SMALL CHARGES ACT

CHAPTER 10.39

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Note
on
Subsidiary Legislation

This Chapter contains no Subsidiary Legislation.

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SMALL CHARGES ACT

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CHAPTER

SMALL CHARGES ACT

AN ACT to provide for offences punishable with fines which do not exceed four thousand dollars, and to prohibit the commission of certain acts and offences in or against the public.

1961 Ed. Cap. 53. L.I. 11 of 1891.

[1st March 1892] Commencement.

1. This Act may be cited as the – Short title.

SMALL CHARGES ACT.

2. In this Act, "public place" includes any road, street, square, sidewalk, alley, court, path, wharf, pier, jetty, bridge, shop, courthouse or any other place to which the public have access or are admitted without payment. Interpretation.

PART I

ARREST OF CERTAIN OFFENDERS

3. (1) It shall be lawful for any person whatsoever to apprehend any person who is found committing any offence upon conviction for which he would be deemed to be an idle and disorderly person, or a rogue and a vagabond or an incorrigible rouge within the meaning of this Act and – Apprehension of idle and disorderly person, etc.

(a) forthwith to take and convey him before a Magistrate; or

(b) to deliver him to any constable or other peace officer of the place where he has been apprehended, to be taken and conveyed before a Magistrate,

to be dealt with in such manner as herein directed.

(2) In case any constable or other peace officer –

(a) refuses or wilfully neglects to take any such offender into his custody and to take and convey him before some Magistrate; or

(b) does not use his best endeavours to take and convey before some Magistrate any person that he finds committing any such offence,

it shall be deemed a neglect of duty in any such constable or other peace officer and he shall, on conviction, be punished in such manner as is directed in section 35.

Arrest of person found carrying arms, etc.

4. Any peace officer may arrest any person found carrying abroad any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, who is unable to give a satisfactory reason for the possession of the same, and take such person before a Magistrate.

Magistrate may issue warrant for apprehension of idle and disorderly person, etc.

5. Any Magistrate, upon oath of being made before him that any person has committed or is suspected of having committed any offence upon conviction for which he would be deemed to be an idle and disorderly person, or a rogue and a vagabond, or an incorrigible rouge within the meaning of this Act, may issue his warrant to apprehend and bring before him or some other Magistrate the person so charged to be dealt with as directed by this Act.

Magistrate may issue warrant to search for and apprehend idle and disorderly person, etc.

6. Any Magistrate, upon information given to him on oath that any person herein described as an idle and disorderly person, or as a rogue and a vagabond, or as an incorrigible rogue is or is reasonably suspected to be harboured or concealed in any house kept or purported to be kept for the reception, lodging or entertainment of travellers, may by warrant under his hand and seal, authorise any constable or other person or persons to enter at any time into such house and to apprehend and bring before him or any other Magistrate every such idle and disorderly person, rogue and vagabond, and incorrigible rogue as shall be found therein, to be dealt with in the manner herein directed.

Person of idle and disorderly person, etc., may be taken before Magistrate.

7. Any constable, peace officer or other person apprehending any person charged with being an idle and disorderly person, or a rogue and a vagabond or an incorrigible rogue, may take any horse, mule, ass, cart, car, caravan or other vehicle or goods in the possession or use of such person, and take and convey the same as well as such person before a Magistrate.

PART II

OFFENCES

Abuse and bad language.

8. Any person who makes use of any abusive, blasphemous, indecent, insulting, profane or threatening language –

(a) in any public place; or

(b) in any place to the annoyance of the public; or

(c) tending to a breach of the peace,

is liable to a fine of two hundred and fifty dollars or to imprisonment for one month.

Aiders and abettors in offences punishable on summary conviction. [12 of 1990].

9. Any person who aids, abets, counsels or procures the commission of any offence which is punishable on summary conviction is liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his conviction, and is also liable on conviction to the same forfeitures and punishments and to make the same payments as those to which the principal offender would be liable.

Annoyance in public place. [7 of 1974].

10. (1) Any person who in any public place persists, after being warned not to do so by any other person, or by a police officer or local or special constable, in accompanying or following such other person about for the purpose of –

(a) soliciting alms or employment; or

(b) satisfying idle curiosity; or

(c) annoying,

is liable to a fine of seventy-five dollars or to imprisonment for fourteen days.

(2) Any person who in any public place or on or around any premises, persists in loitering therein, or in behaving in an idle or disorderly manner after being warned not to do so, or to move on, by any police officer or by any local or special constable is liable to a fine of seventy-five dollars.

Arms and other offensive weapon. [18 of 1976].

11. (1) Any person found carrying abroad any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon whatsoever, or any explosive matter or thing, who is unable to give a satisfactory reason for the possession of the same, is liable to a fine of two hundred and fifty

dollars or to imprisonment for one month, and in addition to any such penalty, the Magistrate may take from any such person any such gun, pistol, hanger, cutlass, bludgeon or other offensive weapon.

(2) For the purpose of subsection (1) any person found carrying abroad any walking cane, staff, wand or any rod of any material or any piece of wood without being able to offer a satisfactory reason for the possession of the same shall be deemed to be carrying abroad an offensive weapon.

Assault.

12. (1) Any person who assaults or beats any other person is liable to a fine of two hundred and fifty dollars or to imprisonment for two months.

(2) Any person who in the opinion of the Magistrate is guilty of an aggravated assault –

(a) on any male child whose age does not in the opinion of the Magistrate exceed fourteen years; or

(b) upon any female,

is liable to a fine of one thousand dollars or to imprisonment for six months.

Begging.

13. (1) Any person wandering abroad or placing himself in any public place to beg or to gather alms, or causing or procuring any child or children to do so, shall be deemed an idle and disorderly person within the meaning of this Act, and is liable to a fine of two hundred and fifty dollars or to imprisonment for one month.

(2) Any person –

(a) wandering abroad and endeavouring by the exposure of wounds or deformities to collect alms; or

(b) going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind under any false or fraudulent pretence,

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and is liable to imprisonment for three months.

Boats, removing.

14. Any person who takes or attempts to take any boat, canoe or raft from or out of any mooring wharf, boathouse, beach, landing stage or other place for the purpose of using the same without the consent of the

person or persons entrusted with the charge thereof, and without having any probable claim or pretence of title thereto, is liable to a fine of two hundred and fifty dollars, and the payment of the fine, or the suffering of any imprisonment in default of the payment, shall not affect the right of action of the party aggrieved.

Canes, planting near town.

15. Any person who, except with the permission of the Minister or, where there is a Town and Country Board or a Board of Health, then with the permission of such Board, plants or causes to be planted canes to the northward or eastward of any city or town within such distance thereof (not exceeding one hundred feet) as may be fixed by the Board of Health is liable to a fine of three thousand dollars.

Children.

16. (1) Any parent or person entrusted with the charge of a child, who wilfully neglects to provide adequate food, clothing, medical aid or lodging for the child being in his custody and under the age of fourteen years, whereby the health of the child is or is likely to be seriously injured, is liable to imprisonment for six months; but the Magistrate may suspend the sentence until further notice if the offender enters into his own recognizances with or without one or more sureties, as the Magistrate may think fit, to come up for judgment when called upon.

(2) Any holder of a licence under any Licensing Act in force who sells or allows any person to sell, to be consumed on the premises, any description of spirits to any person apparently under the age of sixteen years, is liable on first conviction to a fine of fifty dollars and on subsequent conviction to a fine of one hundred dollars.

Dancing or other amusement.

17. (1) Any person who receives in any house or place for the purpose of dancing or other amusement for money, or other payment on reward, any persons, without having obtained a licence for such purpose from a Magistrate under his hand and seal (which licence it shall be discretionary in the Magistrate to grant or withhold), shall be deemed to be a rogue and a vagabond within the meaning of this Act, and is liable to imprisonment for three months.

(2) Any peace officer may enter any house or place where dancing or other amusement is going on for money or other payment or reward, or where any persons are assembled for such purpose without a licence as provided for in subsection (1), and warn all persons received therein to leave and disperse, and any person remaining in the

house or place after the warning, or not dispersing when required to do so by any peace officer, shall be deemed to be an idle and disorderly person within the meaning of this Act, and is liable to imprisonment for one month.

Depasturing stock.

18. Any person who unlawfully and maliciously places, fastens or depastures any animal on any land or on any public thoroughfare, is liable to a fine of two hundred and fifty dollars or to imprisonment for one month.

Disorderly conduct. [17 of 1973].

19. (1) Any person who in any public place conducts himself in a disorderly manner, or conducts himself in such a noisy manner as to disturb the neighbourhood, is liable to a fine of two hundred and fifty dollars or to imprisonment for one month.

(2) If any person conducts himself in his own house or premises, or suffers or allows any other person so to conduct himself therein as to repeatedly annoy or disturb the neighbourhood, any person annoyed or disturbed thereby may complain to a Magistrate, who may if he is satisfied that there are good grounds for the complaint cause the person so offending to be warned, and if after the warning such person shall within three months so conduct himself in his own house or premises, or shall suffer or allow any other person so to conduct himself therein as to annoy or disturb the neighbourhood, he is liable to a fine of two hundred and fifty dollars or to imprisonment for one month.

(3) Any person who behaves profanely or irreverently or indecently or in a disorderly manner, or who smokes in any building appropriated for religious worship during the performance of any religious service therein, or in any churchyard or cemetery during the performance of any religious service on the interment of the dead, is liable to a fine of two hundred and fifty dollars.

(4) Any person who wilfully disturbs, interrupts or disquiets any body of persons assembled for any moral, social or benevolent purpose by profane discourse, by rude or indecent behaviour or by making a noise, either within the place of such assembly or so near it as to disturb the same, is liable to a fine of two hundred and fifty dollars.

(5) *(a)* Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called is liable to a fine of five hundred dollars

(b) Any person who incites others to commit an offence under this subsection is guilty of a like offence.

Disorderly house.

20. (1) Any person keeping a disorderly house or brothel in any town or village, or allowing his house to be a disorderly house or to be used as a brothel, is liable to a fine of five hundred dollars.

(2) Upon the complaint on oath made to any Magistrate by any two or more respectable freeholders or householders that any person in their neighbourhood keeps a disorderly house to the nuisance of those in its vicinity, the Magistrate may inquire into the case, and if the complaint is duly proved, the offender is liable to a fine of five hundred dollars.

Driving and riding.

21. (1) Any person who rides or drives furiously in any public place in such a manner as is calculated to endanger the life or limb of persons lawfully in and upon such public place, is liable to a fine of one hundred dollars.

(2) Any person who wilfully or carelessly drives any animal, or drives any vehicle against any other person, or against any other animal or vehicle being ridden or driven respectively by any other person in any public place is liable to a fine of one hundred dollars.

(3) Any driver of any vehicle who is found riding in or on the same without having and holding the reins, or who when holding the reins rides on the shaft of the vehicle, or is at such a distance from the same that he cannot have proper control over the animal or animals drawing the same, or who does not observe the customary rules of the road when meeting or passing or being passed or overtaken by any vehicle, is liable to a fine of one hundred dollars.

(4) Any person in charge of any animal or animals in any public place who is wilfully at such a distance from the animal or animals that he cannot have proper control over the animal or animals so in his charge, is liable to a fine of one hundred dollars.

(5) Any person who is the owner of any cart, dray or waggon which is in use, without having the name of the owner legibly marked on the off or right hand side thereof with paint is liable to a fine of [illegible] hundred dollars.

Drunkenness.

22. (1) Any person found drunk in any public place or on any licensed premises, is liable to a fine of twenty-five dollars; and on a second conviction within a period of twelve months is liable to a fine

of fifty dollars: and on any subsequent conviction within such period of twelve months, is liable to a fine of one hundred dollars.

(2) Any person who in any public place is drunk when –

(a) in charge of any motor car or other motor vehicle, or any carriage, cart, cattle, horse or steam engine; or

(b) in possession of any loaded firearm,

is liable to a fine of one hundred dollars or to imprisonment for one month.

Escaping from legal confinement or custody.

23. (1) Any person breaking or escaping out of any place of legal confinement before the expiration of the term for which he was convicted or ordered to be confined by virtue of this Act, shall be deemed an incorrigible rogue within the meaning of this Act, and is liable to imprisonment for six months.

(2) Any person in lawful custody of any police officer or other person, who escapes or attempts to escape from such custody, is liable to imprisonment for three months; but this section shall not be held to prevent any person escaping from lawful custody from being proceeded against under any other Act: Provided that no person shall be punished twice for the same offence.

Family, neglect or desertion of.

24. (1) Any person who is wholly or in part able to maintain his or her children, and if a male, his wife, by work or by other lawful means, and who wilfully refuses or neglects to do so, shall be deemed to be an idle and disorderly person within the meaning of this Act, and is liable to imprisonment for one month.

(2) Any person who deserts his wife or children is liable to imprisonment for three months.

(3) Any person running away and leaving his wife or his or her child or children, shall be deemed to be a rogue and a vagabond within the meaning of this Act, and is liable to imprisonment for three months.

Fire.

25. (1) Any person who in any place carelessly carries or uses any fire is liable to a fine of two hundred and fifty dollars or to imprisonment for one month.

(2) Any person who by the careless or improper use of fire within any city, town or village endangers any lives or property therein is liable to a fine of three thousand dollars or to imprisonment for six

Fireworks, etc.

26. Any person who, except with the permission of the Minister –

(a) discharges any cannon, gun or other firearm; or

(b) lets off, or assists in letting off, any fireworks; or

(c) lights, or assists in lighting, any bonfire,

in, or within one hundred yards of any city or town, is liable to a fine of two hundred and fifty dollars.

Gambling. [11 of 1964 19 of 1965 18 of 1981].

27. (1) Any person who receives any other person in any house or place for the purpose of gaming shall be deemed to be a rogue and a vagabond within the meaning of this Act, and is liable to imprisonment for three months.

(2) Any peace officer may enter any house or place where any gaming is going on, or where any persons are assembled for the purpose of gaming, and warn all persons received therein to leave and dispose; and any person remaining in the house or place after the warning, or not dispersing when required to do so by any peace officer, shall be deemed to be an idle and disorderly person within the meaning of this Act, and is liable to imprisonment for one month.

(3) Any person who is concerned in –

(a) keeping any house or place for the purpose of gambling; or

(b) holding a lottery,

is liable to a fine of three thousand dollars.

(4) Any person playing or betting in any street, road, highway or any other open or public place, at or with any table or instrument of gaming at any game or pretended game of chance, shall be deemed to be a rogue and a vagabond within the meaning of this Act, and is liable to imprisonment for three months.

(5) Nothing contained in this section shall apply to any lottery, sweepstake, pari mutuel, or pool betting at or in connection with any race meeting held by or under the auspices of any turf club approved by the Minister.

(6) Nothing contained in this section shall apply to any gaming or the holding of any lottery, sweepstake or the sale of any article or thing by raffle, which is conducted or organised by any person for the purpose of raising funds in aid of any cause approved by the Minister

thousand dollars, by the Financial Secretary where such person has first obtained a written permit from the Minister or the Financial Secretary, as the case may be, to conduct or organise the gaming, lottery, sweepstake, or sale by raffle. The Minister or the Financial Secretary where relevant, may upon the issue of such a permit attach such terms and conditions thereto as he may think fit, and he may in such permit prescribe –

(a) the fees to be paid into the general revenue of the State in respect of the grant of such a permit;

(b) the accounts to be kept by the person to whom the permit is granted, and the manner of audit and publication of such accounts; and

(c) the amount and manner of the security to be given for the payment of the fees above-mentioned.

(7) Any person who contravenes or fails to comply with any of the terms or conditions of a permit issued to him under the provisions of subsection (6) is liable on summary conviction to a fine of four thousand dollars or to imprisonment for three months.

Harbouring thieves, etc.

28. Any person who knowingly –

(a) lodges or harbours thieves or reputed thieves; or

(b) suffers thieves or reputed thieves to meet or assemble in any premises under his control; or

(c) allows the deposit of goods in any premises under his control, having reasonable cause for believing them to be stolen,

is liable to a fine of five hundred dollars or to imprisonment for six months.

Incorrigible rogues.

29. Any person committing any offence against this Act, by reason whereof he is deemed to be a rogue and a vagabond within the meaning of this Act having been at some former time adjudged to be so and duly convicted thereof, shall be deemed an incorrigible rogue within the meaning of this Act and is liable to imprisonment for six months.

Indecency. [18 of 1976

30. (1) Any person behaving in a public place in an indecent manner is liable to imprisonment for one month.

(2) Any person who writes or draws any indecent word or figure or representation in any public place is liable to a fine of one hundred dollars.

(3) Any person who wilfully –

(a) exposes in any public place any obscene print, picture, photograph or other indecent exhibition;

(b) exposes or causes to be exposed to public view in the window or other part of any shop or other building situated in a public place, any obscene print, picture, photograph or other indecent exhibition;

(c) exposes his person in any public place or in view thereof;

(d) appears in public attired in such a manner as to outrage public morality,

shall be deemed a rogue and a vagabond within the meaning of this Act and is liable to imprisonment for three months; and in determining what shall be an outrage of public morality, regard shall be had to the appearance of any person in a public place attired in garments made partially or entirely of grass material, banana leaves, pelts or skins of animals.

(4) Any person who is concerned in the publishing or circulating or who suffers to be published or circulated in any newspaper or otherwise any indecent matter is liable to a fine of three thousand dollars.

Miscellaneous Offences.

31. Any person who commits, or attempts to commit, any of the following offences, that is to say, in any place whatsoever, whether on land or water, steals, embezzles, fraudulently converts to his own use, or by any false pretence obtains from any other person, with intent to cheat or defraud any person of the same, any sum of money or any personal property (including any sheep, poultry, pig, goat, ass, mule, bull, cow or other similar domestic animal) not exceeding, in the opinion of the Magistrate, the amount or value of two hundred and fifty dollars, is liable to imprisonment for six months; but the Magistrate may in his discretion abstain from trying the case summarily and may commit the offender for trial for an indictable offence; and, if the amount of the money or value of the personal property or animal in question in the opinion of the Magistrate exceeds one hundred dollars,

and the offender objects to be tried summarily, the Magistrate shall abstain from trying the case summarily and shall commit the offender for trial for an indictable offence.

Malicious damage.

32. Any person who unlawfully and maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, the value of which in the opinion of the Magistrate does not exceed two hundred and fifty dollars, is liable to a fine of one thousand dollars or to imprisonment for six months; but the Magistrate may in his discretion abstain from trying the case summarily, and may commit the offender for trial for an indictable offence; and, if in the opinion of the Magistrate the amount of the damage exceeds one hundred dollars, and the offender objects to be tried summarily, the Magistrate shall abstain from trying the case summarily and shall commit the offender for trial for an indictable offence.

Nuisances.

33. (1) Any person who in any public thoroughfare –

(a) causes any vehicle with or without horses to stand longer than is necessary for the purpose of loading or unloading after being warned to depart;

(b) by any means whatsoever causes an obstruction;

(c) flies any kite, hoists and flag, discharges any firearm or plays any game in or near to such public thoroughfare to the common danger or annoyance of passengers;

(d) lays or throws down any article or thing to the inconvenience of the passengers or neighbouring residents, except building materials to be used in the immediate neighbourhood or rubbish occasioned by such building which shall be so placed as not to cause any mischief to passengers, or unless any such act as aforesaid is done in conformity with any regulation of a Town or Country Board or a Board of Health;

(e) empties or begins to empty any privy, or removes any nightsoil between the hours of five a.m. and ten p.m. or wilfully and carelessly spills any such offensive matter as aforesaid, or throws down any nightsoil, dirt, litter, ashes, broken glass, carrion, fish offal or other rubbish, unless any such act as aforesaid is done in conformity with any regulation of a Town or Country Board or a

Board of Health; but this paragraph shall not apply to the removal of nightsoil from any prison, which may be removed not later than six-thirty a.m.;

(f) erects or maintains any blind, awning or other projection unless the same is at least eight feet above the level of such thoroughfare;

(g) leaves or fixes or maintains any dangerous thing in, upon or over such thoroughfare;

(h) suffers to be at large any vicious or dangerous animal or sets on any dog or other animal to worry or put in fear any person or animal;

(i) suffers to be at large and not under proper control any horse, mule, ass, cattle, swine or other similar animal; or suffers any such animal whether or not under control to drag any tethering chain or rope behind it;

(j) cleans, dresses, bleeds or farries any horse or other animal except in case of accident or necessity;

(k) tethers any animal within such a distance as to allow the same to stray on to such public thoroughfare;

(l) comes within the limits of any place where any public work is being carried on as set out by the officer in charge of such works without the permission of such officer,

is liable to a fine of one hundred dollars or to imprisonment for fourteen days.

(2) Any person who –

(a) discharges any filth or foul water in or bathes in or washes clothes in or otherwise defiles any public well, spring, pond, watercourse or gutter, unless any such act aforesaid is done in conformity with any regulation of a Town and Country Board or Board of Health;

(b) commits a nuisance in any cane-piece within one [illegible] ten feet of any public thoroughfare;

(c) commits a nuisance in any place to the annoyance of the public,

[illegible]

Offences for which no punishment provided. [12 of 1990].

34. Any person who –

(a) disobeys, or neglects or refuses to obey the provisions of any Act for the breach of which no specific punishment is by such Act prescribed; or

(b) contravenes any Regulations or Rules made by the Minister under any Act for the time being in force in the State for the infringement of which no specific punishment is prescribed,

is liable to a fine of two hundred and fifty dollars.

Officers neglecting their duty.

35. Any constable or other peace officer who neglects his duty in anything required of him by this Act is liable to a fine of two hundred and fifty dollars.

Police, hindrance, assault, obstruction of, etc.

36. (1) Any person who disturbs or hinders any constable or peace officer in the execution of his duty under this Act, or who aids, abets or assists in such disturbance or hindrance, is liable to a fine of two hundred and fifty dollars.

(2) Any person who assaults or beats or wounds or resists or wilfully obstructs any member of the police service, or any rural or special constable while in the execution of his duty, is liable to a fine of three thousand dollars or to imprisonment for twelve months: Provided that the Magistrate may abstain from trying the case summarily and commit the offender for trial for an indictable offence.

Posting placards and defacing buildings, etc.

37. Any person who without the consent of the owner or occupier–

(a) posts any bill, placard or other paper against or upon; or

(b) writes upon, soils, marks or defaces,

any building, wall, fence, lamp-post or other object is liable to a fine of one hundred dollars.

Pretending to tell fortunes, etc. [12 of 1990].

38. Any person –

(a) pretending or professing to tell fortunes; or

(b) using any subtle craft, means or device by palmistry or otherwise,

to deceive and impose on any person shall be deemed to be a rogue and a vagabond within the meaning of this Act, and is liable to imprisonment for three months.

Prostitutes.

39. (1) Any prostitute or night-walker loitering or being in any public place for the purpose of prostitution or solicitation to the annoyance of the public is liable to a fine of one hundred dollars.

(2) Any common prostitute wandering in the public streets or public highways or in any place of public resort and behaving in a riotous or indecent manner shall be deemed an idle and disorderly person within the meaning of this Act and is liable to imprisonment for one month.

Refusal to assist police officer, etc.

40. Any person who in any public place refuses to assist any member of the police service or other peace officer in securing or capturing any person whom such member of the police service or other peace officer is endeavouring to secure or capture, when lawfully called upon to do so by such member of the police service or peace officer, is liable to a fine of one hundred dollars or to imprisonment for fourteen days.

Refusing to give name, etc.

41. Any person who –

(a) refuses to give his name or address; or

(b) gives a false name or address,

to any justice of the peace or member of the police service when lawfully required to do so by any justice of the peace or member of the police service is liable to a fine of one hundred dollars.

Riotous conduct.

42. Any person who –

(a) in any public place is guilty of any riotous behaviour; or

(b) in any police station house is guilty of any violent behaviour,

is liable to a fine of two hundred and fifty dollars or to imprisonment for one month.

Rogues and vagabonds.

43. Any person committing any offence on conviction for which he is deemed an idle and disorderly person within the meaning of this Act, after having been convicted as an idle and disorderly person shall be deemed to be a rogue and a vagabond within the meaning if this Act and is liable to imprisonment for three months.

Stolen property, receiving or being in possession of.

44. (1) Any person who receives any money or property stolen or obtained by any false pretence with intent to cheat or defraud, knowing the same to have been stolen or obtained as aforesaid is liable to the same punishment to which the person stealing or obtaining the same by false pretence may be liable provided that the stealing or obtaining of the money or property was an offence punishable on summary conviction; but the Magistrate may in his discretion abstain from trying the case summarily and may commit the offender for trial for an indictable offence.

(2) Any person having or having had in his possession in any manner or in any place anything which may reasonably be suspected of having been stolen or unlawfully obtained, and who does not give an account satisfactory to the Magistrate as to how he came by the same, is liable to a fine of three thousand dollars or to imprisonment for twelve months; but such person shall not be liable to be convicted under this subsection if he proves that he had or has had possession of such thing for more than three months.

Taking horses, etc.

45. Any person who takes or drives or attempts to take or drive any horse, mule or ass from or out of any enclosure, stable, pasture or other place for the purpose of using the same without the consent of the owner or person entrusted with the charge thereof, and without having any probable claim or pretence of title thereto, is liable to a fine of one hundred and fifty dollars, and the payment of the fine or the suffering of any imprisonment in default of the payment shall not affect the right of action of the party aggrieved.

Threats.

46. Any person who threatens or intimidates –

(a) any other person by reason of his being a witness or likely to be a witness in any proceedings; or

(b) any other person in such a manner as would justify a Magistrate on complaint made to him to bind over the first mentioned person to keep the peace,

is liable to a fine of five hundred dollars or to imprisonment for three months.

Throwing missile in public place or vicinity.

47. Any person who, being in the vicinity of or in any public place, unlawfully throws or discharges any missile to the damage or danger of any person or property is liable to a fine of one thousand dollars or to imprisonment for six months.

Trespass on land, etc.

48. Any person who persists in coming or remaining on any plantation, lands or premises, after being warned not to come thereon or to depart therefrom, is liable to a fine of two hundred and fifty dollars or to imprisonment of two months.

Vagrancy.

49. (1) Any person being able wholly or in part to maintain himself by work or by other means and wilfully refusing or neglecting to do so, shall be deemed an idle and disorderly person within the meaning of this Act and is liable to imprisonment for one month.

(2) Any person –

(a) wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air or under a tent, or in any cart or wagon, or in any vessel, boat, lighter or drogher, and not having any visible means of subsistence, and not giving a good account of himself; or

(b) being found in or upon any dwelling-house, office, warehouse, coach-house, stable or outhouse, or in any enclosed yard, garden or area, or in any vessel, boat, lighter or drogher, for any unlawful purpose,

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and is liable to imprisonment for three months.

Vagrancy with burglar's tools or with arms, etc.

50. Any person –

(a) having in his custody or possession any pick-lock, key, crow, jack, bit or other implement with intent feloniously to break into any dwelling-house, office, warehouse, coach-house, stable, outbuilding or other building; or

(b) being armed with any gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, or any explosive matter or thing; or

(c) having upon him any instrument with intent to commit any felonious act,

shall be deemed to be a rogue and a vagabond within the meaning of this Act, and is liable to imprisonment for three months; and every such pick-lock, key, crow, jack, bit or other implement and every such gun, pistol, hanger, cutlass, bludgeon or other offensive weapon, and every

such instrument as aforesaid, shall by the conviction of the offender become forfeited to the State.

Vagrants assaulting or resisting the police.

51. (1) Any person apprehended as an idle and disorderly person and violently resisting or assaulting any peace officer or constable so apprehending him, and who is subsequently convicted of the offence for which he was apprehended, shall be deemed a rogue and a vagabond within the meaning of this Act and is liable to imprisonment for three months.

(2) Any person apprehended as a rogue and a vagabond and violently resisting any constable or other peace officer so apprehending him, and who is subsequently convicted of the offence for which he was apprehended, shall be deemed an incorrigible rogue within the meaning of this Act and is liable to imprisonment for six months.

Violence.

52. Any person who uses violence to any person or property is liable to a fine of five hundred dollars or to imprisonment for three months.

Wounding.

53. Any person who wounds any other person and in the opinion of the Magistrate the wounding is not of a serious nature, is liable to imprisonment for six months; but the Magistrate may in his discretion abstain from trying the case summarily and may commit the offender for trial for an indictable offence.

PART III

PROCEDURE

Offences punishable on summary conviction. Ch. 4:20.

54. Any person accused of having committed any of the offences in this Act may, notwithstanding any other law to the contrary, be prosecuted before a Magistrate in the manner prescribed in the Magistrate's Code of Procedure Act, and upon conviction is liable to the punishments respectively prescribed in this Act for such offences.

Form of conviction as idle and disorderly person, etc. Schedule.

55. Every conviction of any offender as an idle and disorderly person, or as a rogue and a vagabond, or as an incorrigible rogue under this Act, shall be in the form set out in the Schedule or as near thereto

Powers of Magistrate as to property of idle and disorderly person, etc.

56. (1) Every Magistrate by whom any person is adjudged to be an idle and disorderly person or a rogue and a vagabond or an incorrigible rogue may order –

(a) that such offender shall be searched; and

(b) that the trunks, boxes, bundles, parcels or packages of such offender shall be inspected in the presence of the Magistrate and of such offender; and

(c) that any cart, car, caravan or vehicle which may have been found in the possession or use of such offender, shall be searched in the presence of such offender.

(2) Every Magistrate by whom any person is adjudged to be an idle and disorderly person or a rogue and a vagabond or an incorrigible rogue, may order that any money found on or with such an offender shall be paid and applied for and toward the expense of apprehending, conveying to prison, and maintaining such offender during the time for which he is committed; and if upon search money sufficient for the purposes aforesaid is not found, such Magistrate may order that a part, or if necessary the whole of such other effects then found, shall be sold and that the produce of the sale shall be paid and applied as aforesaid; and also that the overplus of the money of effects after deducting the charges of the sale be returned to such offender.

SCHEDULE

Section 55.

FORM OF CONVICTION OF IDLE AND DISORDERLY PERSON, ETC.

BE IT REMEMBERED, that on the day of in the year of Our Lord, 19 in district in the State of Dominica A. B. is convicted before me the undersigned Magistrate of being an idle and disorderly person (or a rogue and a vagabond, or an incorrigible rogue) within the intent and meaning of the Small Charges Act, that is to say, for that the said A. B. on the day of at in the said district *(here state offence proved before Magistrate)* and for which said offence the said A. B. is ordered to be committed to the prison at there to be kept (to hard labour) for the space of .

Given under my hand and seal this day and in the place first above written.

.....
Magistrate.