawful for the Government, out of the General Revenues of the Island and to the extent of monies to be from time to time voted for the purpose by the Legislature, to provide Depôts on the coast for the purposes of the said Section, at any Ports where they may appear to be required, and at the cost and to the extent aforesaid, to subdivide the said Depôts in such manner as may enable different lots of cattle and animals to be kept apart from one another and to isolate any cattle or animals that may appear to be diseased, and also to make provision for the effectual superintendence of such Depôt. Section 2 Law 24 of 1890 amended.

Any such Depôt as aforesaid shall be and be known as a "Cattle Quarantine Ground."

2—Where any Cattle Quarantine Ground has been established under the provisions of the said Law (Law 24 of 1890) or this Law, it shall be lawful for the Governor in Privy Council from time to time to fix and establish, and at any time to Scale of fees and charges.

[Ch. 17.] *Cattle Contagious Diseases Law, 1895.*

alter, a scale of fees and charges to be paid by the owner or consignee of any cattle or animals landed thereat; and such fees or charges shall in all cases before any such cattle or animals shall leave the Quarantine Ground be paid to the Collector of Customs of the port or harbour at which such cattle or animals are landed or to such other person as may from time to time be appointed by the Governor, and such Collector of Customs or other person shall have a general lien on all cattle or animals of the same owner or consignee in the said ground as security for any such fees or charges.

Notice of the fees and charges fixed as aforesaid shall be published in the Jamaica Gazette and by fixing up in a permanent manner a notice of the same in the Quarantine Ground.

Section 7 of Law
24 of 1890
amended.

3—Section 7 of the said Law shall be and the same is hereby amended by the addition of the sub-sections following, (that is to say):—

(15) For the Regulation and Management of any "Cattle Quarantine Ground";

(16) For insuring for animals and cattle carried or brought to this Island by sea a proper supply of food and water and proper ventilation during the passage and on landing;

(17) For protecting them from unnecessary suffering during the voyage to this Island and on landing.

Term of
Inspector's
appointment.

4—Any person appointed to be an Inspector under the provisions of the said Law shall hold his office at the pleasure of the Governor.

Incorporating
section.

5—Law 24 of 1890, Law 33 of 1893, and this Law shall be read together as one Law, and may be cited as "The Cattle Contagious Diseases Laws, 1890-1895."



JAMAICA—LAW 18 OF 1895.

The Constabulary Law, 1867, Amendment Law, 1895.

[28th May, 1895.]

WHEREAS it is desirable for the purpose of increasing the efficiency of the Constabulary Force in Jamaica to enable the Governor to appoint certain selected members of the Royal Irish Constabulary to be Sergeant-Majors and Sergeants of the Force in Jamaica:—

Preamble.

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

1—The Governor shall be and he is hereby authorised to appoint members of the Royal Irish Constabulary, not exceeding thirty in number, to be Sergeant-Majors and Sergeants of the Jamaica Constabulary Force at salaries not exceeding £140 and £90 per annum respectively.

Power to appoint members of Royal Irish Constabulary as sub-officers.

2—This Law and the Constabulary Law, 1867, (Law 8 of 1867) shall be read together and construed as one Law.

Incorporating sections.



JAMAICA—LAW 19 OF 1895.

Law 3 of 1893, Amendment Law, 1895.

[28th May, 1895.]

WHEREAS it was intended by Law 3 of 1893, as appears Preamble.
from the Preamble thereto, to enable the Inspector of
the Poor of any Parish to intervene in any proceedings taken
with a view to have any child sent to an Industrial School so
as to become an actual or possible charge on the Pauper
Fund of such Parish; but the said Law is nevertheless limited
to cases where the proceedings are taken under Sections 7
and 8 of Law 34 of 1881, and does not extend to cases where
the proceedings are taken under Sections 10 or 11; and it is
expedient to extend the provisions of the said Law so as to
include proceedings taken under the sections last named as
well as to cases under Sections 7 and 8:—

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

1—Section 1 of Law 3 of 1893, shall be and is hereby
amended by striking out the words “Sections 7 or 8 of Law
34 of 1881” and substituting therefor the following words:—
“Sections 7, 8, 9, 10, or 11 of Law 34 of 1881.”

Section 1 of Law 3
of 1893 amended.

1895-1896

1895-1896

1895-1896

1895-1896

1895-1896



JAMAICA—LAW 20 OF 1895.

The Appropriation Law, 1895-96.

[28th May, 1895.]

WHEREAS of the amount of six hundred and forty-six thousand one hundred and fifty-nine pounds and seventeen shillings, required for the service 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 eight hundred and ninety-six, the sum of two hundred and twenty-two thousand eight hundred and twenty-one pounds thirteen shillings and nine pence, has been provided for by Law, and it is now requisite to make a further provision of four hundred and twenty-three thousand three hundred and thirty-eight pounds four shillings and one penny :—

Preamble.

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

1—The Treasurer of the Island shall, on the Warrant of the Governor, pay a sum not exceeding in the aggregate four hundred and twenty three thousand three hundred and thirty-eight pounds four shillings and one penny, 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 eight hundred and ninety-six, set forth in the Schedule to this Law annexed.

£423,338 4s. 1d.
granted for certain
Services, as per
schedule.

SCHEDULE.

			£	s.	d.
Administrative Departments	...	...	37,316	5	10
Avenue Department	...	...	37,211	11	6
Postal Service	...	...	25,179	1	1
Telegraphs	...	...	7,179	3	4
Judicial	...	...	7,135	8	0
Medical	...	...	50,758	10	0
Constabulary	...	...	53,212	0	11
Prisons	...	...	20,865	6	0
Education	...	...	73,967	10	0
Harbours and Pilotage	...	...	2,866	3	9
Military	...	...	8,144	3	4
Subsidy towards cost of Telegraphic Communication between England and Jamaica	...	...	2,000	0	0
Island Record Office	...	...	300	0	0
Registration of Titles	...	...	177	8	0
Government Printing Office	...	...	7,747	14	4
Institute of Jamaica	...	...	1,950	0	0
Public Gardens and Plantations	...	...	7,343	4	0
Miscellaneous	...	...	7,436	4	0
Public Works	...	...	72,542	10	0
			<hr/>		
			£423,338	4	1
			<hr/>		



JAMAICA—LAW 21 OF 1895.

The Constabulary Pensions Law, 1895.

[10th June, 1895.]

WHEREAS under the provisions of Section 24 of Law 8 of 1867 (A Law to organise a Constabulary Force) a Fund has been formed for the purpose of granting pensions to Constables under a scale and according to rules made by the Governor under the provisions of the said Law :—

Preamble.

And whereas since the passing of the said Law 8 of 1867 rules have from time to time been made under Section 24 aforesaid for the purpose of establishing a scale on which pensions should be paid to Constables entering the force and contributing to the said Fund under the provisions of the said section :—

And whereas certain men who have served in the Constabulary Force are now receiving pensions out of the said Fund in accordance with one or other of the scales contained in rules made as aforesaid, and it is recognised that others now in the Force and who entered the same while the pensions were regulated by rules made as aforesaid are entitled to expect at the end of their service a pension regulated by the rules in force at the time of their enlisting :—

And whereas it has been found that the several scales of

pensions established by the said rules are at a rate higher than the sums contributed to the said Fund properly warrant and the said Fund is reported by a competent actuary to be insufficient to meet the demands now charged upon it, and accordingly new rules have been made which were promulgated on the eleventh day of August, 1894, establishing a lower rate of pensions for men entering the Constabulary Force after the date of the promulgation of the same:—

And whereas, owing to the circumstances aforesaid, it is necessary to relieve the said Fund created under the said Law of some of the charges on it in order that it may be rescued from insolvency:—

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

Section 24 of Law
8 of 1867 amended.

1—Section 24 of Law 8 of 1867 is hereby amended by providing that the deductions authorised by the said section to be made from the pay of all constables who have joined since the eleventh day of August, 1894, (the day of the promulgation of the new rules as to the scale of pensions to be granted under the provisions of the said section) or who shall hereafter join the force shall be carried to a Fund which shall in all respects be applied and dealt with under the provisions of the said Law as the Fund established thereunder, but shall be kept wholly distinct from the Fund created out of contributions from men who have joined the Force prior to the said eleventh day of August, 1894:

Provided that no such constable as aforesaid shall have any claim upon the fund created out of contributions made under the provisions of the said section by constables enlisted prior to the said day, nor shall any constable as last aforesaid have any claim on the fund created under the provisions of this section.

Scale of pensions.

2—The Governor shall cause calculation to be made by an actuary of the scale of pension, which in his judgment can properly be made out of the present fund, to existing pensioners and to men who joined the force prior to the eleventh

day of August, 1894, aforesaid as they or any of them become entitled to pension ;—taking into account :

- (a) the amount of the present fund ;
- (b) the interest accruing on the same ;
- (c) the contributions to be made under section 24 of Law 8 of 1867 aforesaid from men now in the force who joined the service prior to the said eleventh day of August, 1894 ; and
- (d) the provisions of section 3 of this Law.

And there shall in each year be paid out of General Revenue and carried to the said Fund such sum as the amount of pensions payable under the rules shall be in excess of the pension which on such calculation the fund aforesaid could afford to pay.

Deficiency of Fund supplied out of General Revenue.

3—Any gratuity payable to any constable now in the force and who joined the same prior to the eleventh day of August, 1894, aforesaid shall be paid out of General Revenue.

Certain Gratuties payable out of General Revenue.

4—This law shall be incorporated with and form part of Law 8 of 1867.

Law 8 of 1867 incorporated.



JAMAICA—LAW 22 OF 1895.

The Jury Law, Amendment Law, 1895.

[29th May, 1895.]

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

1—(a) On any trial for any criminal offence, it shall be lawful for the presiding Judge, in his discretion, to allow the Jurors, at any time before giving their verdict, to procure and have reasonable refreshment; such refreshment to be procured at their own expense, unless the Judge shall otherwise order.

Power to allow Jury to have refreshment.

(b) When any order shall have been made by any Judge under the provisions of this section, the cost of any refreshment supplied thereunder shall be paid by the officer charged with the payment of witnesses expenses and shall be charged against monies voted for the payment of such expenses.

2—Section 6 of Law 23 of 1888 (The Coroners Inquests Regulation Law, 1888,) shall be and the same is hereby amended by providing that Coroner's Inquests shall be taken and held before a Jury of not less than seven and not more than thirteen persons, of whom seven at least must concur to give a verdict.

Section 6 of Law 23 of 1888 amended.

3—This Law shall be deemed to be incorporated with and to form part of Law 48 of 1869.

Incorporating section.



JAMAICA—LAW 23 OF 1895.

The Quarantine Law, 1893, Further Amendment Law, 1895.

[29th May, 1895.]

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

1—Section 2 of Law 23 of 1894 shall be and the same is hereby amended so as to make its provisions applicable to a Fleet or Squadron composed of two or more Ships of War of any Foreign Power with whom Her Majesty is at Peace, entering any Port of the Island, in the same way and to the same extent that the said section at present applies to a Fleet or Squadron composed of Ships of War of Her Majesty.

Section 2 of Law
23 of 1894
amended.



JAMAICA—LAW 24 OF 1895.

A Law to regulate and restrict the wearing of Naval and Military Uniforms.

[31st May, 1895.]

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

1—This Law may be cited for all purposes as the Uniforms Law, 1895. Short Title.

2—(1) It shall not be lawful for any person not serving in Her Majesty's Military Forces to wear, in a public place, without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform: Provided that this Law shall not prevent—

Military uniforms
not to be worn
without authority.

- (a) A member of a band from wearing at or for the purpose of a public performance by the band at any time within six years after the passing of this Law any dress which, at the passing of this Law, is the recognized uniform of the band, unless the dress is an exact imitation of the uniform of any of Her Majesty's Military Forces; or
- (b) Any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorised for the public performance of stage plays, or in the course of a music-hall or circus performance, or in the course of any bonâ fide

military representation, or from wearing any uniform great coat which does not bear the regimental or other distinctive marks of any military uniform.

(2) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding five pounds.

Penalty for bringing contempt on uniform.

3—If any person not serving in Her Majesty's Naval or Military Forces wears without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable, on summary conviction, to a fine not exceeding ten pounds, or in default to imprisonment for a term not exceeding one month.

Interpretation.

4—In this Law the expression "Her Majesty's Forces" means the regular forces, the reserve forces, the general militia corps enrolled under the Militia Law, 1879, and the auxiliary forces within the meaning of the Act of the Imperial Parliament (44 and 45 Vict. cap. 58) and therein directed to be cited as "The Army Act, 1881," other than the naval coast volunteers and naval volunteers:

The expression "Her Majesty's Naval Forces" means the Navy, the naval coast volunteers and the naval volunteers.

Commencement.

5—This Law shall come into operation on the first day of January, one thousand eight hundred and ninety-six.



JAMAICA—LAW 25 OF 1895.

The United Methodist Free Churches Incorporating and Vesting Law, 1895.

[10th June, 1895.]

WHEREAS there is a body of persons connected in religious fellowship who were formerly called "The Wesleyan Methodist Association" but who have been for some time past and now are called "The United Methodist Free Churches," and which first arose in or about the year 1835 by secession from the Body called "Wesleyan Methodists" formerly in connection with the Reverend John Wesley, deceased; and at or about the same time a similar secession took place in Jamaica and the churches so seceding affiliated themselves with "The Wesleyan Methodist Association," and were called "The Jamaica Wesleyan Methodist Association," and have extended their operations with the assistance of the Connexion in England who have from time to time sent out Missionaries to preach the Gospel of Christ amongst the people of the said Island:—

Preamble.

And whereas from thenceforth the said Mission has been kept up and its operations have been considerably enlarged:—

And whereas the said Mission and its work is under and subject to the management and direction of the Foreign Missionary Committee of the United Methodist Free Churches in Great Britain, subject to the control of the Annual Assembly:—

And whereas the said Mission is largely maintained by

means of funds contributed in England and elsewhere and in Jamaica :—

And whereas for the purposes of the said Mission landed property has been from time to time acquired by means of funds received from England and contributed by the Members in this Island of the said United Methodist Free Churches, and is now used and occupied by the Missionaries and Agents of the said Churches, and as the sites of Chapels, Schools and Mission Houses and premises erected by funds contributed by the local churches, aided largely by grants of money from the Foreign Missionary Committee in England and as appurtenances thereto or for other purposes in aid of the said Missions :—

And whereas in the Petition to the President and Legislative Council of Jamaica by the United Methodist Free Churches in Jamaica, formerly called "The Jamaica Wesleyan Methodist Association," and the Foreign Mission Board of the United Methodist Free Churches also called "The Foreign Missionary Committee," the Reverend Samuel Wright (the Superintendent for the time being of the Jamaica Mission of the said Churches and the person authorised to act in this behalf for the said Churches and the said Committee) and by other persons, trustees of certain property specified, it has been shewn and set forth amongst other things to the effect following, that is to say :—

- (a) That on acquiring such lands the Deeds of Conveyance thereof and other evidences of title thereto have been usually taken in the names of local trustees including two or three persons for the time being filling official positions in the Churches of the said denomination :
- (b) That in many of the said Deeds and Evidences no trusts at all are disclosed or indicated, while in the rest the fact of the property being held in trust for the said Churches or for their Missions is indicated only in very general terms :
- (c) That inconveniences have arisen, and expense has

been incurred, by reason of the changes from time to time necessarily made in the persons officially connected with the said Churches, and of the deaths of persons in whom the legal ownership of such property was vested, and such inconveniences and expense are likely to continually recur, unless some remedy be applied to prevent the same :

- (d) That with a view to such remedy it has been considered desirable in the interest of the said Churches, and the work thereof in Jamaica, that the property so acquired as aforesaid should be vested in a Corporate Body to be called "The Corporation of the United Methodist Free Churches in Jamaica," and that such Body should be created with perpetual succession and should consist of the persons for the time being holding the several offices of President of the Annual Assembly in England, Connexional Secretary, Connexional Corresponding Secretary, Connexional Treasurer, Foreign Missionary Secretary, General Superintendent of the Jamaica District, and the Superintendents of the Jamaica Circuits of the United Methodist Free Churches, and laymen equal in number to the Superintendents of the said Circuits to be annually elected by the Jamaica District Meeting, three life members to be elected by the Annual Assembly, and William Griffith, James Roberts, James Proudfoot, Richard Hamlin McLaughlin, Thomas Ashley, and John B. Armstrong, some of the present trustees of property mentioned in the Schedule to the said Petition, and should be empowered to acquire and hold real and personal property, subject to certain trusts for the benefit of the said Churches in Jamaica :
- (e) That the several properties mentioned in the Sche-

dule "A" hereto have been at different times conveyed to and are now vested respectively in the several persons named in such Schedule as trustees for the purposes of The United Methodist Free Churches and their Mission work in Jamaica, or have been in the possession and user of the said Churches for more than twenty years:

- (f) That certain Ministers of the United Methodist Free Churches have advanced moneys for the erection, maintenance and repairs of Chapels, Schools, and Mission Houses on certain of the said premises, and it has been considered just and has been agreed that on any Minister being able to satisfy the Corporation that any sum of money has been expended by him in erecting, maintaining, or repairing any Chapel, School, or Mission House, and that the same or any part thereof has not been repaid to him, such sum so outstanding should constitute a charge upon the property in respect of which the said sum of money has been so expended:
- (g) That the said United Methodist Free Churches, the Annual Assembly, the Foreign Missionary Committee thereof, and the Jamaica District Meeting of the said Churches are desirous, and the persons in whom is now vested the legal estate in certain of the lands and hereditaments specified in Schedule "A" hereto are willing, that all and singular the lands and hereditaments specified in Schedule "A" hereto and all other lands and hereditaments (if any), and all goods, chattels, and personal property in the Island of Jamaica which are now legally or equitably the property of the said Churches, or are now held in trust for the purposes of the said Churches, or are now possessed and occupied or enjoyed as Church property by the said Churches, or by the Officials or Members of the said Churches or any of them, or by any

person or persons holding under such Officials or Members or any of them, should become and be by Legislative enactment vested in a Body Corporate composed as above mentioned upon certain trusts for the purposes of the said United Methodist Free Churches in Jamaica :—

And whereas the several statements herein set forth as contained in the said Petition have been established to the satisfaction of the President and Legislative Council of the Island of Jamaica :—

And whereas it is desirable to vest the said lands and hereditaments and personal property in a Body Corporate for the purposes aforesaid, and to create such Body Corporate for such purposes by Legislative enactment :—

Be it enacted by the Governor and Legislative Council of the Island of Jamaica, as follows, that is to say :—

1—In the construction of this Law, unless the context renders a different meaning necessary :—

*Interpretation
Clause.*

“The Annual Assembly” means the Assembly of the United Methodist Free Churches held annually in England and includes any Board, Committee, or Body constituted or recognized (by whatever name it may be called) which shall for the time exercise in England with respect to the Foreign Missions of the United Methodist Free Churches the functions of such Annual Assembly.

“The Corporation” means the Corporation of the United Methodist Free Churches in Jamaica.

“Circuits” mean the Circuits of the United Methodist Free Churches in Jamaica as fixed by the Annual Assembly.

“The Jamaica District Meeting” means the District Meeting in Jamaica of the United Methodist Free Churches in Jamaica.

CONSTITUTION OF CORPORATION.

2—Alderman James Duckworth, Esquire, Justice of the Peace, Rochdale, England, President of the Annual Assembly of the United Methodist Free Churches,

*Constitution of
Body Corporate.*

The Reverend William R. Sunman, Burton-on-Trent,
England, Connexional Secretary,

The Reverend Henry T. Chapman, Leeds, England,
Connexional Corresponding Secretary,

Alderman William H. Hart, Esquire, Justice of the
Peace, Birmingham, England, Connexional Treasurer,

The Reverend George Turner, Sheffield, England,
Foreign Missionary Secretary,

The Reverend Samuel Wright, Kingston, Jamaica,
General Superintendent of the Jamaica District,

The Reverend William Griffith, Superintendent of the
Kingston Circuit, Jamaica,

The Reverend James Roberts, Superintendent of the
Gordon Town Circuit, Jamaica,

The Reverend George Atkinson, Superintendent of the
Saint Ann Circuit, Jamaica,

The Reverend John Chinn, Superintendent of the
Brown's Hall Circuit, Jamaica,

The Reverend Richard Hamlin McLaughlin, Superin-
tendent of the Mount Regale Circuit, Jamaica,

and their successors, the persons for the time being holding the several offices of President of the Annual Assembly, Connexional Secretary, Connexional Corresponding Secretary, Connexional Treasurer, Foreign Missionary Secretary, General Superintendent of the Jamaica District and Superintendent of a Circuit in Jamaica, and laymen equal in number to the Superintendents of Circuits in Jamaica, to be annually elected by the Jamaica District Meeting, and three laymen to be elected for life by the Annual Assembly and their successors, and

William Griffith, James Roberts, James Proudfoot,
Richard Hamlin McLaughlin, Thomas Ashley, John
B. Armstrong,

are hereby declared, constituted and appointed one Corporation or Body Corporate to have continuance for ever and perpetual succession by the name of "The Corporation of

the United Methodist Free Churches in Jamaica," and by that name shall and may sue and be sued, plead and be impleaded, in all Courts of Law and Equity.

3—The Corporation shall have a common seal with such stamp and inscription to be made thereon as the Members for the time being of the Corporation shall think proper to adopt, and it shall be lawful for them from time to time to break, alter or renew the said seal as they shall think proper.

Common Seal.

4—No Member of the Corporation shall be in any way personally responsible for or in respect of any debt or liability which may become due or owing from the said Corporation or to which the said Corporation may become subject, or for any debt due, owing or accruing upon or in respect of the lands, hereditaments, goods, chattels, real or personal property for the time being vested in the said Corporation, or for any liability to which any of those premises may be subject, nor for any involuntary loss suffered by the said Corporation or any Member thereof, nor for more money than shall come to his own hands, nor for any injury which may be done by others to the said real or personal property or any part thereof.

Non-liability of Members.

5—In respect of all matters within the province or discretion, or subject to the election, decision, control, or management of the Corporation or the members thereof, it shall be lawful for the members for the time being of the Corporation, from time to time or at any time or times, to make such rules in harmony with the purposes of the Corporation, as may be deemed desirable for

Power to make rules.

the convening the Members of the Corporation in England and in Jamaica respectively ;
conducting the business of the Corporation ;
carrying into effect the trusts and powers vested in or conferred upon them and recording their proceedings ;
and to revoke alter, add to, or modify all or any of such rules.

6—Until and except as such rules shall be so made and in force and subject thereto—

Temporary provisions.

- (a) the Members of the Corporation shall among themselves rank in priority according to their offices in the order mentioned in Section 2;
- (b) the Foreign Missionary Secretary in England and the Secretary of the Corporation in Jamaica shall be the conveners of the members in England and in Jamaica respectively, with full powers as such; the decision of an absolute majority of the members present at a meeting shall be deemed to be the decision or act of that meeting of the Corporation, and if concurred in by the majority of the members present in the other country, shall be deemed to be the decision or act of the Corporation;
- (c) the conveners in England and in Jamaica respectively shall call a meeting of the members when requested by three of the Members of the Corporation in England and in Jamaica respectively, and in default of their doing so, such three members may call such meeting;
- (d) All proceedings by members in England shall be transmitted to Jamaica for approval by the members in Jamaica and *vice versa*;
- (e) the members in England and in Jamaica respectively shall regulate their own proceedings, provided always that if the members in England and in Jamaica do not agree the votes of the Members of the Corporation in England and in Jamaica shall be added together and the decision of an absolute majority of the members for the time being shall be deemed to be the decision or act of the Corporation; members not present at the meeting in England or in Jamaica may record their vote by writing to the Connexional Secretary or the Secretary of the Corporation in Jamaica;
- (f) the Corporate Seal shall be kept by the Secretary of the Corporation in Jamaica.

PROPERTY OF CORPORATION.

7—The lands and hereditaments mentioned or referred to in Schedule “A” hereto, and all the estate and interest of all and every and any of the grantees named in the several deeds mentioned in the said Schedule, their heirs and assigns, of and in the lands and hereditaments by such deeds or any of them vested in or granted to such grantees or any of them, for any estate or interest, or mentioned so to be, and all other lands and hereditaments (if any), and all goods, chattels and personal property, in the Island of Jamaica or any of its dependencies, which are now legally or equitably the property of the United Methodist Free Churches in Jamaica, or are now held in trust for the purposes of the said Church, or are now possessed, used, occupied or enjoyed as Church property by the said people called “United Free Methodists” in the Connexion aforesaid, or by the officials, ministers or members of the said Church or any of them, or by any person or persons holding under such officials, ministers or members or any of them, are hereby transferred to and vested in the Corporation of the United Methodist Free Churches in Jamaica and their successors and assigns, subject to such rights and reservations (if any) in favour of the grantors in any such deeds as may in any such deeds be provided for or reserved, and subject as hereinafter provided and to any legal charge affecting the same.

Church property
vested in Corpora-
tion.
Schedule A.

8—All lands and hereditaments vested in, or which may hereafter at any time be acquired by or become vested in the Corporation shall be held, occupied, possessed and enjoyed upon such general or special trusts and for such general or special purposes, and with and subject to such general or special powers and provisions as shall from time to time, or at any time or times, in respect of all or any of such lands be declared by resolution of the Jamaica District Meeting, confirmed by resolution of the Annual Assembly, and until, and subject to such declarations, and so far as the same shall not extend upon the trusts and for the purposes, and with and subject to the powers and provisions mentioned and set forth in Schedule “B” hereto.

Trusts on which
property to be held

Schedule B.

Charge on properties for moneys spent on them.

9—On any Minister of the United Methodist Free Churches or the legal personal representatives of any such Minister satisfying the Corporation that any sum or sums of money has or have been expended by him in erecting, maintaining or repairing any Chapel, School or Mission House, and that the same or any part thereof has not been repaid to him, such sum so remaining outstanding to the satisfaction of the Corporation shall constitute a charge upon the property in respect of which the said sum of money has been so expended. Provided always that no claims shall be considered by the Corporation unless sent to the Superintendent of the Jamaica District or the Foreign Missionary Secretary within twelve months of the property being vested in the Corporation.

Power to acquire property.

10—The Corporation has full power to acquire by purchase, transfer, donation, exchange, devise, bequest, grant, gift, conveyance or otherwise, for the benefit and purposes of the said United Methodist Free Churches, or for any special purpose or purposes of or connected with them, or their work in Jamaica or in any of its dependencies, any lands, hereditaments, goods, chattels and effects, or real or personal property, or any estate or interest therein.

Power to appoint attorneys.

11—It shall be lawful for the Corporation, from time to time when and as it may be deemed necessary or advisable, by deed to appoint a person or persons as the attorney or attorneys of the Corporation, or of the members thereof, either generally or for a limited period for all or any of the purposes following, that is to say :—

- (a) Taking possession, or taking care of, or managing, or collecting the rents, of any property real or personal for the time being vested, or claimed to be vested in the Corporation,
- (b) Enforcing or carrying into effect the trusts or provisions affecting or relating to any such property, real or personal,
- (c) And carrying out the directions of the members of the Corporation, or of the Annual Assembly, or of the Jamaica District Meeting in respect of the

same trust premises or any of them, and such appointments and powers of attorney from time to time at pleasure by deed to revoke and determine.

12—The Corporation may, from time to time as may be deemed desirable, sell and dispose of, mortgage, transfer, exchange, lease, rent out or convey any lands, hereditaments, buildings, goods, chattels or effects for the time being vested in the Corporation :

Power to dispose of property.

Provided nevertheless that no lands, hereditaments, buildings or real property shall be sold, disposed of, exchanged or conveyed, or leased, or rented for any term longer than from year to year without the express concurrence and approval of the Jamaica District Meeting :

Provided also that the powers of sale and mortgage shall not be exercised without the consent in writing of the President of the Annual Assembly.

13—All rents, issues and profits, of the lands and hereditaments vested in or acquired by the Corporation, and all proceeds of such of them as shall be sold or exchanged shall be paid to the Treasurer of the Corporation for the purposes of the United Methodist Free Churches in Jamaica.

Application of proceeds of property.

14—If any mortgage or lease or conveyance or sale of any land, hereditaments or personal property for the time being vested in said Corporation shall be fully executed by the said Corporation, it shall not be incumbent on the Mortgagee, Lessee, or purchaser to enquire into the necessity or propriety of the mortgage, lease or sale, or the purposes for or the circumstances under which the same may be made, nor as to whether any other antecedent steps have been taken, or whether any clause or provision in the document be beyond the powers of the said Corporation, or otherwise as to the propriety or regularity or sufficiency of the mortgage, lease, or sale, or any clause or provision in the deed effecting the same ; but every such deed of mortgage, lease, and conveyance on sale shall so far as concerns the Mortgagee, Lessee, or purchaser, and persons claiming under him, be valid and effectual notwithstanding any irregularity or defect in the antecedent

Protection of lessees, mortgagees and purchasers.

steps, directions, or proceedings, or any lack of authorisation by the authorities of the said Church.

And it is further hereby declared that every receipt embodied in any such deed of mortgage, lease, or conveyance on sales as aforesaid, shall effectually discharge the Mortgagee, Lessee, or purchaser from all money paid over by him to the said Corporation, or its Treasurer, and in such receipt expressed to have been received, and from all responsibility touching the application of the same money.

MISCELLANEOUS.

Execution of deeds
by Corporation.

15—No deed or document purporting to be executed by the Corporation shall be of any force or validity unless it be sealed with the Corporation Seal thereof and countersigned by at least four of the Members of the Corporation, nor unless in cases where the concurrence of the Jamaica District Meeting is required, the resolution of such meeting duly signed by the Chairman and Secretary of the said District Meeting for the time being evidencing such concurrence is annexed to such deed or document or incorporated therein, nor unless in cases where the concurrence of the Annual Assembly is required, the resolution of the Assembly or other body duly authorized to exercise the powers of the Assembly duly signed by the President of the Annual Assembly and Foreign Missionary Secretary evidencing such concurrence is annexed to such deed or document or incorporated therein, nor unless in cases where the written consent of the President of the Annual Assembly is required such consent is annexed to such deed or document or incorporated therein.

Evidence of acts
of Annual Assembly
and District
Meeting.

16—For the purposes of this Law any resolution, decision, or document purporting to be signed by the President of the Annual Assembly and Foreign Missionary Secretary, or by the President and Secretary of the Jamaica District Meeting shall be *prima facie* evidence of the official status of the parties signing the same, and also of the facts stated therein, in all Courts of Justice and elsewhere in the Island.

Reference of questions
and disputes
to Annual Assembly.

17—In all cases of any question or dispute in reference to the trusts, powers or provisions affecting any lands or hereditaments vested in or claimed to be vested in the Corpora-

tion, or the exercise or enforcement thereof, or in reference to the doctrines or usages of the people called "United Free Methodists," or the jurisdiction of the Jamaica District Meeting in relation to any such lands, or the occupancy, charge, or superintendence thereof, or any trusts or provisions affecting the same, or in reference to the members of the Corporation, or in reference to the right of any Minister or person to occupy, superintend, or take or keep charge of any such lands or hereditaments or any part thereof or any buildings thereon, the same shall be referred to the Annual Assembly and its decision thereon shall be absolutely binding and conclusive as to such question or dispute.

18—Nothing herein contained shall affect or be deemed to affect the rights of Her Majesty the Queen, Her Heirs or Successors, or of any bodies politic or corporate, or other person or persons, except such as are mentioned or referred to in this Law, and except all persons claiming legally or beneficially from through or under them, or any of them, otherwise than by express contract for purchase from any grantees or grantee named in the several deeds mentioned in Schedule "A" hereto.

Reservation of rights.

SCHEDULE A.

Schedule A.

SCHEDULE "A" TO WHICH THE FOREGOING LAW REFERS.

1. Land in the City and Parish of Kingston described in Deed Hughes William & al to Griffith, Rev. William & al dated 26th December, 1873, and not recorded being an appointment of new Trustees and Conveyance of chapel premises in East Street. Present Trustees—William Griffith, James Roberts, Thomas Rogers, Charles A. Winn, Thomas Ashley, John B. Armstrong, Charles Watson and Charles Morris. The said Charles A. Winn, Charles Watson and Charles Morris have withdrawn from the United Methodist Free Churches.
2. Land on Stoney Hill in the Parish of Saint Andrew, 3 roods and 27 perches, described in Deed of Con-

veyance, Bethune Henry B., to Griffith, Rev. W. & al dated 1st September, 1872, and not recorded. Present Trustees—William Griffith, James Roberts and Elisha Penrose.

3. Mount Pleasant in the Parish of Saint Catherine comprising one acre on which a School stands described in a Deed of Conveyance, The Rev. W. Griffith to the Rev. J. Proudfoot, dated 26th July, 1889, and not recorded. Present Trustee—James Proudfoot.
4. Claremont in the Parish of St. Ann, containing one acre, described in Deed with Diagram annexed, "Elizabeth Fullagar, to the Rev. Robert Eskett and others" dated 19th October, 1860, and recorded Libro 330, Folio 172. Present Trustees—William Griffith and Elisha Penrose.
5. Frankfield in the Parish of Clarendon, containing 32 acres with Diagram annexed, from Francis Lowe to the Rev. Charles Augustus Winn and others, dated 8th May, 1874, and recorded in Libro 965, Folio 198. Present Trustees—William Griffith, James Roberts and Charles A. Winn. The last named has withdrawn from the United Methodist Free Churches.
6. Providence at Gordon Town in the Parish of Saint Andrew, containing from East to West 198 feet and from North to South 160 feet, and butting and bounding East on part of same land in the possession of the War Department, West on part of same land in the possession of Miss Madelin M. Gordon, North on the Main Road from Kingston and South on the Hope River. Assignment of Mortgage Debt and of Chapel premises, dated 31st October, 1860, and recorded Libro 930, Folio 172.
7. Belmont in the Parish of St. Andrew, containing 1 acre described in Deed of Conveyance Ann Todd and others to the Rev. Thomas Pinnock and others, with diagram annexed, dated 12th day of January, 1850, not recorded.

8. Mizpah in the Parish formerly Saint Thomas in the Vale but now Saint Catherine, formerly part of Glengoffe Plantation and containing 2 acres more or less and described in Deed, dated 23rd July, 1849.
9. Barton Ville or Walkers Wood in the Parish of Saint Ann, containing by estimation one acre more or less, and described in Deed dated 5th January, 1861, from "Johnstone, E. H. & ux and al to Eckett, Rev. Robert. Present Trustees—James Hinds, George Lewis, Thomas Coombs, James Clarke, and Alexander Rennalls all of whom have left the United Methodist Free Churches,
10. Land part of Platfield Pen in St. Mary, containing by estimation 3 roods more or less and described in an unrecorded Deed dated 24th December, 1885, from Robert Roger Swire Spalding to the Reverend Richard Hamlin McLaughlin.
11. Constitution Hill in the Parish of Saint Andrew, containing about half an acre acquired in the year 1847, from Mr. and Mrs. Hyams. All the Trustees are dead and the Conveyance is unrecorded and has been lost or mislaid.
12. Browns Hall in the Parish of St. Catherine, containing about 2 acres and 3 roods acquired in the year 1872 by Deed from Edward Newell & ux to William Griffith, and others. Present Trustees are William Griffith, James Roberts, Richard Weir and George Thomas, the last named of whom has long ceased his connection as a member of the said Society. The Conveyance is unrecorded and has been lost or mislaid.
13. Lewisburgh in the Parish of Saint Mary, containing about 2 roods acquired sometime in the year 1866 by Deed from Robert Henry & ux to William Griffith, James Roberts, Thomas Rodgers and Alexander Duff and others those named being the only Trustees alive but the latter has long ceased his con-

nection as a member of the said Society and the Conveyance is unrecorded and has been lost or mislaid.

14. Cavaliers in the Parish of Saint Andrew, containing about 2 acres acquired by Deed from Edward Jordan and his wife and others to William Griffith, Thomas Rogers and Ebenezer Anderson and others those named being the only Trustees alive. The Deed is unrecorded and has been lost or mislaid.
15. Doddington in the District of Saint John in the Parish of Saint Catherine, containing about 3 acres described in Deed Bennett to Griffith, W. The Deed is unrecorded and is lost or mislaid.
16. Beecher Town in the Parish of Saint Ann described in Deed Thomas Beecher Scott to Rogers & al to W. Griffith and Thomas Rogers. The Deed is unrecorded and is lost or mislaid.
17. Mount Regale in the Parish of Saint Mary described in Deed Shryer to Pinnock & al, butting and bounding East on the Queen's highway, South on Ginger Hall, North on same land and West on part of same land. All the Trustees are dead.
18. Rock River containing 3 roods and 6 perches in the Parish of Saint Mary described in Deed with diagram annexed dated 21st March, 1891, from R. H. McLaughlin to Richard Thomas, James Matthie, R. H. McLaughlin and the President of the Annual Assembly and Foreign Missionary Secretary for the time being of the said Denomination.
19. Richmond in the Parish of Saint Mary, containing 2 acres described in Deed dated 10th September, 1891, with diagram annexed from Richard Davis to R. H. McLaughlin, F. M. Roberts, Alexander Danvers, Samuel Service and Edwin Kitson and the President and Foreign Missionary Secretary for the time being of the said denomination.

20. Marlborough or White Marl in the Parish of Saint Mary, containing about 1 quarter of an acre described in Deed from Brown to McLaughlin. The Deed is unrecorded.
21. Bryans Hill in the Parish of Clarendon described in an unrecorded Deed dated 26th June, 1893, from Simon Cole and wife to James Proudfoot, James Roberts, William Griffith and George Turner.
22. Content part of Content Plantation in the Parish of Saint Andrew, containing a little over half an acre described in Deed dated 26th April, 1890, from Joseph Ennis and his wife to James Roberts, Simon Samuels, John Bennett, Alexander Duval, William Campbell, Robert Elliott, Joseph Brown and Charles Wray present Trustees.
23. Prospect part of Mount Prospect in the Parish of Saint Andrew, containing half an acre described in Deed dated 15th July, 1889, from John Thompson and his wife to Charles Maximilian Anderson, William Griffith, James Roberts, John Fox, George Augustus Deslandes, and William Jopp.

SCHEDULE B.

Schedule B.

SCHEDULE "B" TO WHICH THE FOREGOING LAW REFERS.

As to for and concerning the said goods, chattels and personal property upon trust to permit and suffer the same to be respectively used and enjoyed for such purposes, and administered and managed in such manner, and by such persons as the same respective goods, chattels and personal property have been hitherto customarily used, enjoyed, administered and managed, and in default of proof of such customary use, enjoyment, administration or management and so far as no such proof shall extend then for such purposes in such manner and by such persons respectively as the Jamaica District Meeting from time to time or at any time shall, with the general or special sanction or approval of the Foreign Missionary Committee and the Annual Assembly of the United Methodist Free Churches, direct and sanction.

And as to for and concerning the said respective lands and hereditaments upon trust to permit and suffer all and every such chapels, or places of religious worship, theological or educational training institutions, schools, vestries, dwelling houses, offices, outrooms and other buildings and conveniences to be erected or built upon the said lands and hereditaments, or being built or erected to be enlarged, improved, altered, repaired, removed or pulled down as and whenever the Jamaica District Meeting of the United Methodist Free Churches from time to time or at any time shall, with the general or special sanction or approval of the Foreign Missionary Committee and Annual Assembly of the United Methodist Free Churches, direct or sanction.

And also to permit and suffer each and every chapel or place of religious worship for the time being upon such lands and hereditaments to be used, occupied, and enjoyed solely as a place for the religious worship and service of God, and the preaching and expounding of the Holy Scriptures according to the doctrines and usages professed and observed by the said Church commonly called the United Methodist Free Churches.

And to permit and suffer each Theological Institution for the time being on the said lands to be used, occupied, and enjoyed only as an institution for the training of persons for the Christian Ministry of the said United Methodist Free Churches and in accordance with their doctrines and usages and for such other religious and educational purposes only and by such Superintendents, Ministers, and other persons only, as the Jamaica District Meeting of the United Methodist Free Churches from time to time or at any time shall, with the general or special sanction or approval of the Annual Assembly of the United Methodist Free Churches, direct or sanction.

And also to permit and suffer to officiate in each chapel or place of religious worship on the said lands, and to have the conduct, direction and management of the services worship and teaching therein, such Minister or Ministers only in con-

nection with the said United Methodist Free Churches as shall be thereunto for the time being appointed by the Jamaica District Meeting, subject to the confirmation of the Annual Assembly of the United Methodist Free Churches, or such local preachers or preacher of the United Methodist Free Churches duly appointed, or other person or persons as shall or may from time to time be thereunto on any occasion requested by such Minister so appointed as aforesaid.

And also to permit and suffer every theological or educational or training institution and every school on the said lands to be superintended, conducted and carried on only by such Minister or Ministers of the said Church or other person or persons as the Annual Assembly of the United Methodist Free Churches shall from time to time appoint or pending reference to them as the Jamaica District Meeting shall temporarily appoint, sanction or approve therefor.

And also to permit and suffer such dwelling-house on the said lands and hereditaments as shall or may at any time be assigned as a residence for the Minister in charge of or connected with any Chapel or Mission Station of the said United Methodist Free Churches, and the out-offices and appurtenances thereof including so much land as shall be attached thereto as incident to such residence to be used and occupied, possessed and enjoyed as a residence for himself and family by the Minister appointed aforesaid to be for the time being in charge of or connected with such Chapel.

And also to permit and suffer such parts of the said lands and hereditaments (if any) as may be set apart as a burial ground to be used as such by the Ministers and Members of the said United Methodist Free Churches.

And also generally to permit and suffer the Minister for the time being superintending or in charge of the Circuit, Church, or Work to which the said lands and hereditaments are attached or assigned, to have the general local charge, direction and superintendence thereof, subject to the control of the Jamaica District Meeting acting in accordance with the directions of the Annual Assembly of the United Methodist Free Churches.

And generally upon trust to permit and suffer the lands and hereditaments and the erections and buildings for the time being thereon and their appurtenances to be used and occupied for such purposes connected with the work of the United Methodist Free Churches and in such manner and by such person or persons as the Jamaica District Meeting from time to time or at any time shall with the general or special sanction or approval of the Annual Assembly of the United Methodist Free Churches direct or sanction.

Provided nevertheless that the Minister or person now actually in charge of any Chapel on the said lands or any of them as the Minister thereof, and every person now actually in charge of such lands or any of them or any part thereof or of any institution, school or residence on any such lands for or on behalf of the said Church shall be deemed to be so in charge by the appointment of the Jamaica District Meeting confirmed by the Annual Assembly of the United Methodist Free Churches; but that whenever the Jamaica District Meeting shall by any resolution or other official act confirmed by the said Annual Assembly or whenever the said Annual Assembly shall by any resolution or other official act declare any now existing or future appointment of any Minister or person in respect of the said lands or any part thereof or of any Chapel, theological, educational or training institution or school thereof to be at an end, such Minister or person shall thereupon absolutely cease to be entitled to the privileges or benefits of the trusts aforesaid in respect of the lands, chapels, institutions or schools whereof his appointment shall be so determined.

Provided also nevertheless that it shall be lawful for the said Corporation, in the manner, and under the circumstances, and to the extent, and subject to the limitations, and with the sanctions and approvals, provided or required and the law incorporating them, but not otherwise, to convey and assure, to sell or exchange, or mortgage, or lease, or otherwise deal with, the said lands, hereditaments and premises, or any of them, or any part thereof.



JAMAICA—LAW 26 OF 1895.

A Law to secure a Civil List for Her Majesty and for other purposes.

[27th April, 1895.]

WHEREAS it is deemed advisable to secure a Civil List Preamble.
for Her Majesty and to make provision for securing
certain pensions:—

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

1—There shall be payable to Her Majesty, her heirs and
successors, in each and every year out of the general assets
and revenue of the Island, the sum of £18,650 for defraying
the expenses of the services and for the purposes mentioned in
the schedule hereto, and the said several sums shall be issued
by the Treasurer of the Island in discharge of such warrants,
or directions of the Governor as are usual in cases where
salaries are fixed by Law: Provided that nothing herein
contained shall prejudice or affect the right of any person
who at the time of the passing of this Law shall be holding
any one of the offices mentioned in the schedule and re-
ceiving at the time aforesaid a salary in excess of that men-
tioned in the schedule as attached to his office to have and
receive during his tenure of such office the salary now
payable to him as aforesaid. £18,650 provided as
a Civil List.

2—And whereas on the appointment of Thomas Capper,
Esquire, to the office of Inspector of Schools he was promised
by Her Majesty's then Secretary of State for the Colonies
Certain promises
of the Secretary of
State as to pen-
sions confirmed.

that he should on his final retirement from the service of Her Majesty be allowed in computation of his pension to count five years additional service in this Island in respect of his professional qualifications; and whereas other cases may from time to time be discovered in which a similar pledge or promise has been given—it shall be lawful for the Governor in Privy Council in proceeding under Section 19 of Law 34 of 1885 to grant any pension to the said Thomas Capper, Esquire, or to any other Officer, who may prior to the 19th day of May 1884, (the date of Her Majesty's Order in Council 1884) have received any similar pledge or promise, to give effect to such pledge or promise as aforesaid.

Schedule

SCHEDULE.

Civil List.

Governor	..	£6,000
Private Secretary and A.D.C.	..	400
Colonial Secretary	..	1,300
Assistant Colonial Secretary	..	700
Attorney General	..	1,200
Director Public Works	..	1,200
Auditor General	..	800
Collector General	..	1,000
Superintending Medical Officer	..	1,000
Inspector General of Police	..	850
Director of Prisons	..	850
Chief Justice	..	2,000
Puisne Judge	..	1,200
Puisne Judge	..	1,000
		<hr/>
		£18,650



JAMAICA—LAW 27 OF 1895.

The Tramways Law, 1895.

[10th June, 1895.]

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

1—For the purposes of this Law—

Interpretation
Clause.

The word “tramway” shall mean any railway for the conveyance of public traffic constructed mainly or partially along the public roads and streets as herein defined.

The term “Local Authority” shall mean the Parochial Board of the Parish in which the locality referred to is situated.

The term “street” shall mean a public way situate within a city, town or village or between lands continuously built upon either side, and repaired at the public or parochial expense including the footpath of such way, and any bridge forming part thereof.

The term “land” shall mean any land not being a street or road or portion thereof.

The term “Road” or “Public Road” shall mean a public highway for carriages, repaired at the public or parochial expense and not being a street, and shall include any bridge forming part thereof and the land on either side of any roadway which by Law is part of such road.

The term “Roadway” shall mean that part of any road which is formed and set apart for the use of wheeled vehi-

cles and the water-tables on each side thereof, and also any artificially made footway.

The term "Road Authority" shall mean, in respect of any street or road which by Law is a main road, the Director of Public Works; and, in respect of any street or road which by Law is a parochial road, the Parochial Board of the Parish in which the same is situated.

The term "Area" shall mean that portion of this Island for which any License shall be granted under this Law.

The term "Body" shall include a Corporation, incorporated in Jamaica under the Laws of this Island, a Body of Trustees or Commissioners, or a Society, whether incorporated or not, and any provision referring to a Body shall apply to a person as the case may require.

The term "Prescribed" shall mean prescribed by this Law or by any License granted or rules made in pursuance of this Law.

The word "License" shall mean a license granted under this Law; and the term "Licensee" shall mean the person or persons to whom such shall be granted and their assigns.

The word "Person" shall include a company or corporation.

The term "Company" shall mean any Licensees hereunder or their assigns if and when they shall become a corporation under the Laws of the Island and shall in like event include the assignees or lessees of said licensees.

The term "Rules" shall include Regulations and Bye-laws.

Preservation of
existing rights.

2—Nothing in this Law shall be deemed to authorise the granting of a License which would interfere with or abridge any rights conferred by or under the provisions of Law 23 of 1875 and Law 8 of 1884 on the Jamaica Street Car Company or by any other Law on any other person, body or corporation and subsisting at the time of the granting of such License; and so much of any License as shall interfere with or abridge any rights conferred and subsisting as aforesaid shall to such extent be null and void to all intents and purposes.

PART I.

LICENSES AUTHORISING THE CONSTRUCTION OF TRAMWAYS.

3—Subject to the provisions of this Law, it shall be lawful for the Governor in Privy Council to grant Licenses authorizing the Licensees within a given area to be defined in such License, to lay down, make, construct, complete, remove, maintain, work and operate daily and every day lines of tramways under and in pursuance of this Law and in accordance with such terms as shall not be inconsistent with the provisions of this Law and as shall be fixed in such License for the carriage of passengers and freight by cars and carriages drawn or propelled by electricity or by animal or any other motive power except steam generated by fire on the line, along and over such lines, routes, roads, streets and lands in this Island as the Governor in Privy Council may from time to time approve and allow as hereinafter provided, together with the necessary side tracks, loops and switches for the passing of the cars and carriages of the Licensees, and to construct and maintain, and from time to time alter, remove and rebuild all necessary and convenient works, stations, plant and buildings requisite for the generating of electricity or other power for the due and efficient working of the tramways and the lighting of cars used thereon anything in Law 32 of 1890 and Law 21 of 1892 to the contrary notwithstanding, and to erect, alter, repair, remove and maintain along the routes of said tramways the necessary poles (of wood or iron) for stringing or supporting the wires conveying the electric or other power.

The Governor in Privy Council may grant Licenses authorising the construction of tramways.

4—Any person desirous of obtaining a License under this Law must address an application in writing to the Governor in Privy Council, in which he shall

Duties of applicant for a License.

- (a) give an address in Kingston to which communications to him may be addressed;
- (b) specify the area for which the License is desired;
- (c) specify the route or routes along which he proposes to lay a tramway; and
- (d) shew the nature of the motive power or (in the alternative) powers which he proposes to adopt.

The applicant shall also deposit with the Clerk of the Privy Council, along with the application,

- (1) A map of the area, indicating the limits thereof, on a scale of not less than one inch to one mile;
- (2) A proper and correct plan or map to a scale of not less than four inches to a mile, with the line of the proposed tramway delineated thereon, so as to shew along and across what roads and streets, and in what parts thereof, and through or across what private or other lands not being roads or streets, the proposed tramway is intended to be made. The present or subsisting grades and curvature of the streets and roads along the proposed routes may be adhered to; but if it is proposed to alter the same in construction, any such alterations shall also be separately and clearly shewn by means of plans and profiles thereof to a scale of not less than one inch to 1,000 feet;
- (3) An estimate of the expense of the proposed works, with a statement of the capital which the applicants are prepared to raise for the purpose of carrying out the project; and
- (4) a draft of the License desired.

The above-mentioned documents shall be type-written or printed, and shall be delivered in triplicate.

Duty of applicant
to Parochial Boards
and Director of
Public Public
Works.

5—Any applicant as aforesaid shall before applying to the Governor in Privy Council under the provisions of the preceding Section, lodge with the Parochial Board or Boards of the Parish or Parishes in which is situate the area or any part thereof, for which the License is desired, and also with the Director of Public Works, duplicate copies of the map and plans referred to in sub-sections (1) and (2) of the preceding section, and shall obtain receipts for the same, and lodge such receipts with the Clerk of the Privy Council, and no application shall be deemed to be complete until the maps and plans have been lodged as aforesaid.

6—When any such application has been made as aforesaid, the Governor shall fix a day not less than three weeks thence on which the application will be brought before him in Privy Council and cause notice thereof to be given to the applicant; and the latter shall thereupon publish daily for two consecutive weeks, by advertisement in two newspapers published in Kingston, and in any newspaper published within the area for which application is being made for such license, notice of the making of such application and of the day fixed as aforesaid for dealing with the same.

Governor to fix day for considering application for License.

Advertisement by the applicant.

The first of such advertisements as aforesaid shall appear not later than two weeks before the day fixed as aforesaid.

Every such advertisement shall describe the area and the routes within such area proposed to be taken by the tramways and the nature of the motive power proposed and any other particulars that may be prescribed by any rules made under this Law.

Every such advertisement shall state the time and place fixed by the Governor for the consideration of the application and shall warn parties desirous of opposing the same that they must lodge with the Clerk of the Privy Council, at least seven days before the day fixed as aforesaid, a written statement in duplicate of their objections and that it shall be competent for any of such parties also to make application to the Governor for leave to be heard in person or by counsel in opposition to the application.

The applicant shall also in such advertisement name a place in Kingston where parties desirous of getting more precise information as to the route and character of the proposed tramway may obtain the same and he shall make all necessary arrangements so that parties calling within reasonable hours at the place indicated may obtain such information.

7—It shall be lawful for any person or body to oppose any such application by sending in duplicate to the Clerk of the Privy Council his objections in writing; moreover, the Governor may, if he sees fit, allow any applicant or any person making objection and wishing to be heard, personally or by

Persons may be heard in opposition to the granting of a License.

counsel, before the Governor in Privy Council in opposition to the application, grant such person permission to be so heard.

One copy of any such statement of objection as aforesaid shall be transmitted by the Clerk of the Privy Council to the applicant immediately on receipt of the same.

Consideration of application by the Governor in Privy Council.

8—On the day appointed as aforesaid or on any other day that shall from time to time be substituted for the same by the Governor, the Governor in Privy Council shall proceed to consider the application and in the course of such consideration it shall be lawful for the Governor in Privy Council as aforesaid, from time to time to adjourn the consideration or further consideration of any application, as he may see fit, and as may appear to be necessary, for further enquiry and discussion, and shall cause such enquiries to be made as he may deem fit and shall consider any objection that may be made to the application.

Terms of License to be settled by the Governor in Privy Council.

9—Where it appears to the Governor in Privy Council expedient and proper that the application should be granted whether as put forward by the applicant in the draft license required to be sent with the application as aforesaid or with additions or modifications or subject to any restriction or condition, the Governor in Privy Council may make and grant a License accordingly.

Every such License shall contain such provisions as according to the nature of the application the Governor in Privy Council may think fit.

Power to Licensees to acquire land compulsorily.

In case the construction of any tramway or of any works or building necessary for the working thereof pursuant to the terms of the License granted involves the acquisition of any land adjacent to any street or road and extending to a distance not exceeding 150 feet from the roadway it shall be lawful for the Governor in Privy Council in and by the License, or at any time subsequent to the granting thereof to grant to the applicants (hereinafter termed "the Licensees") compulsory power to acquire any such land.

In any such case the Licensees shall make full compensation to the owners and occupiers of, and all other parties interested in, any lands taken and used for the purposes aforesaid, or injuriously affected by the construction of the tramway, for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers and other parties, by reason of the exercise, as regards such lands, of the powers by this Law or any license granted thereunder vested in the Licensees; and except where otherwise provided, the amount of such compensation shall be ascertained and determined in the manner provided by the Lands Clauses Law 1872 for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and for the purposes aforesaid the said Lands Clauses Law shall be deemed to be incorporated with and to form part of the License, save in so far as any of the provisions thereof are expressly varied or excepted by such License.

Licensees to make compensation.

For the purpose of such incorporation, a License under this Law shall be deemed "the special Law."

Provided always that all sections in the Land Clauses Law 1872 conferring any rights on the owner of land taken or to be taken shall be incorporated with this Law.

10—Such costs of and connected with the consideration, opposition to and granting of, any License as, on the granting thereof, shall be directed to be paid by the Promoters, shall be paid by them accordingly.

Costs of applications for Licenses.

It shall be lawful for the Governor in Privy Council, by rules made under this Law, to require that such sum of money as may be named in such rules, or as may in any case be fixed by the Governor, shall be lodged in the Treasury by the applicants before the day fixed for the consideration of the application. Such sum shall be lodged in the name of the applicants and shall be the security for payment of any costs ordered to be paid under the provisions of this section and shall otherwise be dealt with in accordance with rules made under this Law.

Promoters to deposit a sum not exceeding £2,000.

11—After a License is ready, and before the same is delivered by the Governor in Privy Council, the Licensees shall, within the prescribed time and in the prescribed manner and subject to the prescribed conditions as to interest, repayment or forfeiture, either pay as a deposit into the Island Treasury the sum of money prescribed, which shall not exceed £2,000 but shall otherwise not be less than four pounds per centum on the amount of the estimate of the Licensees of the expense of the construction of the tramway, or deposit in the Island Treasury any security of the prescribed nature the then value of which is not less than such sum of money.

Governor in Privy Council make, repeal, and alter rules as to applications, notices, &c.

12—It shall be lawful for the Governor in Privy Council from time to time to make, and when made, repeal, alter or add to, rules with respect to the application for Licenses, and to the payments if any to be made in respect thereof, and to the publication of notices and advertisements, and the manner in which, and the time within which, representations or objections with reference to any such application are to be made, and to the holding of local inquiries in such cases as he may think it desirable, and with respect to any matter or thing in respect of which it may be deemed expedient to make rules for the purpose of carrying this Law into execution.

It shall also be lawful for the Governor in Privy Council from time to time to make such rules as he may think fit for protecting the public from personal injury, and the property of any person, body or corporation, which, under the powers of any Law, is situated under, upon or over the public streets and roads from damage or deterioration by reason of the construction, maintaining, operating or working tramways authorised under this or any other Law, and from time to time to amend, add to or repeal such rules or any of them.

Any rules made in pursuance of any provision of this Law shall be deemed to be within the powers conferred by this Law, shall be of the same force as if enacted in this Law, and shall be judicially noticed.

13—A License granted under this Law shall empower the Licensees to lay down, make, construct, maintain, operate and work the tramway specified therein, and as in Section 3 hereof mentioned erect poles and lay sleepers and wires, and for such and other like purposes to break and open the streets and roads along the approved routes, subject to the conditions herein contained, and shall also give the Licensees for the period herein named and any extension thereof an exclusive right to construct, maintain and work tramways within the area named in such License.

Effect of a License.

The duration of any License shall be such number of years, not less than twenty and not exceeding thirty, as the Governor in Privy Council shall determine. It shall, nevertheless, be lawful for the Governor in Privy Council on the application of the Licensees to grant an extension of any License for a further term not exceeding twenty years, at any time within one year previous to the expiry of such License or of any such extension thereof: Provided that no such renewal shall be made, unless the prescribed notice be given of the application and of the day fixed for consideration of the same.

Duration of License.

14—On the granting of any License under this Law, the Governor shall cause the same together with all documents and papers connected with the application for such License and if there has been more than one application in respect of any area all such applications to be laid on the table of the Legislative Council at its first Session after the granting of such License.

Documents to be laid on the table of the Legislative Council.

15—Every such License shall specify the nature of the traffic for which such tramway shall be used, and the maximum tolls and charges which may be demanded and taken by the Licensees in respect of the same, and shall contain such regulations relating to the operation of the tramways and to such traffic and such tolls and charges as the Governor in Privy Council shall deem necessary and proper: Provided that it shall be lawful for the Governor in Privy Council from time to time thereafter to revise such maximum tolls and charges and to substitute others in place of those specified in such License.

Nature of traffic on tramway and tolls to be specified in License.

Printed copies of the License to be deposited with the Colonial Secretary and other officers, and open to the public.

16—When a License has been made as aforesaid and delivered to the Licensees the Licensees shall forthwith deposit printed copies thereof with the Colonial Secretary, the Clerk of the Legislative Council, the Director of Public Works and the Clerk of the Parochial Board of every parish to which the License refers, for public inspection. The Colonial Secretary shall cause the said License to be published in the next ensuing number of the Jamaica Gazette and shall also cause the said License to be printed and issued with the Laws enacted during the year in which the said License is granted. The Licensees shall after such publication, also keep at their registered office a sufficient number of such printed copies and shall furnish them to all persons applying for them at the price of not more than one shilling each.

Power to Licensees to construct another tramway within area comprised in License.

17—When the Licensees empowered by any License under this Law to construct maintain and work any tramway shall desire to construct, maintain and work any other tramway within the area named in such License, they shall be empowered to do so upon their obtaining the approval by the Governor in Privy Council of plans of such tramway, which they shall have deposited, together with an estimate of the proposed works, with the Clerk of Privy Council and with the Clerk of the Parochial Board of every Parish in which such tramway is situated, and with the Director of Public Works.

Such plans and estimate shall be in every respect similar to those required under section 4 of this Law.

Provisions in the event of the Licensees not commencing, not completing or suspending the works within certain times.

18—If the Licensees empowered by any License under this Law or under the provisions of section 7 of this Law to construct a tramway, do not, within a period not exceeding two years to be named in the License, complete the tramway and open it for public traffic; or, if within six months from the same date the works are not substantially commenced; or, if the works having been commenced, are suspended without a reason sufficient in the opinion of the Governor to warrant such suspension; the powers so given to the Licensees for constructing such tramway, executing such works, or other-

wise in relation thereto shall cease to be exercised except as to so much of the same as is then completed, unless the said periods be prolonged by the special direction of the Governor in Privy Council; and as to so much of the same as is then completed the Governor in Privy Council may allow the said powers to continue and to be exercised if they shall think fit, but failing such permission the same shall cease to be exercised, and where such permission is withheld then so much of the said tramway as is then completed shall be deemed to be a tramway to which all the provisions of this Law relating to the discontinuance of tramways after proof of such discontinuance shall apply, and may be dealt with accordingly. A notice published in the Jamaica Gazette by order of the Governor to the effect that a tramway has not been completed and opened for public traffic, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall be conclusive evidence for the purposes of this Section of such non-completion, non-commencement or suspension.

PART II.

CONSTRUCTION OF TRAMWAYS.

19—Every tramway which is hereafter authorised to be constructed and maintained upon a street shall be constructed and maintained as nearly as may be in the middle of the street; and no tramway shall be authorised by any License to be so laid that for a distance of a hundred feet or upwards there shall be a less space than nine feet on each side of the outer rails available for the use of wheeled vehicles. On all roads and parts of roads, every tramway shall, except where otherwise specifically provided in the License, be constructed on the sides of the roadway, and so far as possible avoiding crossing the roadway; and no tramway shall be authorized by any License to be so laid that for a distance of a hundred feet or upwards there shall be on any road a less space than fifteen feet beyond the rails available for the use of wheeled vehicles, if the road authority shall in the prescribed manner

Where tramways
are to be laid.

and at the prescribed time express their dissent from any tramway being so laid.

Mode of formation
of tramways.

20—Wherever any tramway, or part of a tramway, is constructed upon any street the gauge of the tramway shall not exceed four feet and eight and one-half inches, and the rails shall be of such pattern as shall be approved of by the Governor in Privy Council and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the roadway of such street, and those portions of the roadway which lie between the rails and extend eighteen inches beyond the outer rails on each side shall be constructed in such manner and with such material as shall be prescribed in the License: Provided always that if the Licensees shall widen the roadway on the side opposite to the intended tramway to an extent equal to that occupied by the tramway and to the satisfaction of the road authority, then the part occupied by the tramway shall cease to be considered to be any part of the roadway; and for the purposes of this proviso the Licensees are hereby authorized so to widen any roadway where practicable upon land pertaining to the road, or to acquire land for the purpose as land required for the construction of the tramway. Where the tramway is not constructed upon any street or roadway the rails may be of the ordinary type used on railways, and the line may be ballasted or metalled in the ordinary manner. But nothing in this Law or in any License, shall deprive the public of the right to use any part of the road, or relieve the Licensees of any tramway from liability for any injury which may be occasioned to any person or to his property through neglect on their part to maintain the ballasting or metalling of the tramway as nearly as practicable level with the upper surface of the rails.

No tramway to be
open for traffic or
deemed complete
until inspected
officially.

21—Every tramway authorized by any License shall be constructed on such gauge as shall be prescribed by such License and no tramway shall be opened for public traffic, nor be considered to be completed, until the same and all works and buildings necessary for the working thereof shall have been

inspected by an officer appointed by the Governor for that purpose and certified by him to be constructed and equipped in conformity with the License and the provisions of this Law and to be fit for such traffic.

22—The Licensees from time to time, for the purpose of making, forming, laying down, maintaining and renewing any tramway duly authorized, or any part or parts thereof respectively, or for the purpose of erecting, removing, repairing or maintaining poles for stringing wires to convey electricity or other power, may open and break up any street roadway or road along the route of the said tramways, subject to the following regulations:—

Power to break up
Street, &c.

1. They shall give to the road authority notice of their intention, specifying the time at which they will begin to do so, and the portion of roadway proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work :
2. They shall not open, or break up, or alter the level of any roadway, except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work. :
3. They shall not erect any pole in a position objected to by the road authority :
4. They shall pay all reasonable expenses to which the road authority is put on account of such superintendence :
5. They shall not, without the consent of the road authority, open or break up at any one time a greater length than one hundred yards of any roadway which does not exceed a quarter of a mile in length, and in the case of any roadway exceeding a quarter of a mile in length the Licensees shall leave an interval of at least a quarter of a mile between any

two places at which they may open or break up the roadway, and they shall not open or break up at any such place a greater length than one hundred yards.

Where the street or road over any bridge forms part of or is a road within the jurisdiction of a road authority, but such bridge is vested in some person or persons, body, corporation, or company, distinct from such road authority, any work which the Licensees may be empowered to construct, and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the Licensees) and to the reasonable satisfaction of such person, persons, body, corporation, or company, unless after notice to be given by the Licensees seven days at least before the commencement of such work such superintendence is refused or withheld.

Where the street or road in or upon which any tramway is proposed to be formed or laid down is crossed on the level by any railway or tramway constructed and operated by virtue of any License or other lawful authority, any work which the Licensees may be empowered to construct, and which affects or in anywise interferes with such railway or tramway, or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the Licensees) and to the reasonable satisfaction of the person, corporation or company, owning such railway or tramway, unless after notice to be given by the Licensees seven days at least before the commencement of such work such superintendence is refused or withheld.

Completion of
works and re-in-
statement of road.

23—When the Licensees have opened or broken up any portion of the street, road, or roadway, they shall be under the following further obligations, namely,

1. They shall, with all convenient speed, and in all cases within four weeks at the most (unless the road authority otherwise consents in writing) complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance

or renewal of the tramway) fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the roadway to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby :

2. They shall in the meantime cause the place where the roadway is opened or broken up to be fenced and watched, and to be properly lighted at night.

If the Licensees aforesaid fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Law or to any other remedy against them) be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

24—The Licensees shall, at their own expense, at all times maintain and keep in good condition and repair, in such manner as the road authority shall approve, and to their satisfaction, so much of any roadway whereon any tramway belonging to them is laid as lies between the rails of the tramway and (where two tramways are laid by the same Licensees in any roadway at a distance of not more than four feet from each other) the portion of the roadway between the tramways, and in every case so much of the roadway as extends eighteen inches beyond the rails of and on each side of any such tramway. If the Licensees abandon their undertaking, or any part of the same, and take up any tramway or any part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consents in writing), fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the roadway upon which such tramway

Repair of part of road where tramway is laid.

was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work; and they shall in the meantime cause the place where the roadway is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if the Licensees fail to comply with the provisions of this section, the road authority, if they think fit, may themselves at any time, after seven days notice to the Licensees, open and break up the roadway, and do the works necessary for the repair and maintenance or restoration of the roadway, to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the Licensees.

Provisions as to
gas, water and
other corporations.

25—For the purpose of making, forming, laying down, maintaining, repairing or renewing any of their tramways, the Licensees may from time to time, where and as far as it is necessary, or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any mains or pipes for the supply of gas or water, or any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Law, and also subject to the following restrictions; (that is to say),

1. Before laying down a tramway in a road in which any mains or pipes, tubes, poles, wires, or apparatus may be laid, the promoters shall, whether they contemplate altering the position of any such mains or pipes, wires, or apparatus, or not, give seven days notice to the company, persons or person to whom such mains or pipes, tubes, poles, wires, or apparatus may belong, or by whom they are controlled, of their intention to lay down or alter the tramway. If it should appear to any such company or person that the construction of the tramway as proposed would endanger any such main or pipe, tube, pole, wire, or apparatus, or interfere with or impede the supply of water, gas, or electricity,

or the telegraphic or other communication, such company or person (as the case may be) may give notice to the Licensees to lower or otherwise alter the position of the said mains or pipes, tubes, poles, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Law for the settlement of differences between the Licensees and other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, poles, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the locality, as the circumstances will admit, and under the superintendence of such company or person or of their surveyor or engineer if they or he think fit to attend, after receiving not less than forty-eight hours notice for that purpose, which notice the Licensees are hereby required to give :

2. The Licensees shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, poles, wires, or apparatus, or other works belonging to or controlled by any such company or person, or do anything to impede the passage of water, gas or electricity or the telegraphic or other communication into or through such mains or pipes, without the consent of such company or person, or in any other manner than such company or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, poles and other works necessary, or proper for continuing the supply of water, gas, or electricity, or telegraphic or other communication as sufficiently as the same was supplied by the mains or pipes, tubes, poles, wires, or apparatus proposed to be removed or displaced shall at the expense of the Licensees have been first made

and laid down in lieu thereof and ready for use, and to the satisfaction of the surveyor or engineer of such water, gas, or electrical supply or other company, or of such person, or, in case of disagreement between such surveyor or engineer and the Licensees, as the Director of Public Works shall direct:

3. The Licensees shall not lay down any such pipes contrary to the regulations of any Law relating to such water gas or electrical supply or other company, or relating to telegraphs:
4. The Licensees shall make good all damage done by them to property belonging to or controlled by any such company or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes or lines of any person supplied by any such company or person with water, gas, or electricity:
5. If by any such operations as aforesaid the Licensees interrupt the supply of water, gas, or electricity in or through any main or main pipe they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted.

For protection of
sewers, &c.

26—Where in any district any tramway or any work connected therewith interferes with any sewer, drain, water-course, subway, defence, or work in such district, or in any way affects the sewerage or drainage of such district, the Licensees shall not commence any tramway or work until they shall have given to the proper authority fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the principal office of such authority with all necessary particulars relating thereto, nor until such authority shall have signified their approval of the same, unless such authority do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid,

and the Licensees shall comply with and conform to all reasonable directions and regulations of the said authority in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as such authority shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to, by or by reason of the tramways, and shall save harmless the said authority against all and every expense to be occasioned thereby; and all such works shall be done under the direction, superintendence and control of the engineer or other officer or officers of the said authority, at the reasonable costs, charges, and expenses in all respects of the Licensees, and when any new, altered or substituted work as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges or expenses of the Licensees, under the provisions of this Law, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said authority and be maintained by them as any other sewers or works.

27—Nothing in this Law shall take away or abridge any power to open or break up any street or road along or across which any tramway is laid, or any other power vested in any local authority or road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power every such local authority, road authority, company, body or person shall be subject to the following restrictions: (that is to say),

Rights of authorities and companies, &c., to open roads.

1. They shall cause as little detriment or inconvenience to the Licensees and lessees as circumstances admit;
2. Before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Licensees and lessees,

if there be any, notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work;

3. They shall not be liable to pay to the Licensees or lessees any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid;
4. Whenever for the purpose of enabling them to execute such work the local authority or the road authority shall so require, the Licensees or lessees shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the local authority or the road authority, as the case may be, with all reasonable expedition:
5. Any company, body, or person shall not execute such work so far as it immediately affects the tramway except under the superintendence of the Licensees, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work; and they shall execute such work at their own expense, and to the reasonable satisfaction of the Licensees: Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the Licensees.

Difference between
licensees and road
authority, &c.

28—If any difference arises between the Licensees or lessees on the one hand and any local authority or road authori-

ty, or any gas, water, or electrical supply company, or any company, body, or person to whom any sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control exercised, or claimed to be exercised, by them or him, or on their or his behalf, or by the Licensees or lessees by virtue of this Law, in relation to any tramway or work, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Licensees or lessees, or on the question whether any work is such as ought reasonably to satisfy the local authority, road authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Law, the matter in difference shall (unless otherwise specially provided by this Law) be settled by an engineer or other fit person nominated as referee by the Governor on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

PART III.

GENERAL PROVISIONS.

Carriages.

29—The Licensees of tramways authorized by License and their lessees may use on their tramways carriages with flange wheels or wheels suitable only to run on the rail prescribed by such License; and, subject to the provisions of such special License and of this Law, the Licensees shall have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on the prescribed rail.

Power for Licensees to use tramways with flange-wheeled carriages, &c.

All carriages used on any tramway shall be moved by the power prescribed by the License, and where no such power is prescribed, by animal power only.

No carriage used on any tramway which is hereafter au-

thorized by License, shall extend beyond the outer edge of the wheels of such carriage more than twenty inches on each side.

Licenses to use Tramway.

Mode of procedure when the public are not afforded the full benefit of the tramway.

30—If at any time after any tramway or part of any tramway authorised under this Law shall have been for three years opened for public traffic in any area it shall be represented in writing to the Governor in Privy Council by the local authority or by twenty inhabitant ratepayers in such area or by the road authority of any road in which such tramway or part of a tramway is laid, that the public are not afforded the full benefit of the tramway, the Governor in Privy Council may (if they consider that *prima facie* the case is one for enquiry) direct an enquiry by an officer appointed for that purpose by the Governor, and if by the report of such officer the truth of the representation is proved to the satisfaction of the Governor in Privy Council, the Governor in Privy Council may issue an order to the Licensees requiring them to provide such a service of carriages or trains as will afford to the public the full benefit of the tramway, or part of a tramway, and such order may prescribe the number of carriages which the Licensees shall run upon such tramway, or part of a tramway, and the mode in which and times at which such carriages shall be run.

Provided always that the Governor in Privy Council before issuing any such order shall be satisfied that under good and economical management the prescribed service will be fairly remunerative to the Licensees; and that, if, after complying with such order for a period of not less than thirty days, the Licensees shall satisfy the Governor in Privy Council of the contrary, such order shall be forthwith revoked or modified.

The Clerk of the Privy Council shall cause a copy of any order made as above provided to be served upon the Licensees within forty-eight hours after it shall have been made, and shall cause such order to be published in the next following number of the Jamaica Gazette.

If within three months after the service upon them of such

order the Licensees shall fail or neglect to comply therewith, the tramway or part of a tramway to which such order refers may be deemed to be a discontinued tramway within the meaning of the provisions of this Law relating to the discontinuance of tramways after proof of such discontinuance, and may be dealt with accordingly.

31—Where any Licensees are authorised by a License under this Law to construct and work tramways within any area, and such License is about to expire and the Licensees have given the prescribed notice of their intention to apply for a renewal of the same, it shall be lawful for the Local Authority or Local Authorities within whose jurisdiction such area, or any part thereof lies, at any time before the day fixed under the provisions of section 13 hereof for consideration of the application, by notice in writing to require such Licensees to sell, and thereupon such Licensees shall sell to them their undertaking upon terms of paying the then value of all lands, buildings, works, materials, and plant of such Licensees suitable to and used by them for the purposes of their undertaking, such value to be in case of difference determined by arbitration:

Power to local authority to purchase on expiration of License.

Provided that the value aforesaid shall be deemed to be the fair market value at the time of the purchase, due regard being had to the nature and condition of the buildings, works, materials, and plant, the state of repair thereof and to the circumstance that they are in such a position as to be ready for immediate working, and to the suitability of the same to the purposes of the undertaking, but without any addition in respect of compulsory purchase, or of goodwill, or of any profits which may or might have been made from the undertaking or of any similar considerations.

Discontinuance.

32—If at any time after the opening of any tramway in any district for traffic the Licensees or their lessees or assigns discontinue the working of such tramway, or of any part thereof, for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of

Tramways to be removed in certain cases.

such Licensees, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Governor in Privy Council, the Governor in Privy Council, if he think fit, may by order declare that the powers of the Licensees in respect of such tramway or the part thereof so discontinued shall, from the date of such order, be at an end, and thereupon the said powers of the Licensees shall cease and determine. Where any such order has been made, the road authority of such district may, at any time after the expiration of two months from the date of such order, under the authority of a certificate to that effect by the Governor in Privy Council, remove the tramway or part of the tramway so discontinued, and the Licensees shall pay to the road authority the cost of such removal and of the making good of the road by the road authority, such cost to be certified by some other authorised officer of the road authority, whose certificate shall be final and conclusive; and if the Licensees fail to pay the amount so certified within one calendar month after delivery to them of such certificate or a copy thereof, the road authority may, without any previous notice to the Licensees (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the road authority may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost certified as aforesaid and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Licensees.

Provided always that, if before proceeding to remove any tramway, or part of a tramway, discontinued as aforesaid, it be found practicable to sell such tramway or part of a tramway as a going concern to any parties who may engage to carry on and work such tramway or part of a tramway to the satisfaction of the road authority and who are willing to

give to the road authority satisfactory security for their doing so for a period of at least twelve calendar months, it shall be lawful for the road authority, instead of removing the tramway as above provided, to sell the same as a going concern as aforesaid, and on such sale being made the purchaser shall be entitled to work the said tramway in accordance with the License relating to the same as if he were the person named in such License.

Insolvency of Licensees.

33—If, at any time after the opening of any tramway in any locality for traffic, it appears to the local authority or the road authority of such district that the Licensees of such tramway are insolvent, so that they are unable to maintain such tramway, or work the same with advantage to the public, and such road authority makes a representation to that effect to the Governor in Privy Council, the Governor in Privy Council may direct an enquiry by a referee into the truth of the representation, and if the referee shall find that the Licensees are insolvent as aforesaid, the Governor in Privy Council may, by order, declare that the powers of the Licensees shall, at the expiration of six calendar months from the making of the order, be at an end, and the powers of the Licensees shall cease and determine at the expiration of the said period; and thereupon such road authority may remove the tramway in like manner and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for the recovery of such costs, in every respect as in cases of removal under the next preceding section.

Proceedings in case of insolvency of Licensees.

34—Where any tramway has been opened for traffic for a period of six months or upwards the Licensees may, with the consent of the Governor in Privy Council, lease or sell their undertaking, or the lines of tramway, rolling stock, real and personal property or any part or portions of the same to any person, persons, corporation, or company upon such terms as the Licensees may think fit; and when any such lease or sale has been made all the rights, powers, authorities,

Power of lease or sale.

obligations and liabilities of such Licensees in respect to so much of the undertaking, tramways, sections of tramways, real or personal property as shall have been thus leased or sold shall be transferred to, vested in and may be exercised by, and shall attach to the person, persons, corporation, or company to whom the same has been so leased or sold in like manner as if such tramway was constructed by such person, persons, corporation, or company under the powers conferred upon them by License, and in reference to the same they shall be deemed to be the Licensees.

Tolls.

Tolls, &c.

35—The Licensees or lessees of a tramway authorised by License may demand, levy, receive and take, in respect of such tramway, tolls, fares, rates, and charges not exceeding the sums specified in such License, subject and according to the regulations therein specified. A list of all the tolls, fares, rates, and charges authorised to be taken shall be exhibited in a conspicuous place inside and outside each of the carriages used upon the tramways.

Byelaws.

Byelaws by
Governor in Privy
Council.

36—Subject to the provisions of the License authorising any tramway and of this Law, the Governor in Privy Council may from time to time upon fourteen days notice to the Licensees make regulations as to the following matters :—

- (1) The rates of speed to be observed in travelling upon the tramway or any part thereof ;
- (2) The distances at which carriages using the tramway shall be allowed to follow one after the other ;
- (3) The stopping of carriages using the tramway ;
- (4) The traffic on the road in which the tramway is laid, the conduct of all persons and vehicles travelling upon the streets and roads upon which the said tramways are operated, and facilitating the running of the cars and carriages of the Licensees ;
- (5) And any other matter or thing in respect of which

it may be expedient to make regulations for the purpose of carrying this Law or the said License into effect.

The Licensees of any tramway or section thereof may from time to time make, annul, rescind, re-enact, or amend rules or regulations:—

Licensees may make certain regulations.

- (a) In regard to the working of the said tramways ;
- (b) For the government of the employees and servants of the Licensees and of all persons travelling upon or utilizing the said tramways for the carriage of goods ;
- (c) For regulating the conditions of travel and carriage of goods in the cars and carriages of the Licensees upon the said tramways ;
- (d) For regulating the conduct of the officers, servants, or employees of the Licensees ;
- (e) For preventing the commission of any nuisance in or upon the property, premises, cars or carriages of the Company, including the smoking of tobacco ;
- (f) And for regulating the mode by which the cars and carriages are to be moved or propelled, and the hours of the arrival and departure of such cars and carriages.

And for better enforcing the observance of all or any of such regulations, it shall be lawful for the Governor in Privy Council and the Licensees respectively to make rules, regulations and bye laws for all or any of the aforesaid purposes, and from time to time repeal or alter the same, and make new rules, regulations and byelaws, provided that such be not repugnant to the Laws of Jamaica, and that all rules, regulations and byelaws made by the Licensees shall have no force or effect until they have been approved of by the Governor in Privy Council, and shall have been published by advertisement once at least in each of two successive weeks in the Jamaica Gazette and in some one and the same newspaper published in Kingston.

Penalties may be imposed by Bye-laws.

37—Any such rule, regulation, or bye law may impose reasonable penalties for offences against the same, or for the failure or omission to observe or comply with the provisions of the same or any of them, such penalties not to exceed forty shillings for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence ten shillings for every day during which the offence continues; but all bye laws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Offences.

Penalty for obstruction of Licensees in laying out tramway.

38—If any person wilfully obstructs any person acting under the authority of any Licensees in the lawful exercise of their powers in setting out or making, forming, laying down, repairing, renewing, running, or operating a tramway, or defaces or destroys any mark made for the purposes of setting out the line of the tramway, or damages or destroys any property of any Licensees, or their lessees, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for wilful injury or obstruction to tramways, &c.

39—If any person, without lawful excuse (the proof whereof shall lie on him), wilfully does any of the following things; (namely,)

Interferes with, removes, or alters any part of a tramway or of the works connected therewith;

Places or throws any stones, dirt, wood, refuse, or other material on any part of a tramway, or at or against any car or carriage upon or being operated on any such tramway;

Does or causes to be done anything in such manner as to obstruct any carriage using a tramway, or to endanger the lives of persons therein or thereon, or likely to cause hurt or injury to any persons therein or thereon;

or knowingly aids or assists in the doing of any such thing;

he shall for every such offence be liable to a penalty not exceeding five pounds.

40—If any person travelling or having travelled in any carriage on any tramway refuses, avoids, or attempts to avoid payment of his fare, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such carriage beyond such distance and does not pay on demand the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding forty shillings.

Penalty on passengers practising frauds on Licensees.

41—It shall be lawful for any officer or servant of the Licensees or lessees of any tramway, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a justice, or until he be otherwise discharged by due course of Law.

Transient offenders

42—No person shall be entitled to carry or to require to be carried on any tramway, any goods which may be of a dangerous nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding twenty pounds for every such offence, and it shall be lawful for such Licensees or lessees to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for bringing dangerous goods on the tramway.

No person shall be entitled to carry on or in any passenger car any goods or package which cause or are likely to cause danger, damage, or annoyance to any person or persons travelling on such car; and it shall be lawful for the Licensees or lessees and their servants to refuse to receive on any pas-

senger car any goods or package which in the opinion of them or any of them are or is of such a character.

Penalty for persons using tramways with carriages with flange wheels, &c.

43—If any person uses a tramway or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of such tramway, such person shall for every such offence be liable to a penalty not exceeding twenty pounds.

Miscellaneous.

Licencees or lessees to be responsible for all damages.

44—The Licencees or lessees, as the case may be, shall be answerable for all accident, damages, and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, or the working or management thereof respectively, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Licencees to have office in Kingston.

45—The Licencees shall at all times have an office in Kingston, and shall state the full address of such office on every document issued by them. If, or at all times when, the Licencees are absent from Jamaica they must be represented by a fully authorised attorney resident in this Island, whose power of attorney shall be duly recorded in the Island Record Office.

Provision in the event of no special penalty being imposed.

46—Where no other penalty has been prescribed for any contravention of or neglect to comply with the provisions of this Law (other than the payment of money) any such contravention or neglect shall subject the offender to a penalty not exceeding five pounds: Provided that no body, having any claim against any Licencees under this Law shall in any way be prejudiced in enforcing the same by the fact that any penalty or penalties has or have been recovered against such Licencees in respect of the same act or omission or default out of which the claim aforesaid arises.

47—All tolls, fares, rates, penalties and charges under this Law, or any rule or byelaw made in pursuance of this Law, may be recovered and enforced by summary process before two Justices of the Peace of the Parish in which the same became payable or was incurred.

Recovery of tolls, penalties, &c.

48—Nothing in this Law shall take away or affect any power which any road authority, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation, may have by Law to widen, alter, divert, or improve any road, railway, tramway, or inland navigation.

Reserving powers of street authorities to widen, &c. roads.

49—Nothing in this Law shall limit the powers of the local authority or police in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such authority or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Licensees or lessees as to the traffic of other persons.

Power for local or public authorities to regulate traffic on roads.



THE following Orders and Regulations of the Privy Council were passed during the year from June, 1894, to June, 1895:—

Sec. 44, Law 35 of 1879.

A Ration allowance of 7d. per diem to Non-Commissioned Officers and Men of the Jamaica Militia when undergoing a course of training approved in Privy Council by the General Officer Commanding the Troops on 2nd July, 1894.

Sec. 18, Law 27 of 1872.

Additional Sub-Section 'h' to Article 5, approved in Privy Council on the 30th July, 1894.

In the case of an owner or occupier of any property who desires to establish Cultivation on Land not previously irrigated, the Director of Public Works is hereby empowered to supply such owner or occupier with the water necessary to irrigate such Land, free of charge, for one year, on the condition that the owner or occupier aforesaid binds himself to take such supply of water after the expiration of the said first and free year, for 5 years immediately succeeding, and gives the Commissioners a satisfactory guarantee that he will pay for the same quarterly at the established rates charged by the Commissioners.

Approved in Privy Council this day.

FRED. SHEDDEN SANGUINETTI,

Actg. Clerk of the Privy Council.

Kingston, 30th July, 1894.

Addendum to Sub-Section "h" passed at a meeting of the Rio Cobre Canal Commissioners on 31st October, 1894, and approved by His Honour the Officer Administering the Government, in Privy Council on the 9th November, 1894.

Provided always that when any agreement has been or shall be made under the provisions of this rule, the Owner or Occupier aforesaid party to such agreement shall be at liberty at any time, in case he shall so desire, to have the supply of water agreed to be taken by him for the land mentioned in the said agreement transferred, in whole or in part, to some other lands occupied or owned by him, and which

have not been previously irrigated, but which are capable of irrigation. Provided that such Owner or Occupier shall give to the Director of Public Works at least three months' notice of such desire, and shall pay to the Director of Public Works, on demand, the cost of all appliances and works necessary to transfer the said supply of water.

Approved in Privy Council.

S. P. Musson, Acting Clerk of the Privy Council.
9th November, 1894.

22nd August, 1894.

The Officer Administering the Government in Privy Council, under Section 10 of Law 22 of 1893, has fixed the Light Dues for all Vessels that shall enter at any Port of this Island as follows, the same to come into effect from and after the 1st day of November, 1894 :—

- 1d. per ton of the Registered tonnage of all Steamers; and
- 3d. per ton of the Registered tonnage of all Sailing Vessels.

Rules framed by the Superintending Medical Officer and approved by the Major General Administering the Government, for conducting Examinations under Section 8 of The Drugs and Poisons Law, 34 of 1894.

1. The General Examinations of persons applying to the Superintending Medical Officer for a License under Law 34 of 1894, shall be conducted at such time and place as may be fixed by the Superintending Medical Officer, by public notification in the Jamaica Gazette, issued not less than fourteen days before the day of Examination. Every person presenting himself for Examination shall pay the fee of Two Pounds, provided by Section 8, to the Chief Clerk of the Department, who will give a receipt for the same. No person will be admitted to any Examination unless the receipt aforesaid is exhibited to the person or persons conducting the Examination.

2. Special Examinations shall be conducted under similar Rules as the General ones and in the same subjects.

The fee payable will be five pounds, not less than seven days prior to the proposed date of Examination.

3. The following Certificates must be submitted with the written application for either the Special or General Examination :—

- (a.) A Certificate of the moral character and respectability of the applicant.

- (b) A Certificate of his having attained the age of twenty-one years.
- (c) A Certificate from a certificated Teacher and a School Manager of the applicant having received tuition for three years in English subjects, including arithmetic as far as Vulgar and Decimal Fractions and also the elements of Latin.
- (d) A Certificate of his having been engaged for at least two years in the study of Pharmacy, the last year of which must have been devoted to dispensing work under a Registered Medical Practitioner or a Licensed Dispenser.

4. Every person must give to the Superintending Medical Officer seven days notice of his intention to present himself for Examination.

5. Each person presenting himself for Examination will be required to pass in the following subjects before a License is granted to him under Law 34 of 1894, namely :—

- (a) Reading and translating Autograph, English and Latin prescriptions and detecting errors and unusual and excessive doses.
- (b) Dispensing prescriptions and writing legible directions and detecting excessive and unusual doses.
- (c) Recognizing the extracts, Pill Masses, Powders, Tinctures, Wines, Ointments, &c., of the latest British Pharmacopœia, including the additions thereto to date, and specifying the usual doses of the same, and the ingredients comprising them, and the method of their manufacture. Recognising the Barks, Roots, Leaves, Gums, Resins, &c., used in medicine and specifying their official preparations into which they enter, whence they are chiefly obtained, and the names of the plants that produce them.
- (d) Distinguishing by sight and taste (not analysis) some of the chief chemicals of the British Pharmacopœia, specifying the usual doses of the same, the method of their manufacture, their characters and tests.
- (e) The requirements of Law 34 of 1894, including Schedule A., Parts 1 & 2, and naming the poisons in each part.

6. Every person who passes the Examination to the satisfaction of the Superintending Medical Officer will receive the License provided by Section 8 of Law 34 of 1894.

7. Candidates who do not obtain 75 per cent. of the total aggregate number of Marks for all the subjects, or 50 per cent. of the Marks for each subject, will not receive a License; but Candidates who fail in any one or more subjects can, at the discretion of the Superintending Medical Officer, be re-examined in those subjects only, at the next General Examination on payment of the half-fee of One Pound.

8. Any person who fails to pass the General Examination in the first instance may again present himself for Examination after the lapse of not less than six months, and in this case the fee required to be paid will be half that first paid and so on each successive failure. In the event, however, of any person failing to pass on the second, third, or fourth occasion, the Superintending Medical Officer may decline to permit such candidate to present himself for Examination until after the lapse of twelve months from the last failure.

9. Students who have been indentured at the Public Hospital, and who after having served their full term receive a Certificate of ability and good conduct shall be admitted to their first Examination without fee, and to a second or subsequent Examination for a fee of One Pound.

Approved by the Officer Administering the Government in Privy Council, this 21st day of August, 1894.

FRED. SHEDDEN SANGUINETTI,

Acting Clerk of the Privy Council.

Sec. 23, Law 24 of 1879—The Judicature Law, 1879.

SUPREME COURT VACATION.

Whereas it is provided by Section 23 of the Judicature Law, 1879, that the Governor in Privy Council may from time to time make, and when made, revoke, add to, or alter Orders for regulating the vacations to be observed by the Supreme Court and in the offices thereof: Now, therefore, His Excellency the Governor in Privy Council, hereby alters the time of the vacation fixed by the Order of the Major-General Administering the Government, passed in Privy Council on the 12th day of July, 1893, and directs that the vacation to be observed by the Supreme Court shall commence on the last Monday in July in each year, and shall terminate on the fourth Saturday in August in any such year, except in any year when the 1st of July, shall fall on a Friday, when the vacation shall commence on the last Monday in July in each year and shall terminate on the third Saturday in August.

Nothing in the Order of 12th July, 1893, or this Order fixing a vacation for the Supreme Court shall affect the rules as to the office hours to be observed in the offices of the Court, but such offices shall be open during any such vacation for the usual office hours fixed as aforesaid.

Approved by the Governor in Privy Council held on the 24th day of January, 1895.

(Sgd.) S. P. Musson,
Acting Clerk Privy Council.

Sec. 17 of Law 31 of 1892, The Elementary Education Law, 1892.

Code of Regulations of the Education Department.

(See *Gazette of 7th March, 1895, pp. 213-228.*)



