



SELECTED ORDINANCES  
OF THE  
GOLD COAST COLONY.

PRINTED FOR THE USE OF THE  
MEDICAL AND SANITARY DEPARTMENT.

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FROM THE  
REVISED EDITION.

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PREPARED UNDER THE AUTHORITY OF  
THE REVISED EDITION OF THE LAWS ORDINANCE, 1920,

BY  
DONALD KINGDON, Esquire, M.A., LL.B.

(OF THE INNER TEMPLE, BARRISTER-AT-LAW),

*Attorney-General of the Gold Coast Colony.*

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# SELECTED ORDINANCES

## OF THE

# GOLD COAST COLONY.

### CHAPTER 16.

CAP. 16.

#### CRIMINAL CODE.

AN ORDINANCE TO ESTABLISH A CODE OF OFFENCES PUNISHABLE  
ON SUMMARY CONVICTION AND ON INFORMATION.

*Ordinances,*  
*Nos. 12 of 1892*  
*16 of 1898.*  
*15 of 1901, s. 9.*  
*3 of 1903.*  
*24 of 1903.*  
*8 of 1907.*  
*7 of 1909, s. 7.*  
*8 of 1910.*  
*12 of 1917.*  
*21 of 1918.*  
*38 of 1918.*  
*13 of 1919.*

[1st January, 1894.]

Be it enacted by the Governor of the Gold Coast Colony, with the  
advice and consent of the Legislative Council thereof, as follows:—

#### PRELIMINARY.

1. This Ordinance may be cited as “The Criminal Code,” and Short title.  
is hereinafter referred to as “this Code.”

2. This Code is divided into Books, Parts and Titles, as follows:— Arrangement  
of the Code.

#### BOOK I.—GENERAL PROVISIONS.

##### PART I.—INTRODUCTORY PROVISIONS.

Title i.—Preliminary Matters.

##### PART II.—GENERAL AND SPECIAL RULES OF CRIMINAL LAW.

Title ii.—General Explanations.

Title iii.—Special Explanations relating to certain  
Offences.

Title iv.—Attempts to commit Crimes.

Title v.—Abetment and Conspiracy.

Title vi.—General Exemptions.

Title vii.—Justifiable Force and Harm.

##### PART III.—PUNISHMENTS.

Title viii.—Different Kinds of Punishment.

## BOOK II.—SUMMARY OFFENCES.

Arrangement  
of the Code.

## PART IV.—OFFENCES AGAINST THE PERSON.

Title ix.—Assault.

## PART V.—OFFENCES AGAINST RIGHTS OF PROPERTY.

Title x.—Mischief to Property.

Title xi.—Misappropriations and Frauds.

Title xii.—Forgery and False Coin.

## PART VI.—OFFENCES AGAINST PUBLIC ORDER, HEALTH, AND MORALITY.

Title xiii.—Public Nuisances.

Title xiv.—Miscellaneous Offences.

## BOOK III.—INDICTABLE OFFENCES.

## PART VII.—OFFENCES AGAINST THE PERSON AND REPUTATION.

Title xv.—Assault and similar Offences.

Title xvi.—Criminal Harm to the Person.

Title xvii.—Criminal Homicide and similar Offences.

Title xviii.—Libel.

## PART VIII.—OFFENCES AGAINST RIGHTS OF PROPERTY.

Title xix.—Mischief to Property.

Title xx.—Misappropriation and Frauds.

Title xxi.—House-breaking and Burglary.

Title xxii.—Forgery and False Coin.

## PART IX.—OFFENCES AGAINST PUBLIC ORDER, HEALTH AND MORALITY.

Title xxiii.—Offences against the Safety of the State.

Title xxiv.—Offences against the Public Peace.

Title xxv.—Perjury and Obstructions of Public Justice.

Title xxvi.—Offences relating to Public Offices and to Public Elections.

Title xxvii.—Bigamy and similar Offences.

Title xxviii.—Public Nuisances.

Title xxix.—Slave Dealing.



## BOOK I.—GENERAL PROVISIONS.

Book I.—Part I.  
Title I.

## PART I.—INTRODUCTORY PROVISIONS.

## TITLE I.—PRELIMINARY MATTERS.

3. (1) In this Code, unless the context otherwise requires,—
- “Act” includes any act or omission, and any series of acts or omissions, and any combination of acts and omissions:
- “Administer,” when used with reference to administering any substance to a person, means the causing the substance to be taken or introduced into any part of a person’s body, whether with or without his knowledge or consent:
- “Cattle” means the male, female, or young of any animal of the following kinds, namely, any horse, ass, mule, kine, sheep, goat, or swine, and any animal, other than a dog, which is ordinarily kept or used as a beast of burden, or for draught, or for riding, or for the production of wool or of hair:
- “Constable” includes any member of the police:
- “Corporation” does not include a corporation sole:
- “Crime” means any act punishable by death or imprisonment:
- “Deliver” includes the causing a person to receive a thing and the permitting a person to take a thing, whether directly or by any other person:
- “Director of Public Works” includes any Assistant Director, any District or Assistant District Engineer, any Inspector, Sub-Inspector, Foreman of Works, any Surveyor, Assistant Surveyor, or Foreman of Roads, and (at any place where none of the above mentioned officers is resident) the Commissioner of the district: (*As amended by 7 of 1909, s. 7.*)
- “Duress” means any force, harm, constraint, or threat, used with intent to cause a person against his will to do or to abstain from doing any act:
- An indictable offence on conviction for which a person can, without proof of his having been previously convicted of crime, be sentenced to death, or to imprisonment with hard labour for three years or more, is a “felony,” whether it be actually prosecuted summarily or on information:

Interpretation.

Book I.—Part I.  
Title I.  
Interpre-  
tation.

“Gaming-house” means any building or premises kept or used by any person, without lawful authority, for the purpose of directly or indirectly making gain by providing any facilities for betting or for the playing of any game of chance for money or money’s worth :

“Gaoler” means the keeper or other officer having the charge of any prison :

“Health officer” includes the Principal Medical Officer, any other medical officer, and any person appointed as health officer by the Governor :

“Imprisonment” means, in the case of imprisonment for three years or more, imprisonment with hard labour, and, in the case of imprisonment for less than three years, imprisonment with or without hard labour, as the Court in its discretion thinks fit to direct :

“Indictable offence” means any offence punishable under Book III. of this Code, or punishable on information in a Divisional Court under any other statute :

“Judicial proceeding” includes any civil or criminal trial, and any inquiry or investigation held by a judicial officer in pursuance of any duty or authority :

“Jury” includes a Judge in cases where a Judge, whether with or without assessors, tries a case without a jury :

“Misdemeanour” means any crime which is not a felony :

“Night” means the time between the hour of eight in the evening of any day and the hour of six in the following morning :

“Peace officer” means any person being or acting as a constable or special constable, or lawfully acting in aid of any such person :

“Person” includes a company or corporation, and any number or association of persons, and, for the purposes of any provision of this Code relating to defrauding a person or to committing any offence against the property of any person, the Government of this Colony, or of any other place or state, shall be deemed to be a person :

“Prison” means any prison constituted under the Prisons Ordinance, or any lock-up house, police cell, or other duly authorised place of detention ; but does not include any prison of a native king or chief :

Expressions referring to “the public” refer not only to the whole of Her Majesty’s subjects within the jurisdiction of



the Courts, but also to the persons inhabiting or using any particular place or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct with reference to which such expressions are used:

Book I.—Part I.  
Title I.  
Interpre-  
tation.

“Public way” includes any highway, market place, square, street, bridge, or other way which is lawfully used by the public:

“Public place” includes any public way and any building, place or conveyance to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly, or as an open Court:

Acts are done “publicly,”—

- (1) If they are so done in any public place as to be likely to be seen by any person, whether such person be or be not in a public place; or
- (2) If they are so done in any place, not being a public place, as to be likely to be seen by any person in any public place:

“Send” includes the causing, or attempting in any manner to cause, a thing to be received by a person:

“Statute” means any Act of Parliament or Ordinance, and any orders or rules or regulations made under the authority of any Act of Parliament or Ordinance. (*As amended by 13 of 1919, s. 2.*)

“Summary offence” means any offence punishable under Book II. of this Code, or punishable on summary conviction under any other statute:

“Vehicle” includes cart, bicycle, tricycle, and any other carriage on wheels:

“Vessel” means any kind of ship, boat, canoe, or raft, whether used for navigating the sea or for any inland navigation:

“Will,” when used with respect to a document, means any testamentary document, whether the same be formal or informal, complete or incomplete:

“Writing” includes every kind of mark representing words or figures or matter capable of being expressed in words or figures.

Book I.—Part I.  
Title I.

Interpreta-  
tion.

(2) In Book I. of this Code, unless the context otherwise requires, “the Court” means either a District Commissioner’s Court in the exercise of its jurisdiction in respect of summary offences or a Divisional Court in the exercise of its criminal jurisdiction, according to the circumstances of the particular case.

(3) In Book II. of this Code, unless the context otherwise requires:—

“The Court” means a District Commissioner’s Court in the exercise of its jurisdiction in respect of summary offences:

“Complaint” includes any information or charge:

“Defendant” means the person against whom a complaint has been made:

“Order” includes any conviction:

Chapter 65.

“Town” means any place to which the Towns Ordinance for the time being extends.

(4) In Book III. of this Code, unless the context otherwise requires, “the Court” means a Divisional Court in the exercise of its criminal jurisdiction.\*

Provisions  
relating to a  
company and  
its officers.

4. (1) “Company” includes any partnership or association whether corporate or unincorporate, and whether the purposes thereof be or be not the carrying on of any trade or business, and whether it be in course of formation or be actually formed, or be in course of dissolution, winding-up, or liquidation.

(2) A company is in course of formation as soon as any act is done for the purpose of forming it; and it is immaterial whether or not it be at any time actually formed.

(3) “Officer” of a company or corporation includes any officer, chairman, director, trustee, manager, secretary, treasurer, cashier, clerk, auditor, accountant, or other person provisionally, permanently, or temporarily charged with or performing any duty or function in respect of the affairs of the company or corporation, whether for or without any remuneration.

(4) “Account,” when used with reference to a company or corporation, includes any book, register, balance sheet, or document in writing relating to the affairs of a company or corporation, whether such affairs be or be not the ordinary business or object of the company or corporation.

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\* But see s. 17 of Chapter 28, giving jurisdiction to District Commissioners in certain offences.



5. "Public officer" means any person holding any of the following offices, or performing the duties thereof, whether as a deputy or otherwise, namely:—

Book I.—Part I.  
Title I.  
Definition of  
public officer,  
&c.

- (1) Any civil office, including the office of Governor, the power of appointing a person to which or of removing a person from which is vested in Her Majesty, or in the Governor, or in the Governor in Council, or in any public commission or board; or
- (2) Any office to which a person is nominated or appointed by statute or by public election; or
- (3) Any civil office, the power of appointing to which or of removing from which is vested in any person or persons holding public office of any kind included in either of the two last preceding sub-heads of this section; or
- (4) Any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any Court; or
- (5) Any Justice of the Peace.

A person acting as a minister of religion or ecclesiastical officer, of whatsoever denomination, is a public officer in so far as he performs functions in respect of the notification of intended marriage, or in respect of the solemnization of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death, or burial, but not in any other respect.

"Civil office" means any public office other than an office in the Military or Naval Service of Her Majesty.

"Public office" means the office of any public officer.

"Judicial officer" means any person executing judicial functions as a public officer.

It is immaterial, for the purposes of this section, whether a person be or be not entitled to any salary or other remuneration in respect of the duties of his office.

"Public election" means any election the qualification for voting at which, or the mode of voting at which, is determined or regulated by statute.

6. (1) An expression to which in this title a meaning is assigned, either explicitly or by a reference to any other part of this Code, has that meaning throughout this Code, unless in any case the context in which, or the matter with respect to which, the expression is used requires that a different meaning should be assigned to it.

General  
explanations  
with respect  
to the inter-  
pretation of  
expressions.

Book I.—Part I.  
Title I.

(2) Any definition or explanation of a word shall be applied to the derivatives or different grammatical forms of that word so far as it is applicable thereto, and shall also be applied in construing any provision of this Code to the matter of which that definition or explanation is relevant, although neither that word nor any of its derivatives or different grammatical forms occurs or occur in such provision.

(3) The expression “or,” “other” and “otherwise” shall be construed disjunctively and not as implying similarity, unless the expression “similar,” or some equivalent expression, is added; and there shall be no presumption from the use of an expression as a member of a series of two or more expressions that it is to be limited to denoting matter similar to matter denoted by the other member or members of the series; and a general expression shall not be deemed to be limited by an enumeration of particular instances.

General rules  
of construction.

7. The following general rules shall be observed in the construction of this Code, namely:—

- (1) All the provisions of Book I. shall be applied to and be deemed to form part of every provision of Books II. and III., in so far as they are applicable to the matter of that provision, and are not expressly or by necessary implication excluded, limited, or modified with respect to that matter;
- (2) This Code shall not be construed strictly, either as against Her Majesty or as against a person accused of any offence, but shall be construed amply and beneficially for giving effect to the purposes thereof;
- (3) In the construction of this Code, a Court shall not be bound by any judicial decision or opinion on the construction of any other statute, or of the Common Law, as to the definition of any offence or of any element of any offence; and
- (4) The illustrations annexed to this Code do not form part thereof, and they shall not extend or limit the meaning of any provision thereof.

#### *Illustration.*

Subs. (1) A. is charged with the murder of B. In order to discover what is the punishment to which A. will be liable if he is found guilty of murder, reference must be made to Title XVII., section 224. In order to discover whether A.'s act as proved amounts to murder, reference must be made to the definitions and special provisions in the same Title XVII., sections 233 to 247; and these sections again must be



understood according to any rules or explanations contained in Book I. of the Code which are applicable to the case.

Book I.—Part I.  
Title I.

8. Whenever under the provisions of any law in force in the Colony for the time being other than this Code any act or omission is constituted a criminal offence, the provisions of Book I. hereof shall, so far as such application may be possible, be deemed to apply to any such said act or omission in like manner as they apply to acts or omissions constituted criminal offences by this Code. (*Added by 12 of 1917, s. 2.*)

Application of  
Book I. to  
other  
criminal  
offences.

9. The jurisdiction of the Courts of this Colony, for the purposes of this Code, extends to every place within this Colony, or within one marine league of the coast thereof, measured from low-water mark.

Extent of the  
jurisdiction.

10. When an act, which, if wholly done within the jurisdiction of the Court, would be an offence against this Code, is done partly within and partly beyond the jurisdiction, every person who within the jurisdiction does or abets any part of such act may be tried and punished under this Code in the same manner as if such act had been done wholly within the jurisdiction.

Acts done  
partly beyond  
the juris-  
diction.

#### *Illustration.*

A., being on board a vessel within three miles from the coast of this Colony, shoots a person who is on board another vessel beyond the three miles. A. is punishable under this Code.

11. An indictable offence committed within twenty miles of the boundary of the Colony by any of Her Majesty's subjects, or by a person not the subject of any civilised power, against the person of a British subject or of any one resident within the Colony, shall be punishable in the same manner as if it had been committed within the Colony.

Special pro-  
vision as to  
certain acts  
done within  
twenty miles  
of the Colony.

12. After the commencement of this Code, no person shall, except as in the next succeeding section provided, be liable to punishment by the common law, or in any manner otherwise than according to the provisions of this Code, for any act done within the jurisdiction of the Court.

Exclusion of  
other laws.

13. Nothing in this Code shall affect—

- (1) The liability, trial, or punishment of a person for an offence against any statute other than this Code; or

Saving of  
certain laws.

Book I.—  
Part II.  
Title II.

Saving of  
certain laws.

- (2) The liability of a person to be tried or punished for an offence under the provisions of any statute relating to the jurisdiction of Colonial Courts, in respect of acts done beyond the ordinary jurisdiction of such Courts; or
- (3) The power of any Court to punish a person for contempt of such Court; or
- (4) The liability or trial of a person, or the punishment of a person under any sentence passed or to be passed, in respect of any act done or commenced before the commencement of this Code; or
- (5) Any power of Her Majesty, or of the Governor as the representative of Her Majesty, to grant a pardon, or to remit or commute, in whole or in part, or to respite, the execution of any sentence passed or to be passed; or
- (6) Any of the statutes, regulations, or articles for the time being in force for the government of Her Majesty's military or naval forces:

Provided that if a person does an act which is punishable under this Code, and is also punishable under another statute of any of the kinds mentioned in this section, he shall not be punished for that act both under that statute and also under this Code.

## PART II.—GENERAL AND SPECIAL RULES OF CRIMINAL LAW.

### TITLE II.—GENERAL EXPLANATIONS.

Provisions  
relating to  
intent.

14. (1) If a person does an act for the purpose of thereby causing or contributing to cause an event, he intends to cause that event, within the meaning of this Code, although either in fact or in his belief, or both in fact and also in his belief, the act is unlikely to cause or to contribute to cause the event.

(2) If a person does an act voluntarily, believing that it will probably cause or contribute to cause an event, he intends to cause that event, within the meaning of this Code, although he does not do the act for the purpose of causing or of contributing to cause the event.

(3) If a person does an act of such a kind or in such a manner as that, if he used reasonable caution and observation, it would appear to him that the act would probably cause or contribute to cause an event, or that there would be great risk of the act causing or contributing to cause an event, he shall be presumed to have



intended to cause that event, until it is shown that he believed that the act would probably not cause or contribute to cause the event.

Book I.—  
Part II.  
Title II.

Provisions  
relating to  
intent.

(4) If a person, intending to cause an event with respect to one or some of several persons or things, or to such indeterminate person or thing as may happen to be affected by his act, causes such event with respect to any such person or thing, he shall be liable in the same manner as if he had intended to cause the event with respect to that person or thing.

(5) If a person does an act with intent to assault, harm, kill, or cause any other event to a particular person, and his act happens to take effect, whether completely or incompletely, against a different person, he shall be liable to be tried and punished as if his intent had been directed against that different person; but any ground of defence or extenuation shall be admissible on behalf of the accused person which would have been admissible if his act had taken effect against the person or in respect of the thing against whom or in respect of which he intended it to take effect.

#### *Illustrations.*

Subs. (1) A. discharges a gun for the purpose of shooting B., and actually hits him. It is immaterial that B. was at such a distance, or in such a situation, that the shot would most probably miss B.

Subs. (2) A., for the purpose of causing the miscarriage of B., administers to her a medicine which he knows to be dangerous to life. It is immaterial that he earnestly desires to avoid causing B.'s death, and uses every precaution to avoid causing it.

Subs. (3) A. discharges a gun among a crowd of persons, and one of them is shot. A. must be presumed to have intended to cause harm, unless he can show that he had such ground for believing that harm would not be caused, that his act was merely negligent.

Subs. (4) A., in the last illustration, is punishable as if he had purposed to cause the harm to the person to whom it was in fact caused.

Subs. (5) A. unlawfully strikes at B., but the blow happens to miss B., and to hit a constable. A. is punishable as if he had purposed to hit the constable, but he is not liable to the increased punishment provided by section 173 for an intentional assault on a constable.

15. (1) A person causes an event negligently if, without intending to cause the event, he causes it by voluntary act, done without such skill and precaution as are reasonably necessary under the circumstances, or as he is in the particular case bound by law to have and use, for preventing the event from being caused.

Provisions  
relating to  
negligence.

(2) Moreover, if an act is such that, notwithstanding the use of skill and precaution, it is likely to cause an event which there is

Book I.—  
Part II.  
Title II.

Provisions  
relating to  
negligence

no justification for causing, the act (if not done with intent to cause that event) is negligently done with reference to causing that event, even though it be done with skill and precaution.

#### *Illustrations.*

Subs. (1) (a) A., a woman having no knowledge of midwifery, acts as a midwife, and through her want of skill she causes death. Here, if A. knew that a properly qualified midwife or surgeon could be procured, the fact of A. so acting, without possessing proper skill and without any necessity for so acting, is evidence of negligence, although it appears that she did her best. But if the emergency was sudden, and no properly qualified midwife or surgeon could be procured, A. is not guilty of negligence, provided she did the best she could under the circumstances.

(b) A chemist sells poison so made up as to be liable to be mistaken for a harmless medicine. This is evidence of negligence.

(c) If the law directs poisons to be sold only in bottles of a particular kind, and the chemist sells poison in a common bottle, this is evidence of negligence, even though the common bottle be labelled "Poison."

Subs. (2) (a) A., knowing a horse to be dangerously vicious, rides it through a crowd, and it becomes excited by the noise and throng, and kicks B. A. is within this sub-section, notwithstanding that he had and used all possible skill in riding.

(b) An acrobat carries a child on a tight-rope at a great height. He happens to miss his footing and the child is killed. He is guilty of manslaughter, notwithstanding that he had and used all possible skill in rope-walking.

Provisions  
relating to  
causing an  
event.

16. (1) If a person intentionally or negligently causes any involuntary agent to cause an event, that person shall be deemed to have caused the event. "Involuntary agent" means any animal or other thing, and also any person who is exempted from liability to punishment for causing the event, by reason of infancy, or insanity, or otherwise, under the provisions of Title VI. of this Code.

(2) If an event is caused by the acts of several persons acting either jointly or independently, each of those persons who has intentionally or negligently contributed to cause the event shall, subject to the provisions of the next subsection of this section, and to the provisions of Title V. of this Code with respect to abetment, be deemed to have caused the event; but any matter of exemption, justification, extenuation, or aggravation which exists in the case of any one of those persons shall have effect in his case, whether it exists or not in the case of any of the other persons.

(3) A person shall not be convicted of having intentionally or negligently caused an event if, notwithstanding his act and the acts of any person acting jointly with him, the event would not have



happened but for the existence of some state of facts or the intervention of some other event or of some other person, the probability of the existence or intervention of which other event or person the accused person did not take into consideration, and had no reason to take into consideration. This provision shall not apply where a person is charged with having caused an event by an omission to perform a duty for averting the event.

Book I.—  
Part II.  
Title II.  
Provisions  
relating to  
causing an  
event.

(4) If a person beyond the jurisdiction of the Courts causes any involuntary agent to cause an event within the jurisdiction, he shall be deemed to have caused the event within the jurisdiction.

(5) Subject to the provisions of this section, and to the special provisions of any particular title of this Code, it is a question of fact whether an event is fairly and reasonably to be ascribed to a person's act as having been caused thereby.

(6) A person shall not, by reason of anything in this section, be relieved from any liability in respect of an attempt to cause an event; and a person shall not, by reason of anything in this section, be relieved from any liability in respect of negligent conduct, if such negligent conduct is punishable under this Code irrespectively of whether it actually causes any event.

#### *Illustrations.*

Subs. (1) (a) A. gives poisoned sweetmeats to a child, who eats some and gives the rest to other children. A. has poisoned the first child and also the other children.

(b) A. induces a child under seven years of age to steal a thing for him. A. has stolen the thing.

(c) A. induces a madman to kill himself. A. has killed the madman.

(d) A. causes a dog to harm B. A. has caused the harm to B.

Subs. (2) A railway collision is caused partly by the neglect of A., a station master, to signal a train; partly by the neglect of B., a pointsman, to arrange the points; partly by the carelessness of C., D., E., and F., the drivers and guards of the train. A., B., C., D., E., and F. have each caused the collision, although it would not have happened if any one of them had used proper skill and precaution.

Subs. (3) (a) A. rides a vicious horse in a crowd. B. wantonly strikes the horse, and it kicks C. In this case B., and not A., has caused the harm to C.

(b) A., who is a signalman, improperly leaves his post. B., who is a trespasser, in A.'s absence unlawfully alters the signals, and a collision ensues. A. is punishable as for having negligently caused the collision by omission to attend to his duty. B. is also punishable for having intentionally or negligently caused the collision.

Subs. (4) A., in Lagos, posts a letter to B. in Accra, borrowing money from B. on the credit of a cargo which A. by the letter falsely represents

Book I.—  
Part II.  
Title II.

that he has shipped for B. B. sends the money on the faith of the representation. A. has defrauded B. in Accra.

Subs. (6) A. shoots from a distance at B., who is on horseback, with the intent to maim him. B.'s horse is startled by the shot and throws B., who is killed by the fall. Here, by reason of the rule in subs. (3), A. cannot be convicted of having intentionally or negligently killed B. (unless he expected, or had reason to expect, that B.'s horse would be startled). But A. is punishable for his attempt to kill B.

Provisions  
relating to  
consent.

17. In construing any provision of this Code by which it is required for a criminal act or criminal intent that an act should be done or intended to be done without a person's consent, or by which it is required for a matter of justification or exemption that an act should be done with a person's consent, the following rules shall be observed, namely,—

- (1) A consent shall be void if the person giving it is under seven years of age, or is, by reason of insanity, or of immaturity, or of any other permanent or temporary incapacity, whether from intoxication or any other cause, unable to understand the nature or consequences of the act to which he consents:
- (2) A consent shall be void if it is obtained by means of deceit or of duress:
- (3) A consent shall be void if it is obtained by the undue exercise of any official, parental or other authority; and any such authority which is exercised otherwise than in good faith for the purposes for which it is allowed by law, shall be deemed to be unduly exercised;
- (4) A consent given on behalf of a person by his parent, guardian, or any other person authorised by law to give or refuse consent on his behalf, shall be void if it is given otherwise than in good faith for the benefit of the person on whose behalf it is given;
- (5) A consent shall be of no effect if it is given by reason of a mistake of fact;
- (6) A consent shall be deemed to have been obtained by means of deceit or of duress, or of the undue exercise of authority, or to have been given by reason of a mistake of fact, if it would have been refused but for such deceit, duress, exercise of authority, or mistake, as the case may be; and
- (7) For the purposes of this section, exercise of authority is not limited to exercise of authority by way of command, but includes influence or advice purporting to be used or given by virtue of an authority:



Provided that no person shall be prejudiced by the invalidity of any consent if he did not know, and could not by the exercise of reasonable diligence have known, of such invalidity.

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*Illustrations.*

Subs. (1) A. induces a person in a state of incapacity from idiocy or intoxication, or a child under seven years of age, to consent to his hair being cut off by A. Such consent is void.

Subs. (2) A., by pretending to have the consent of a girl's father, or under pretence of medical treatment, or by threats of imprisonment, induces a girl to consent to sexual intercourse. Such consent is void.

Subs. (3) A. cruelly beats a child. It is no defence for A. that the child's father authorised the beating, or that the child's father, by the exercise of his parental authority, induced the child to consent.

Subs. (5) A. induces a woman to consent to his having carnal knowledge of her by personating her husband. Her consent is void.

18. A claim of right means a claim of right in good faith.

Provisions  
relating to  
claim of  
right.

*Illustration.*

A. is charged with unlawfully wounding B. He sets up the defence that he found B. in his house at night, and mistook him for a burglar. Here, if the Court or jury believe A.'s defence, and think that A. acted with reasonable caution under the circumstances, and that if A.'s belief had been correct, he would have been justified in acting as he did, A. ought to be acquitted (section 55).

19. For the purposes of any provision of this Code by which any forgery, falsification, or other unlawful act is punishable if used or done with intent to defraud, an intent to defraud means an intent to cause, by means of such forgery, falsification, or other unlawful act, any gain capable of being measured in money, or the possibility of any such gain, to any person at the expense or to the loss of any other person.

Provisions  
relating to  
fraud.

*Illustrations.*

(1) A. unlawfully alters B.'s will so as to increase or reduce the amount of a legacy left by B. to C. Here A. is guilty of forgery with intent to defraud (section 298), although A. may have no interest in the matter.

(2) A. unlawfully alters the date on a bill of exchange, for the purpose of postponing the time at which he or any other person may be called upon to pay it. Since such postponement may be a gain to A. or to such other person, A. is guilty of forgery with intent to defraud.

(3) A. forges B.'s signature to a deed, not for the purpose of gain to himself or to any other person, but for the purpose of falsely charging C. with the forgery. Here A. is not guilty of forgery with intent to defraud, but he is liable to be punished under section 361.

20. (1) In this Code, unless the context otherwise requires, "threat" means—

(a) Any threat of criminal force or harm; or

2A—(4)

Provisions  
relating to  
the meaning  
and use of  
threats.

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- (b) Any threat of criminal mischief to property; or
- (c) Any threat of libel or of slander; or
- (d) Any threat that a person shall be prosecuted on a charge of having committed any offence whether such alleged offence is punishable under this Code or under any other statute, and whether it has or has not been committed.

(2) Any expression in this Code referring to a threat shall also be deemed to include any offer to abstain from doing, or to procure any other person to abstain from doing, anything the threat of which is a threat of any of the kinds in this section before mentioned.

(3) It is immaterial whether a threat be that the matter thereof shall be executed by the person using the threat, or against or in relation to the person to whom the threat is used, or by, or against, or in relation to any other person.

(4) It is immaterial whether a threat or offer be conveyed to any person by words, or by writing, or in any other manner, and whether it be conveyed directly, or through any other person, or in any other manner.

### TITLE III.—SPECIAL EXPLANATIONS RELATING TO CERTAIN OFFENCES.

#### *Assault.*

21. (1) "Assault" includes—

- (a) Assault and battery;
- (b) Assault without actual battery; and
- (c) Imprisonment.

(2) Every assault is unlawful unless it is justified on one of the grounds mentioned in Title VII. of this Code.

22. (1) A person makes an assault and battery upon another person if, without the other person's consent, and with the intention of causing harm, pain, fear or annoyance to the other person, or of exciting him to anger, he forcibly touches the other person, or causes any person, animal or matter to forcibly touch him.

(2) This definition is subject to the following provisions:—

- (a) Where the consent of the other person to be forcibly touched has been obtained by deceit, it suffices with respect to intention that the touch is intended to be such as to cause harm or pain, or is intended to be such as, but for the consent obtained by the deceit, would have been likely to cause fear or annoyance or to excite anger;
- (b) Where the other person is insensible, unconscious, or insane, or is, by reason of infancy or any other circum-

Different  
kinds of  
assault.

Definition  
of and  
provisions  
relating to  
assault and  
battery.



stance, unable to give or refuse consent, it suffices, with respect to intention, either that the touch is intended to cause harm, pain, fear, or annoyance to him, or that the touch is intended to be such as would be likely to cause harm, pain, fear, or annoyance to him, or to excite his anger, if he were able to give or refuse consent, and were not consenting.

- (c) Any the slightest actual touch suffices for an assault and a battery, if the intention is such as is required by this section;
- (d) A person is touched, within the meaning of this section, if his body is touched, or if any clothes or other thing in contact with his body or with the clothes upon his body are or is touched, although his body is not actually touched; and
- (e) For the purpose of this section, with respect to intention to cause harm, pain, fear, or annoyance, it is immaterial whether the intention be to cause the harm, pain, fear, or annoyance by the force or manner of the touch itself or to forcibly expose the person, or cause him to be exposed, to harm, pain, fear, or annoyance from any other cause.

#### *Illustrations.*

Subs. (1) (a) A. strikes B., or spits upon him, or causes a dog to bite him, or in any manner causes him to fall or be thrown upon the ground. Here, if A.'s intention was to cause harm, pain, fear, or annoyance to B., or to excite B.'s anger. A. is guilty of an assault and battery.

(b) A. puts his hand on B.'s shoulder in order to attract the attention of B., using no unnecessary force. A. is not guilty of an assault and battery.

Subs. (2) (a) A. under false pretence of surgical treatment, induces B. to consent to harm or pain. A. is guilty of an assault and battery.

(b) A. kicks B., who is insensible. A. is guilty of an assault and battery even though the kick be merely such that no pain will be felt by B. upon his recovering sensibility.

(c) A. pushes B. so as to cause him to fall into water. A. is guilty of an assault and battery although the push is so slight as not of itself to be material.

23. (1) A person makes an assault without actual battery on another person if, by any act apparently done in commencement of an assault and battery, he intentionally puts the other person in fear of an instant assault and battery.

Definition of  
and provisions  
relating to  
assault with-  
out actual  
battery.

(2) This definition is subject to the following provisions:—

- (a) It is not necessary that an actual assault and battery should be intended, or that the instruments or means by which the assault and battery is apparently intended to be made should be, or should by the person using them be believed

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Assault  
without  
battery.

to be, of such a kind or in such a condition as that an assault and battery could be made by means of them;

- (b) A person can make an assault, within the meaning of this section, by moving, or causing any person, animal, or matter to move, towards another person, although he, or such person, animal, or matter, is not yet within such a distance from the other person as that an assault and battery can be made; and
- (c) An assault can be made on a person, within the meaning of this section, although he can avoid actual assault and battery by retreating, or by consenting to do, or to abstain from doing, any act.

*Illustrations.*

Subs. (2) (a) A. presents a pistol at B., in such a manner as to give B. reasonable ground for apprehending that he will be immediately shot. Here A. is guilty of an assault, although A. does not intend to fire, and although the pistol is not loaded, and although A. knows that it is not loaded.

(b) A. at a distance of 10 yards from B., runs at B. with apparent intention of striking him, and intending to put B. in fear of an immediate beating. Here A. is guilty of an assault, although he never comes within actual reach of B.

(c) A. being near B., lifts a stick and threatens that he will at once strike B., unless B. will immediately apologise. Here A. has committed an assault.

Definition of  
and provisions  
relating to  
imprison-  
ment.

24. (1) A person imprisons another person if, intentionally and without the other person's consent, he detains the other person in a particular place, of whatever extent or character and whether enclosed or not, or compels him to move or be carried in any particular direction.

(2) This definition is subject to the following provision, namely, that detention or compulsion may be constituted, within the meaning of this section, either by force or by any physical obstruction to a person's escape, or by causing him to believe that he cannot depart from a place, or refuse to move or be carried in a particular direction, without overcoming force or incurring danger of harm, pain, or annoyance, or by causing him to believe that he is under legal arrest, or by causing him to believe that he will immediately be imprisoned if he does not consent to do, or to abstain from doing, any act.

*Illustrations.*

(1) A. detains B. on board a ship. Here A. imprisons B., although B. is left free within the ship; and, if B. was prevented from leaving the ship until she sailed, B. is imprisoned so long as he necessarily or reasonably continues on board the ship, even though during a part of the time he would have been free to leave if there had been any means of leaving.



(2) A., by falsely pretending that B. is under arrest, prevents B. from leaving B.'s own house. Here A. imprisons B.

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### *Unlawful Damage.*

25. "Damage" includes not only damage to the matter of a thing, but also any interruption of the use thereof, or any interference therewith, by which the thing becomes permanently or temporarily useless, or by which expense is rendered necessary in order to render the thing fit for the purposes for which it was used or maintained.

Definition of  
damage.

26. (1) A person does an act or causes an event unlawfully, within the meaning of the provisions of this Code relating to unlawful damage, in any case in which he is liable to any civil action or proceeding, or to fine or other punishment under any statute, in respect of his doing such act or causing such event or in respect of the consequences of the act or event, or in which he would be so liable if he caused the event directly by his own act, or in which he is liable to be restrained by injunction or any other proceeding from doing such act or causing such event.

Explanation  
of unlawful  
damage.

(2) It is immaterial whether a person accused of a crime in respect of any premises or thing be or be not in possession or occupation thereof.

(3) A person who is interested jointly or in common with other persons in any premises or thing as an owner or otherwise, or who is owner thereof in trust for any other person, can be guilty of any crime punishable under the aforesaid provisions by an act which is unlawful as hereinbefore mentioned.

(4) A person who is sole owner for his own benefit of any premises or thing can be guilty of any crime punishable under the aforesaid provisions by an act done with intent to injure or defraud any person or to cause harm to any person, although such act be not otherwise unlawful:

Provided that, notwithstanding anything contained in Title VI. of this Code as to mistake of law, a person shall not be liable to punishment under the aforesaid provisions in respect of his doing anything which, in good faith, he believes that he is entitled to do.

### *Illustrations.*

Subs. (2) A tenant of a house can be guilty of a crime against the aforesaid provisions by setting fire to the house.

Subs. (3) A person who is joint owner or owner in common with other persons of a house or other property can be guilty of a crime against the aforesaid provisions in respect of the injury caused by his crime to the other joint owners or co-owners.

Subs. (4) A person who intentionally sets fire to his own dwelling-house or ship may be guilty of arson, as, for instance, if the fire is

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likely to spread to other houses, or if the lives or property of any other persons are or is likely to be destroyed.

Explanation  
as to amount  
of damage.

27. (1) Where an intention to cause damage to a certain amount, or a causing of damage to a certain amount, is required by any enactment of this Code relating to unlawful damage, it is not necessary that damage to that amount should be intended or done to any individual thing of a kind mentioned in such section, but it suffices if damage to that amount in the aggregate is intended or done, as the case may be, to any number or collection of such things.

(2) Where different punishments are provided by any enactments of this Code relating to unlawful damage, according to differences in the amount of damage caused, a person who is accused of having attempted to cause damage to greater amount shall not be acquitted or relieved from liability to the greater punishment on the ground that he actually caused damage to a lesser amount.

### *Stealing, &c.*

Definition of  
stealing.

28. A person is guilty of stealing if he dishonestly appropriates a thing of which he is not the owner.

Definition of  
fraudulent  
breach of  
trust.

29. A person is guilty of fraudulent breach of trust if he dishonestly appropriates a thing the ownership of which is vested in him as a trustee for any other person.

Explanation  
as to dishonest  
appropriation.

30. (1) An appropriation of a thing is dishonest if it is made by a person without claim of right, and with a knowledge or belief that the appropriation is without the consent of some person for whom he is trustee or who is owner of the thing, as the case may be, or that the appropriation would, if known to any such person, be without his consent.

(2) It is not necessary, in order to constitute a dishonest appropriation of a thing, that the accused person should know who is the owner of the thing, but it suffices if he has reason to know or believe that some other person, whether certain or uncertain, is interested therein or entitled thereto, whether as owner in his own right, or by operation of law, or in any other manner; and any person so interested in or entitled to a thing is an owner thereof for all the purposes of the provisions of this Code relating to criminal misappropriations and frauds.

(3) The general provisions of this Part with respect to consent, and with respect to the avoidance thereof by force, duress, incapacity, and otherwise, apply for the purposes of this section, except as is hereafter in this Title expressly mentioned with respect to deceit.



*Illustrations.*Book I.—  
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Subs. (1) (a) A., being the guest of B., writes a letter on B.'s paper. Here A. is not guilty of stealing, because although he does not use the paper under any claim of right, yet he believes that B., as a reasonable person, would not object to his doing so.

(b) A., during a lawsuit with B. as to the right to certain goods, uses or sells some of the goods. Here A. is not guilty of stealing, because, although A. believes that B. would object, yet A. acts under a claim of right.

Subs. (2) A person can be guilty of stealing by appropriating things the ownership of which is in dispute or unknown, or which have been found by another person.

**31.** A person who is an owner of or interested in a thing, or in the amount, value, or proceeds thereof, jointly or in common with another person or as a member of a company, or who is owner of a thing as a trustee for himself jointly or in common with another person or for a company of which he is a member, can be guilty of stealing or of fraudulent breach of trust in respect of the thing; and a person can be a clerk, servant, or officer of a company of which he is a member.

Provisions  
relating to  
part owners.*Illustrations.*

(1) A member of a partnership, or of any association or corporation, can be guilty of stealing a thing belonging to himself and the other members of the partnership, association, or corporation.

(2) A servant or officer of a partnership, association, or corporation can be guilty of stealing its property, although he is a member of it.

**32.** Where a person, being the owner of a thing in his own right and for his own benefit, undertakes to hold or apply the thing as a trustee for another person, he shall not be deemed thereby to become a trustee within the meaning of the provisions of this Code relating to fraudulent breaches of trust, unless he has constituted himself such trustee by an instrument in writing executed by him and specifying the nature of the trust and the persons to be benefited thereby.

Explanation  
as to a  
gratuitous  
trustee.*Illustration.*

A., on the marriage of his daughter, verbally promises thenceforth to hold certain moneys of his own in trust for her and her children. A. is not a trustee within the meaning of the aforesaid provisions. But if the moneys were entrusted to him by the husband for the wife, A. would be a trustee within the meaning of the aforesaid provisions.

**33.** (1) An appropriation of a thing by a trustee means any dealing with the thing by the trustee, with a purpose of depriving any person for whom he is trustee of the benefit of his right or interest in the thing, or in its value or proceeds, or any part thereof.

Acts which  
amount to  
an appro-  
priation.

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Acts which  
amount to an  
appropriation.

(2) An appropriation of a thing in any other case means any moving, taking, obtaining, carrying away, or dealing with a thing, with a purpose that some person may be deprived of the benefit of his ownership, or of the benefit of his right or interest in the thing, or in its value or proceeds, or any part thereof.

(3) A purpose of deprival can be constituted by a purpose of appropriating the thing temporarily or for a particular use, if the purpose is so to use or deal with the thing that it probably will be destroyed, or become useless or greatly injured or depreciated, or to restore it to the owner only by way of sale or exchange, or for reward, or in substitution for some other thing to which he is otherwise entitled, or if it is pledged or pawned.

(4) It is immaterial whether the act by which a thing is taken, obtained, or dealt with be or be not a trespass or a conversion, or be or be not in any manner unlawful otherwise than by reason of its being done with a purpose of dishonest appropriation; and it is immaterial whether, before or at the time of doing such act, the accused person had or had not any possession, custody, or control of the thing.

#### *Illustrations.*

Subs. (1) A. is a trustee of stock for B. If A. orders the stock to be sold with a purpose of appropriating part of the proceeds, A. has appropriated the stock.

Subs. (2) A., intending to steal a horse, disguises it by cutting its mane and tail. This is a sufficient appropriation.

Subs. (3) (a) A. is a workman paid according to the quantity of metal which he obtains from ore. If A. fraudulently puts into the furnace some metal belonging to his employer instead of ore, with the purpose of increasing A.'s wages, A. may be guilty of stealing the metal, although he does not mean to deprive his employer of it permanently.

(b) A. borrows a horse without the consent of its owner, intending to keep it until it is worn out and then to return it. Here A. is guilty of stealing the horse.

Subs. (4) A person can be guilty of stealing a thing intrusted to him to carry or keep, and it is not necessary in order to constitute a stealing by such a person that any package in which the thing is contained should be broken open by him.

34. (1) If it is proved, on behalf of a person accused of having stolen a thing, that the owner thereof, or any person having authority to part with the ownership thereof, gave consent to the appropriation of it by the accused person, then, although such consent has been obtained by deceit, the accused person shall not be deemed guilty of having stolen the thing, but he may be convicted of the crime of having defrauded by false pretences, if his acts amounted to such crime.

Distinction  
between  
stealing and  
false pre-  
tences.



(2) The consent to be proved by the accused person, for the purposes of this section, is an unconditional consent to the immediate and final appropriation of the thing by the accused person, by way of gift or barter, or of sale on credit, to the accused person.

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*Illustrations.*

Subs. (1) (a) A., intending fraudulently to appropriate a horse belonging to B., obtains it from B., under the pretence that he wants it for a day. Here A. is guilty of stealing.

(b) A., intending to defraud B. of a horse without paying for it, induces B. to sell and deliver it to him without present payment, by a false pretence that he has £1,000 at his bank. Here A. is guilty of obtaining by false pretences, but is not guilty of stealing.

**35.** If it is proved, on behalf of a person accused of having stolen or committed a fraudulent breach of trust in respect of moneys or other things, that it was lawful for him to appropriate the particular moneys or other things, or any of them, and that he was only bound to account for the amount or value thereof, he shall not be deemed guilty in respect of the moneys or things which he has appropriated, unless proof is given against him that he has admitted that the appropriation of them was dishonest, or proof is given that he has concealed or absconded with them or with the proceeds of them, or that he has concealed or denied, or attempted to conceal, or refused or omitted to disclose according to his duty, the fact of the receipt or disposal of them, or it is made to appear that he knew that the effect of the disposal of them would be to disable him from accounting for the amount, value, or proceeds of them according to his duty.

Special provision as to money, &c., in cases of embezzlement.

*Illustration.*

A., a commercial traveller, is directed to collect moneys for his employer. If he is at liberty to spend or dispose of the particular moneys which he collects, and is only bound to account for the balance in his hands at particular times or when called upon, he does not commit stealing or fraudulent breach of trust merely by spending any or all of the moneys collected by him, unless under the circumstances mentioned in this section.

**36.** (1) If it is proved, on behalf of a person accused of having stolen a thing, that the wife of the owner of the thing consented to its appropriation by the accused person, the accused person shall not be convicted unless it is proved against him that he had notice that the wife had no authority to consent to the appropriation.

Consent by wife in case of stealing

(2) If it appears that he had committed, or designed to commit, adultery with the wife, he shall be deemed to have had such notice, but he shall not in such case be deemed guilty of stealing by reason only of his appropriating, with the consent of the wife, or of his

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assisting the wife to appropriate, any wearing apparel of the wife, or any money or other thing of which the wife is apparently permitted to have the disposal for her own use.

Explanation  
as to stealing  
of thing  
found.

37. A person who appropriates a thing which appears to have been lost by another person is not guilty of stealing it, unless—

- (1) At the time of appropriating it, he knows who is the owner of the thing or by whom it has been lost; or
- (2) The character or situation of the thing, or the marks upon it, or any other circumstances is or are such as to indicate the owner of the thing or the person by whom it has been lost; or
- (3) The character or situation of the thing, or the marks upon it, or any other circumstances is or are such as that the person who has lost the thing appears likely to be able to recover it by reasonable search and inquiry, if it were not removed or concealed by any other person.

*Illustrations.*

(1) A. finds a ring in the high road. If the ring has an owner's or maker's name or motto engraved upon it, or if it is of great value, A. will be guilty of stealing it if he appropriates it without making reasonable inquiry.

(2) A. buys an old chest at the sale of a deceased person's effects. He finds a banknote in a secret drawer of the chest. A. is guilty of stealing if he appropriates the note, unless he either expressly bought the right to whatever he might find in the chest, or makes reasonable inquiry and fails to discover the owner.

Things in  
respect of  
which steal-  
ing, &c., can  
be committed.

38. Any of the crimes of stealing, fraudulent breach of trust, robbery, extortion, or defrauding by false pretences can be committed in respect of anything, whether living or dead, and whether fixed to the soil or to any building or fixture, or not so fixed, and whether the thing be a mineral, or water, or gas, or of any other nature, and whether the value thereof be intrinsic or for purposes of evidence, or be of value only for a particular purpose or to a particular person, and whether the value thereof do or do not amount to the value of the lowest denomination of coin; and any document shall be deemed to be of some value, whether it be complete or incomplete, and whether or not it be satisfied, exhausted, or cancelled.

Property in  
grave, &c.;  
in postal  
matter, &c.;  
and in tele-  
graph works,  
&c.

39. (1) In case of an offence under Part V. or Part VIII. of this Code in respect of any monument, memorial, tree, shrub or other thing in any cemetery or burial place, or of anything buried in any grave, it shall be sufficient in any proceedings to lay the ownership in Her Majesty the Queen.



(2) In case of any offence under Part V. or Part VIII. of this Code in respect of any postal matter bag or postal matter, or of any chattel, money or valuable security sent by post, it shall be sufficient in any proceedings to lay the ownership in the Postmaster-General.

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(3) In case of any offence under Part V. or Part VIII. of this Code in respect of any telegraph line or works, established under the Provisions of the Telegraphs Ordinance, or of any Ordinance incorporated therewith or substituted therefor, or in respect of any form, paper, book or other thing used for the purpose of carrying out the provisions of any such Ordinance, it shall be sufficient in any proceedings to lay the ownership in the Director of Telegraphs.

Chapter 52.

(4) In any such proceedings as aforesaid it shall not be necessary to prove ownership or to allege or prove any value.

*False Pretences and other Frauds.*

40. A person is guilty of defrauding by false pretences if, by means of any false pretence, he obtains the consent of another person to part with or transfer the ownership of anything of which the crime of stealing can be committed.

Definition of  
defrauding by  
false pre-  
tences.

41. (1) A false pretence is a representation of the existence of a state of facts made by a person, either with the knowledge that such representation is false or without the belief that it is true, and made with a purpose to defraud.

Definition of  
and provisions  
relating to a  
false pretence.

(2) For the purpose of this section,—

(a) A representation may be made either by written or spoken words, or by personation, or by any other conduct, sign, or means, of whatsoever kind;

(b) The expression “a representation of the existence of a state of facts” includes a representation as to the non-existence of any thing or condition of things, and a representation of any right, liability, authority, ability, dignity, or ground of credit or confidence as resulting from any alleged past facts or state of facts, but does not include a mere representation of any intention or state of mind in the persons making the representation, nor any mere representation or promise that anything will happen or be done, or is likely to happen or be done;

(c) A consent shall not be deemed to have been obtained by a false representation as to the quality or value of a thing, unless, in the opinion of the Court, the thing is proved to have been substantially worthless for the purpose for

which it is represented to be fit, or to have been substantially a different thing from that which it is represented to be; and

- (d) Subject to the foregoing rules, if the consent of a person is in fact obtained by a false pretence, it is immaterial that the pretence is such as would have had no effect on the mind of a person using ordinary care and judgment.

*Illustration.*

Subs. (2) (a) A. goes into a shop dressed as an officer in the army (which he is not). If he does this in order to gain credit which he would not otherwise get, he is guilty of a false pretence, although he does not actually say that he is an officer.

(b) (1) The following pretences (being false) are sufficient "false pretences" by A. within the meaning of this Title:—

- (i) That a picture which he is selling once belonged to a particular collector;
  - (ii) That a picture which he is selling was painted by a particular painter;
  - (iii) That a picture which he is selling belongs to him;
  - (iv) That he is entitled to a legacy under the will of a deceased relative; or
  - (v) That he has an account at a particular bank.
- (2) The following are not sufficient, although false:—
- (i) That the picture is a valuable work of art;
  - (ii) That in five years the picture will have doubled in value; or
  - (iii) That he expects to receive a legacy when a relative dies.

Explanation  
as to personation.

42. Personation means a false pretence or representation by a person that he is a different person, whether that different person be living or dead or be a fictitious person, and a person may be guilty of personation although he gives or uses his own name, if he does so with intent that he may be believed to be a different person of the same or of a similar name.

Provisions  
relating to  
fictitious  
trading.

43. Where a person orders, or makes a bargain for the purchase of, any goods or things by way of sale or exchange, and, after obtaining the same, he makes default in payment of the purchase money or in rendering the goods or things to be rendered by him by way of such exchange, he shall be deemed to be guilty of defrauding or attempting to defraud, as the case may be, by false pretences, if the jury are satisfied—

- (1) That, at the time of giving the order or making the bargain, he purposed to make default as aforesaid; and
- (2) That the order was given, or the bargain was made for the purposes of fraud, and not in the course of any trade carried on in good faith:



Provided that no person shall be convicted under this section unless one or more of the following things is or are proved against him, namely—

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- (1) That, in giving the order or making the bargain, he used a false name or address or a false reference, or gave as the address of his place of business an address at which he did not carry on business in good faith for the purposes of trade; or
- (2) That he has sold, pledged, or pawned the goods or things so obtained by him, or some of them, under such circumstances that it appears that he obtained the goods or things only for the purpose of so dealing with them.

#### *Receiving.*

44. (1) A person is guilty of dishonestly receiving any property which he knows to have been obtained or appropriated by any crime, if he receives, buys, or in any manner assists in the disposal of such property otherwise than with a purpose to restore it to the owner.

Explanation  
as to dishonest  
receiving.

(2) It is immaterial whether the crime by which the property was obtained or appropriated was or was not committed within the jurisdiction of the Court; and if the property was obtained or appropriated beyond the jurisdiction of the Court by an act the doing of which within the jurisdiction would be a crime punishable under this Code, such act is for the purposes of this section, equivalent to a crime punishable under this Code.

#### TITLE IV.—ATTEMPTS TO COMMIT CRIMES.

45. (1) A person who attempts to commit a crime by any means shall not be acquitted on the ground that, by reason of the imperfection or other condition of the means, or by reason of the circumstances under which they are used, or by reason of any circumstances affecting the person against whom, or the thing in respect of which, the crime is intended to be committed or by reason of the absence of such person or thing, the crime could not be committed according to his intent.

Provisions  
relating to  
attempts to  
commit  
crimes.

(2) Every person who attempts to commit a crime shall, if the attempt is frustrated by reason only of accident or of circumstances or events independent of his will, be deemed guilty of an attempt in the first degree, and shall, except as in this Code otherwise expressly provided, be punishable in the same manner as if the crime had been completed.

(3) Every person who is guilty of an attempt other than an attempt in the first degree shall, except as in this Code otherwise

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expressly provided, be liable to any kind of punishment to which he would have been liable if the crime had been completed ; but the Court shall mitigate the punishment according to the circumstances of the case.

(4) Where any act amounts to a complete crime, as defined by any provision of this Code, and is also an attempt to commit some other crime, a person who is guilty of it shall be liable to be convicted and punished either under such provision or under this section.

(5) Any provision of this Code with respect to intent, exemption, justification, or extenuation, or any other matter in the case of any act, shall apply with the necessary modifications, to the case of an attempt to do that act.

#### *Illustrations.*

Subs. (1) (a) A. buys poison and brings it into B.'s room, intending there to mix it with B.'s drink. A. has not attempted to poison B. But if A. begins to mix it with B.'s drink, though A. afterwards alters his mind and throws away the mixture, he is guilty of an attempt in the second degree.

(b) A. points a gun, believing it to be loaded, and meaning immediately to discharge it at B. A. is guilty of an attempt, although the gun is not in fact loaded.

(c) A. puts his hand into B.'s pocket, with the purpose of stealing. A. is guilty of an attempt, although there is nothing in the pocket.

(d) A. performs an operation on B. with a view to abortion. A. is guilty of an attempt, although B. is not in fact with child.

Subs. (2) In the three last cases mentioned in the foregoing illustrations of subs. (1), A. is guilty of an attempt in the first degree.

Preparation  
for com-  
mitting cer-  
tain crimes.

46. Every person who prepares or supplies, or has in his possession, custody, or control, or in the possession, custody, or control of any other person on his behalf, any instruments, materials, or means, with a purpose that such instruments, materials, or means, may be used by him, or by any other person, in committing any crime by which life is likely to be endangered, or any forgery, or any crime relating to coin, or any felony punishable with imprisonment for ten years or upwards, shall be liable to punishment in like manner as if he had attempted to commit that crime ; and any such instruments, materials, or means shall be forfeited and applied as the Court directs.

#### TITLE V.—ABETMENT AND CONSPIRACY.

47. (1) Every person who, directly or indirectly, instigates, commands, counsels, procures, solicits, or in any manner purposely aids, facilitates, encourages, or promotes, whether by his act or presence or otherwise, and every person who does any act for the purpose of aiding, facilitating, encouraging, or promoting the commission of

Abetment of  
crime, and  
trial and  
punishment  
of abettor.



a crime by any other person, whether known or unknown, certain or uncertain, is guilty of abetting that crime, and of abetting the other person in respect of that crime.

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Abetment of  
crime, and  
trial and  
punishment  
of abettor.

(2) Every person who abets a crime shall, if the crime is actually committed in pursuance or during the continuance of the abetment, be deemed guilty of that crime.

(3) Every person who abets a crime shall, if the crime is not actually committed, be punishable as follows, that is to say,—

(a) If the commission of the crime is prevented by reason only of accident, or of circumstances or events independent of the will of the abettor, the abettor shall, where the crime abetted was murder, be liable to imprisonment for life, or shall, where the crime abetted was any crime other than murder, be punishable in the same manner as if the crime had been actually committed in pursuance of the abetment; and

(b) In any other case the abettor shall, if the crime which he abetted was a felony, be deemed guilty of felony, or shall, if such crime was a misdemeanour, be deemed guilty of a misdemeanour.

(4) Every person who abets a crime shall be punishable on information or on summary conviction, according as he would be punishable for committing that crime.

(5) An abettor may be tried before, with, or after a person abetted, and although the person abetted is dead or is otherwise not amenable to justice.

(6) An abettor may be tried before, with, or after any other abettor, whether he and such other abettor abetted each other in respect of the crime or not, and whether they abetted the same or different parts of the crime.

(7) An abettor shall have the benefit of any matter of exemption, justification, or extenuation to which he is entitled under this Code, notwithstanding that the person abetted or any other abettor is not entitled to the like benefit.

(8) Every person who, within the jurisdiction of the Courts, abets the doing beyond the jurisdiction of an act which, if done within the jurisdiction, would be a crime, shall be punishable as if he had abetted that crime.

#### *Illustrations.*

Subs. (1) (a) A. encourages B. to commit a murder. Here A. is Abettor, guilty of abetting murder.

(b) A. offers B. five pounds to assault C. Here A is guilty of abetting an assault on C.

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(c) A. and B. are fighting unlawfully. C. and others hinder a peace officer from stopping the fight. Here C. and the others are guilty of abetting the fight.

Subs. (3) (a) A. encourages B. to commit a burglary. B. attempts to commit the burglary, but is discovered and arrested. Here A. is punishable as if he had committed the burglary.

(b) A. employs B. to commit a burglary, but before any attempt has been made by B., A. and B. agree to abandon the design. Here A. is punishable as for a simple felony, and not with the increased punishment provided for burglary.

Subs. (7) (a) A. unlawfully strikes B., and B. and others immediately set upon A., and beat him so that he dies. Here, if the blow struck by A. was such as to be a provocation to B. (section 236), B. may be guilty of manslaughter, although the others may be guilty of murder.

(b) A. unlawfully incites B. to assault a person. B. knows, but A. does not know, that the person assaulted is a peace officer acting in the execution of his duty. Here B. is, but A. is not, liable to the increased punishment provided by section 173 with respect to assault on peace officers.

Subs. (8) A., being in Accra, incites B. to carry a ship to sea and scuttle her, with intent to defraud the underwriters. A. is liable under this provision.

Cases where  
one crime is  
abetted and  
a different  
crime is  
committed.

48. (1) Where a person abets a particular crime, or abets a crime against or in respect of a particular person or thing, and the person abetted actually commits a different crime, or commits the crime against or in respect of a different person or thing, or in a manner different from that which was intended by the abettor, the following provisions shall have effect, that is to say—

(a) If it appears that the crime actually committed was not a probable consequence of the endeavour to commit, nor was substantially the same as the crime which the abettor intended to abet, nor was within the scope of the abetment, the abettor shall be punishable for his abetment of the crime which he intended to abet in the manner provided by this title with respect to the abetment of crimes which are not actually committed; and

(b) In any other case, the abettor shall be deemed to have abetted the crime which was actually committed, and shall be liable to punishment accordingly.

(2) If a person abets a riot or unlawful assembly, with the knowledge that unlawful violence is intended or is likely to be used, he is guilty of abetting violence of any kind or degree which is committed by any other person in executing the purposes of the riot or assembly, although he did not expressly intend to abet violence of that kind or degree.



*Illustrations.*Book I.—  
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Subs. (1) (a) A. incites B. to commit a robbery by threats, without violence, on C. B., in attempting to commit the robbery, is resisted, and murders C. Here A. is guilty only of abetting robbery, and not of abetting murder.

(b) A. incites B. to steal a horse. B., in pursuance of the incitement, gets the horse by false pretences. Here A. is guilty of abetting the crime which B. has committed.

Subs. (2) Persons assemble together for the purpose of breaking open a prison and releasing a prisoner by force. Some of them are armed. If murder is committed by one of these in breaking open the prison, all persons, whether armed or not, who took part in or otherwise abetted the breaking open the prison, are guilty of abetting murder, if they knew that arms were carried and were intended or likely to be used.

49. Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of a misdemeanour. Duty to prevent felony.

50. (1) If two or more persons agree or act together with a common purpose for or in committing or abetting a crime, whether with or without any previous concert or deliberation, each of them is guilty of conspiracy to commit or abet that crime, as the case may be. Conspiracy

(2) A person within the jurisdiction of the Courts can be guilty of conspiracy by agreeing with another person who is beyond the jurisdiction for the commission or abetment of any crime to be committed by them or either of them, or by any other person, either within or beyond the jurisdiction; and for the purposes of this subsection as to a crime to be committed beyond the jurisdiction, "crime" means any act which, if done within the jurisdiction, would be a crime under this Code or under any other statute.

*Illustrations.*

Subs. (1) (a) If a lawful assembly is violently disturbed (section 353), any persons who take part in the disturbance are guilty of conspiracy to disturb it, although they may not have personally committed any violence, and although they do not act in pursuance of any previous concert or deliberation.

(b) A. and B. agree together to procure C. to commit a crime. Here A. and B. are both guilty of conspiracy to abet that crime.

Subs. (2) A. in Accra and B. in Lagos agree and arrange by letter for the scuttling of a ship on the high seas, with intent to defraud the underwriters. Here A. is guilty of a conspiracy punishable under this Code.

51. (1) If two or more persons are guilty of conspiracy for the commission or abetment of any crime, each of them shall, in case Punishment for conspiracy.

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the crime is committed, be punished as for that crime, or shall, in case the crime is not committed, be punished as if he had abetted that crime.

(2) Any Court having jurisdiction to try a person for a crime shall have jurisdiction to try a person or persons charged with conspiracy to commit or abet that crime.

#### TITLE VI.—GENERAL EXEMPTIONS.

52. (1) Nothing is a crime which is done by a person under seven years of age.

(2) Nothing is a crime which is done by a person of or above seven and under twelve years of age, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct in the matter in respect of which he is accused.

#### *Illustrations.*

Subs. (2) (a) A., aged eight years, steals a ring. Here A. ought to be convicted, if the jury or the Court think that A. was capable of understanding that he was committing a crime.

(b) A., aged eight years, administers poison to B. Here the question whether A. is guilty of an attempt to murder or to cause dangerous harm, or is guilty only of unlawfully and knowingly administering noxious matter, or is not guilty of any crime, depends upon the extent to which he was capable of understanding the probable effect of his act.

(c) A child aged eight years ought not to be convicted of libel, unless he is shown to have been capable of understanding the probable effect of the libel.

53. When a person is accused of crime, the special verdict provided for in section 51 of the Criminal Procedure Ordinance shall only be applicable:—

- (1) If he was prevented, by reason of idiocy, imbecility, or any mental derangement or disease affecting the mind, from knowing the nature or consequences of the act in respect of which he is accused; or
- (2) If he did the act in respect of which he is accused under the influence of an insane delusion of such a nature as to render him, in the opinion of the jury or of the Court, an unfit subject for punishment of any kind in respect of such act.

(As amended by 13 of 1919, s. 3.)

#### *Illustrations.*

(As substituted by 13 of 1919, s. 3.)

Subs. (1) (a) If a person by reason of idiocy is incapable of knowing that his act will cause death, the special verdict is applicable to such case.

Criminal  
status of  
insane person,  
Chapter 13.



(b) If a person commits homicide by reason of such a paroxysm of madness as at the time to make him incapable of considering that murder is a crime, the special verdict is applicable to such case.

(c) The special verdict is not applicable merely because it is proved that by reason of mental derangement the accused has a propensity to homicide.

Subs. (2) (a) A. kills B. by reason of an insane delusion that B. is attempting to kill A. Here the jury will be justified in finding that A. is not a fit subject for punishment.

(b) A. is subject to insane delusions. In an interval of freedom from these delusions A. kills B. Here the jury ought not to take into account the fact that at other times A. was subject to delusions.

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Title VII.

54. A person shall not, on the ground of intoxication, be deemed to have done any act involuntarily, or be exempt from any liability to punishment for any act; and a person who does an act while in a state of intoxication shall be deemed to have intended to cause the natural and probable consequences of his act.

Criminal  
liability of  
intoxicated  
person.

55. (1) A person shall not be punished for any act which, by reason of ignorance or mistake of fact in good faith, he believes to be lawful.

Ignorance or  
mistake of  
fact or of law.

(2) A person shall not, except as in this Code otherwise expressly provided, be exempt from liability to punishment for any act on the ground of ignorance that such act is prohibited by law.

#### *Illustrations.*

Subs. (1) See illustration to section 18.

Subs. (2) A., in defending himself against an assault, uses greater violence than is justifiable under the provisions of Title VII. Here A. cannot excuse himself on the ground that he did not know such violence to be unlawful.

#### TITLE VII.—JUSTIFIABLE FORCE AND HARM.

56. (1) For the purposes of this Code, force or harm is justifiable which is used or caused in pursuance of such matter of justification, and within such limits, as are hereafter in this Title mentioned.

Justification  
for force or  
harm.

(2) Throughout the remainder of this Title, expressions applying to the use of force apply also to the causing of harm, although force only may be expressly mentioned.

#### *Illustration.*

Sections 57 and 58 mention "force" only, but they must be understood as if they mentioned "harm" also.

57. Force may be justified in the cases and manner, and subject to the conditions, hereinafter in this Title mentioned, on the ground of either of the following matters, namely—

Grounds on  
which force  
or harm may  
be justified.

(1) Express authority given by a statute; or

(2) Authority to execute the lawful sentence or order of a Court; or

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- (3) The authority of an officer to keep the peace or of a Court to preserve order; or
- (4) Authority to arrest and detain for felony; or
- (5) Authority to arrest, detain, or search a person otherwise than for felony; or
- (6) Necessity for prevention of or defence against crime; or
- (7) Necessity for defence of property or possession or for overcoming obstruction to the exercise of lawful rights; or
- (8) Necessity for preserving order on board a vessel; or
- (9) Authority to correct a child, servant, or other similar person, for misconduct; or
- (10) The consent of the person against whom the force is used.

General limit  
of justifiable  
force or harm.

58. Notwithstanding the existence of any matter of justification for force, force cannot be justified as having been used in pursuance of that matter—

- (1) Which is in excess of the limits hereinafter prescribed in the section of this Title relating to that matter; or
- (2) Which in any case extends beyond the amount and kind of force reasonably necessary for the purpose for which force is permitted to be used.

Use of force  
by authority  
of statute.

59. Whoever is authorised by the provisions of any statute to use force may justify the use of necessary force according to the terms and conditions of his authority.

Use of force  
in execution  
of sentence or  
order of a  
Court.

60. Whoever is authorised to execute any lawful sentence or order of a Court may justify the force mentioned in the sentence or order.

Use of force  
by peace  
officer, or by  
judicial  
or official  
authority, for  
preservation  
of order.

61. Whoever is authorised as a peace officer, or in any judicial or official capacity, to keep the peace or preserve order at any place, or to remove or exclude a person from any place, or to use force for any similar purpose, may justify the execution of his authority by any necessary force not extending to a blow, wound, or grievous harm.

Arrest by  
constable  
without  
warrant.

62. Any constable may, with or without warrant or other legal process, arrest and detain any person whom he finds committing any offence, or whom he reasonably suspects to have committed a felony.

Use of force  
in arrest,  
detention, or  
recapture of  
felon.

63. (1) Any person may, with or without warrant or other legal process, arrest and detain another person who has committed a felony, and may, if the other person, having notice or believing



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that he is accused of felony, avoids arrest by resistance or flight or escapes or endeavours to escape from custody, use any force which is necessary for his arrest, detention, or recapture, and may kill him, if he cannot by any means otherwise be arrested, detained, or retaken.

(2) Whoever is duly authorised by warrant or other legal process to arrest or detain a person for felony may, if that person has notice or believes that a warrant or other legal process is in force against him, justify any force which is necessary for his arrest, detention, or recapture, and may kill him, if he cannot by any means otherwise be arrested, detained, or retaken, although in fact the felony has not been committed by the other person, or although in fact no felony has been committed.

64. Whoever has authority, by warrant or other legal process or under the provisions of any statute, to arrest, detain, or search another person otherwise than for felony, may justify any necessary force not extending to a blow, wound, or grievous harm, if the other person has notice or believes that the force is used by virtue of any such authority.

Use of force to arrest, detain, or search a person otherwise than for felony.

65. Where the arrest, detention, or search of a person is justifiable only on the authority of a warrant or other written process, if the person demands a view of the warrant or process, the use of force against him cannot be justified unless he is permitted to inspect the warrant or process, and he refuses to submit to the authority thereof.

Right of person arrested, &c., to inspect warrant.

66. (1) For the prevention of, or for the defence of himself or any other person against, any crime, a person may justify the use of necessary force, not extending to a blow, wound or grievous harm.

Use of force for prevention of or defence against crime.

(2) For the prevention of, or for the defence of himself or any other person against, any criminal force or harm, a person may justify the use of necessary force, not extending to a wound or grievous harm.

(3) For the prevention of, or for the defence of himself or any other person against, any felony, a person may justify the use of necessary force not extending to dangerous harm.

(4) For the prevention of, or for the defence of himself or any other person against, any of the following crimes, a person may justify any necessary force or harm, extending in case of extreme necessity, even to killing, namely—

(a) Treason;

(b) Piracy;

(c) Murder;

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- (d) Manslaughter, except manslaughter by negligence;
- (e) Robbery;
- (f) Burglary;
- (g) House-breaking;
- (h) Arson;
- (i) Rape;
- (j) Forcible unnatural crime;
- (k) Dangerous or grievous harm.

*(As amended by 13 of 1919, s. 4.)*

*(See s. 357.)*

(5) For the suppression or dispersion of a riotous or unlawful assembly, force may be justified in the cases and subject to the conditions specified in this Code with respect to such assemblies.

(6) No force used in an unlawful fight can be justified under any provision of this Code; and every fight is an unlawful fight in which a person engages, or which he maintains, otherwise than solely in pursuance of some of the matters of justification specified in this Title.

Use of force  
for defence of  
property or  
possession, or  
overcoming  
obstruction  
of legal right.

67. A person may justify the use of force for the defence of property or possession, or for overcoming an obstruction to the exercise of any legal right, as follows:—

- (1) A person in actual possession of a house, land, or vessel, or goods, or his servant or any other person authorised by him, may use such force, not extending to a wound or grievous harm, as is necessary for repelling a person who attempts forcibly and unlawfully to enter such house, land, or vessel, or to take possession of such goods;
- (2) A person in actual possession of a house, land, or vessel, or his servant or any other person authorised by him, may use such force, not extending to a blow, wound, or grievous harm, as is necessary for removing a person who, being in or on such house, land or vessel, and having been lawfully required to depart therefrom, refuses to depart;
- (3) If a person wrongfully takes possession of or detains goods, any other person who, as against him, has a present right to the possession of them, may, upon his refusal to deliver up the goods on demand, use such force, by himself or by any other person, not extending to a blow, wound, or grievous harm, as is necessary for recovering possession of the goods; and



- (4) A person may use such force, not extending to a blow, wound, or grievous harm, as is necessary for overcoming any obstruction or resistance to the exercise by him of any legal right.

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68. The master of a vessel, or any person acting by his order, may justify the use of any such force against any person on board the vessel as is necessary for suppressing any mutiny or disorder on board the vessel, whether among officers, seamen, or passengers, whereby the safety of the vessel, or of any person therein or about to enter or quitting the same, is likely to be endangered, or the master is threatened to be subjected to the commands of any other person; and may kill any person who is guilty of or abets such mutiny or disorder, if the safety of the vessel, or the preservation of any person as aforesaid, cannot by any means be otherwise secured.

Use of force  
for preserving  
order on  
board a  
vessel.

69. A blow or other force, not in any case extending to a wound or grievous harm, may be justified for the purpose of correction, as follows:—

Use of force  
in correcting  
a child, ser-  
vant or other  
similar person  
for miscon-  
duct.

- (1) A father or mother may correct his or her legitimate or illegitimate child, being under sixteen years of age, or any guardian, or person acting as a guardian, his ward, being under sixteen years of age, for misconduct or disobedience to any lawful command;
- (2) A master may correct his servant or apprentice, being under sixteen years of age, for misconduct or default in his duty as such servant or apprentice;
- (3) The master of a ship may correct any person on board his ship who is bound to perform any manual labour, for misconduct or disobedience to any lawful command;
- (4) A father or mother or guardian, or a person acting as a guardian, may delegate to any person whom he or she entrusts permanently or temporarily with the governance or custody of his or her child or ward all his or her own authority for correction, including the power to determine in what cases correction ought to be inflicted; and such a delegation shall be presumed, except in so far as it may be expressly withheld, in the case of a schoolmaster or a person acting as a schoolmaster, in respect of a child or ward;
- (5) A person who is authorised to inflict correction as in this section mentioned may, in any particular case, delegate to any fit person the infliction of such correction; and

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Title VII.

- (6) No correction can be justified which is unreasonable in kind or in degree, regard being had to the age and physical and mental condition of the person on whom it is inflicted; and no correction can be justified in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.

Use of force  
in case of  
consent of the  
person against  
whom it is  
used.

**70.** The use of force against a person may be justified on the ground of his consent, subject as follows:—

- (1) The killing of a person cannot be justified on the ground of consent;
- (2) A wound or grievous harm cannot be justified on the ground of consent, unless the consent is given, and the wound or harm is caused, in good faith, for the purposes or in the course of medical or surgical treatment;
- (3) A party to a fight, whether lawful or unlawful, cannot justify, on the ground of the consent of another party, any force which he uses with intent to cause harm to the other party;
- (4) A person may revoke any consent which he has given to the use of force against him, and his consent when so revoked shall have no effect for justifying force: Provided that the consent given by a husband or wife at marriage, for the purposes of marriage, cannot be revoked until the parties are divorced or separated by a judgment or decree of a competent Court;
- (5) Consent to the use of force for the purposes of medical or surgical treatment does not extend to any improper or negligent treatment;
- (6) Consent to the use of force against a person for purposes of medical or surgical treatment, or otherwise for his benefit, may be given against his will by his father or mother or guardian, or a person acting as his guardian, if he is under eighteen years of age, or by any person lawfully having the custody of him if he is insane or is a prisoner in any prison or reformatory, and, when so given on his behalf, cannot be revoked by him; and
- (7) If a person is intoxicated or insensible, or is from any cause unable to give or withhold consent, any force is justifiable which is used, in good faith and without negligence, for the purposes of medical or surgical treatment or otherwise for his benefit, unless some person authorised by him or by law to give or refuse consent on his behalf dissents from the use of such force.



71. Every person who, in justifiably using force against another person, is obstructed or resisted by a third person, may in any case use such force against the third person, not extending to a blow, wound, or grievous harm, as is necessary for overcoming the obstruction or resistance; and may, if the obstruction or resistance amounts to a crime or to abetment of a crime, use force in accordance with the provisions of this Title with respect to the use of force in case of necessity for preventing crime.

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Use of force against third person interfering in case of justifiable use of force.

72. Every person who is authorised to use force of a particular kind against a person may further use such additional force, not extending to a blow, wound, or grievous harm, as is necessary for the execution of his authority.

Use of additional force for exercise of justifiable force.

*Illustration.*

A. is directed by the sentence of the Court to flog B. A. may use any force, not extending to a blow, wound, or grievous harm, which is necessary for compelling B. to submit.

73. Every person who aids another person in a justifiable use of force is justified to the same extent and under the same conditions as the other person.

Justification of person aiding another person in use of justifiable force.

### PART III.—PUNISHMENTS.

#### TITLE VIII.—DIFFERENT KINDS OF PUNISHMENT.

74. The following punishments may be inflicted under this Code:—

Different kinds of punishment.

- (1) Death;
- (2) Imprisonment;
- (3) Flogging;
- (4) Whipping;
- (5) Fine;
- (6) Payment of compensation; and
- (7) Liability to police supervision.

75. (1) Any person who is convicted of an indictable offence may be adjudged by the Court to make compensation to any person injured by his offence.

Power to order offender to make compensation.

(2) Any person who is convicted of a summary offence punishable under this Code may be adjudged by the Court to make compensation, not exceeding twenty-five pounds, to any person injured by his offence.

(3) Any such compensation may be either in addition to or in substitution for any other punishment.

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Effect of  
payment of  
compensation  
or imprison-  
ment for non-  
payment.

76. Where any person who is injured by any offence punishable under this Code, or under any other statute, receives compensation for such injury under the order of the Court, or where the offender, having been ordered to make such compensation, suffers imprisonment for non-payment thereof, the receipt of such compensation or the undergoing of such imprisonment, as the case may be, shall be a bar to any action for the same injury; but, except as aforesaid, nothing in this Code shall bar the action of any person in respect of any injury sustained by him or his property.

General rules  
for punish-  
ment.

77. (1) Where a crime is declared by this Code, or by any other statute to be a felony, and the punishment for such crime is not specified, a person convicted thereof shall be liable to imprisonment for three years.

(2) Where a crime is declared by this Code, or by any other statute, to be a misdemeanour, and the punishment for such crime is not specified, a person convicted thereof shall be liable to imprisonment for one year.

(3) Whenever a person under sixteen years of age is convicted of any crime, the Court may, in its discretion, sentence him to whipping, in addition to any other punishment to which he is sentenced.

(4) Subject to the provisions of this Code or of any other statute relating to such crime, the Court before which any person is convicted of a crime may, in its discretion, sentence such person to any less term of imprisonment than the term prescribed by this Code, or such other statute, for such crime.

(5) Subject to the provisions of this Code or of any other statute relating to such offence, the Court may, in its discretion, sentence any person convicted before it of an offence punishable by penalty or fine, to any less penalty or fine than that prescribed by this Code, or such other statute, for such offence.

Provisions-  
relating to  
corporal  
punishment.

78. (1) Corporal punishment shall be of two kinds, viz.:—  
flogging and whipping.

(2) A sentence of flogging shall specify the number of strokes to be inflicted, and shall be carried out with a cat or other instrument of a pattern or make approved by the Governor.

(3) A sentence of whipping shall specify the number of strokes to be inflicted, and shall be carried out with a light rod, or cane, or birch of tamarind or other twigs.

(4) A person under sixteen years of age (hereinafter called a juvenile offender) shall not be sentenced to flogging either under



this Code or under any other law for the time being in force, but in lieu thereof may be sentenced to be whipped.

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(5) When a person is legally punishable by flogging or whipping under this Code or any other law for the time being in force, the sentence awarded him shall not, anything to the contrary in any law notwithstanding, exceed the number of twenty-four strokes in the case of an adult and twelve strokes in the case of a juvenile offender.

(6) When a person is legally punishable by flogging or whipping in respect of two or more distinct offences of which he is convicted at one trial, the combined sentences of flogging or whipping awarded him for such offences shall not, anything to the contrary in any law notwithstanding, exceed the number of twenty-four strokes in the case of an adult and twelve strokes in the case of a juvenile offender.

(7) In no case shall a sentence of flogging or whipping be passed upon a female; but in lieu of any such sentence the Court may sentence a female to solitary confinement or any other such additional punishment as the law for the time being permits to be inflicted on a female for an offence against prison regulations.

(8) When under any law for the time being in force a sentence of flogging may be imposed, it shall be lawful for the Court, if it shall so see fit, to substitute for a sentence of flogging a sentence of whipping.

(S. 78 added by 13 of 1919, s. 5.)

79. (1) Where a person is convicted of any indictable offence, the Court may, in its discretion, sentence him to fine in addition to any other punishment to which he is sentenced.

Rules relating  
to fines.

(2) Where the amount of the fine which a person may be sentenced to pay upon conviction on information is not expressly limited, the amount of fine to which he may be sentenced shall be in the discretion of the Court, but shall not be excessive.

(3) Where a person convicted of any offence under this Code is sentenced to pay a fine, the Court may direct that if he fail to pay it within the time appointed for payment (which may be either forthwith or within a specified time, as the Court thinks fit), he shall suffer imprisonment until it is paid. Such imprisonment shall be in addition to any imprisonment to which he is sentenced for his offence; and, in the case of an indictable offence, shall not exceed one-fourth of the maximum term for which he might be sentenced to imprisonment, and shall not in any case exceed twelve months;

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and, in the case of a summary offence, shall be according to the following scale, that is to say:—

| Where the fine—                                            | The period of imprisonment shall not exceed— |
|------------------------------------------------------------|----------------------------------------------|
| Does not exceed ten shillings ... ..                       | Ten days.                                    |
| Exceeds ten shillings and does not exceed one pound ... .. | One month.                                   |
| Exceeds one pound and does not exceed ten pounds ... ..    | Two months.                                  |
| Exceeds ten pounds ... ..                                  | Three months.                                |

Consequences  
of conviction  
for felony.

80. If a person is convicted of felony, and is sentenced to imprisonment for three years or more, the following consequences shall ensue, unless the Court otherwise orders, namely—

- (1) Any public office held by him within the jurisdiction of the Court shall forthwith become vacant; and
- (2) Any pension, superannuation allowance, or emolument payable to him out of the revenues of this Colony or out of any public fund, or chargeable on any rate or tax, and any accruing right to any such pension, allowance, or emolument, shall determine and be forfeited from the date of the conviction:

Provided that—

- (a) None of the consequences mentioned in this section shall ensue in the case of a person who, at the time of committing the crime of which he is convicted, was a minor; and
- (b) In case the person receives a pardon, he shall thereby, unless the pardon otherwise directs, be relieved from all the consequences mentioned in this section, except as to any office or employment which, having been vacated under the provisions of this section, has been filled up before he receives the pardon.

(As amended by 13 of 1919, s. 6.)

Alternative  
punishments.

81. The Court before which a person is convicted of any offence may, in its discretion, according to the circumstances of the case and subject to the provisions of this Code with respect to flogging and whipping, substitute for a punishment assigned by this Code a different punishment, as follows:—

- (1) In the case of manslaughter or of any misdemeanour, the Court may substitute a fine;
- (2) Where a person under sixteen years of age is liable to imprisonment for any offence the Court may substitute whipping for the whole or any part of the term of imprisonment to which he is liable;



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- (3) Where a person is under sixteen years of age, the Court may, in lieu of imprisonment, sentence him to be whipped, and, where practicable, detained in a reformatory for such time and in such manner as the law, if any, for the time being in force relating to reformatories, directs; and
- (4) The Court before which a person is convicted of any offence may, if it thinks just, according to the circumstances of the case, order that, in lieu of or in addition to any other punishment, he enter into his own recognizance, with or without sureties, for keeping the peace and being of good behaviour; and that, in default of such recognizance or sureties, he be imprisoned, in addition to the term, if any, of imprisonment to which he is sentenced, for any term not exceeding six months nor exceeding the term for which he is liable to be imprisoned for the offence of which he is convicted. (*As amended by 8 of 1907, s. 6.*)

82. Where a person, having been convicted of crime is again convicted of crime, he shall be liable to increased punishment in the cases and manner provided in Part I. of the Table annexed to this section and the notes thereto: Previous convictions.

Provided that—

- (a) A previous conviction shall not be admitted in evidence against a person, except within the period specified in Part II. of the said Table, after the expiration or execution of the sentence passed upon that previous conviction, or of any sentence into which that sentence has been commuted;
- (b) Nothing in this section, or in the said Table, shall exempt a person from any liability to which he may be subject under this Code to death or to any greater or other punishment than the punishment mentioned in the said Table, and any flogging or other different punishment to which he is liable under this Code may be inflicted in addition to the punishments mentioned in the said Table;
- (c) Nothing in this section or in the said Table, shall apply to libel, or to any act which is a crime on the ground of negligence; and
- (d) A conviction of a person for a crime committed by him before attaining the age of eighteen years shall not be admitted in evidence against him after he has attained the age of twenty years, In the case of minors.

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## TABLE.

## PART I.—SCALE OF INCREASED PUNISHMENTS FOR REPETITION OF CRIME.

| Nature of Conviction.                                                                                                          | Nature of previous Convictions.                                                                                                                                                                                                                                                                                                                               | Punishment to be substituted for the punishment mentioned in this Code.                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary conviction for crime.                                                                                                  | Any conviction for a similar crime.                                                                                                                                                                                                                                                                                                                           | Imprisonment for twice the maximum of imprisonment which might otherwise be inflicted.                                                                                                                                                                                                                                                                                                              |
| Conviction on information for misdemeanour.                                                                                    | A conviction on information for a similar misdemeanour; or any conviction for a similar felony; or two summary convictions for similar crimes.                                                                                                                                                                                                                | Imprisonment for two years, and, if under sixteen years of age, whipping, in the discretion of the Court.                                                                                                                                                                                                                                                                                           |
| Conviction on information for felony.                                                                                          | A conviction for any felony; or a conviction on information for a similar misdemeanour for which a sentence of more than six months' imprisonment was passed.                                                                                                                                                                                                 | Imprisonment for ten years; and, if under sixteen years of age, whipping, and if the Court so directs, police supervision for not more than five years.                                                                                                                                                                                                                                             |
| Conviction on information for any felony, or for a misdemeanour punishable with imprisonment for one year or any greater term. | Two convictions of any kind for felony; or two convictions on information for misdemeanours punishable with imprisonment for one year or any greater term; or four convictions of any kind for indictable offences of any kind; or one conviction on information for being a common receiver of stolen goods, or for being a common thief, forger, or coiner. | <ol style="list-style-type: none"> <li>1. To be deemed an habitual criminal; and</li> <li>2. To be flogged, or, if under sixteen years of age to be whipped; and</li> <li>3. To be liable to imprisonment for any term; and</li> <li>4. To be liable to police supervision for seven years after the expiration of the sentence, or for such greater term, if any, as the Court directs.</li> </ol> |
| Conviction on information for being a common receiver of stolen goods, or for being a common thief, forger, or coiner.         | One conviction of any kind for felony; or one conviction on information for a misdemeanour punishable with imprisonment for one year or any greater term.                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                     |

*Note to Part I. of this Table.*

(1.) In this Table, and in the notes thereto, expressions referring to any crime include attempts to commit and abetments of such crime.

(2.) Where a person has, in any part of Her Majesty's dominions beyond the jurisdiction of the Courts, been convicted of felony, or has, within the jurisdiction



of the Courts, been convicted of felony committed or commenced before the commencement of this Code, such conviction shall have the same effect as if it had taken place under this Code.

(3<sup>e</sup>) Any crime which is punishable under a Title of this Code is similar to every other crime punishable under the same Title. And any crime punishable under any of the Titles XV. to XVII. is similar to every other crime punishable under any of those Titles; and any crime punishable under any of the Titles XIX. to XXII. is similar to every other crime punishable under any of those Titles.

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#### *Illustrations.*

For the purposes of this section and Table, stealing, robbery, defrauding by false pretences, and falsification of accounts are all “similar” crimes.

### PART II.—PERIODS WITHIN WHICH A CONVICTION MAY BE GIVEN IN EVIDENCE.

| Nature of Conviction.                                                                                                                          | Within what Period after the execution of the Sentence the Conviction may be given in Evidence.                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Any summary conviction      ...      ...                                                                                                       | A period of one year.                                                                                                                            |
| A conviction upon information for any crime for which a sentence of imprisonment with hard labour for three years or more has not been passed. | A period of three years, exclusive of any term of imprisonment suffered after the commencement of the period under any other conviction.         |
| A conviction upon information for any crime for which a sentence of imprisonment with hard labour for three years or more has been passed.     | A period of ten years, exclusive of any term of imprisonment or penal servitude after the commencement of the period under any other conviction. |

83. Where a person after conviction for a crime is convicted of a different crime, either before sentence is passed upon him under the first conviction or before the expiration of that sentence, any sentence, other than a sentence of death or of flogging or whipping, which is passed upon him under the subsequent conviction, shall be executed after the expiration of the former sentence, unless the Court directs that it shall be executed in lieu of the former sentence or of any part thereof.

Sentences to be consecutive unless the Court otherwise directs.

84. With respect to cases where one act constitutes several crimes, or where several acts are done in execution of one criminal purpose, the following provisions shall have effect, that is to say—

Cases where one act constitutes several crimes, or where several acts are done in execution of one criminal purpose.

- (1) Where a person does several acts against or in respect of one person or thing, each of which acts is a crime, but the whole of which acts are done in execution of the same design, and, in the opinion of the Court before which the person is tried, form one continuous transaction, the

Book II.—  
Part IV,  
Title IX.

Where one  
act consti-  
tutes several  
crimes.

person may be punished for the whole of such acts as one crime, or for any one or several of such acts as one-crime, and all the acts may be taken into consideration in awarding punishment, but he shall not be liable to separate punishments as for several crimes; and

- (2) If a person by one act assaults, harms or kills several persons, or in any manner causes injury to several persons or things, he shall be punishable only in respect of one of the persons so assaulted, harmed, or killed, or of the persons or things to which injury is so caused, but in awarding punishment the Court may take into consideration all the intended or probable consequences of the crime.

#### Illustrations.

Subs. (1) (a) A. steals his master's money, and, in order to escape detection, falsifies the accounts kept by him for his master. Here A. ought not to be punished both under section 272 and also under section 279; but the Court may, in awarding punishment for the stealing, take into consideration the falsification, or *vice versa*.

(b) A. assaults B. and strikes him ten blows in immediate succession. Here A. is not liable to be convicted of ten assaults, and sentenced to ten terms of imprisonment. But the Court may properly pass a more severe sentence than it would have passed for a single blow.

Subs. (2) (a) A signalman on a railway, by one act of negligence, causes the death of or injuries to several persons. He cannot be sentenced to several punishments in respect of the deaths of or injuries to each or several of such persons.

(b) A person by one act wilfully poisons several cattle. He cannot be separately punished for each, but the Court, in considering the amount of the punishment to be awarded, may take into consideration the number of the cattle wilfully injured or destroyed.

## BOOK II.—SUMMARY OFFENCES.

### PART IV.—OFFENCES AGAINST THE PERSON.

#### TITLE IX.—ASSAULTS.

Assault.  
(See s. 172.)

85. Whoever unlawfully assaults any person shall be liable to a fine of ten pounds, or to imprisonment for two months.

Aggravated  
assault.

86. Where any person is convicted of an assault upon any male child whose age does not, in the opinion of the Court, exceed fourteen years, or upon any female, and the assault is, in the opinion of the Court, of such an aggravated nature that it cannot be sufficiently punished under the provisions of the last preceding section, such person shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.



## PART V.—OFFENCES AGAINST RIGHTS OF PROPERTY.

## TITLE X.—MISCHIEF TO PROPERTY.

87. Whoever intentionally and unlawfully kills, maims, or wounds any cattle, the value of the animal killed, maimed, or wounded not exceeding one pound, or causes any damage not exceeding five pounds to any cattle, shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

Damage to  
cattle.  
(See s. 265.)

88. Whoever intentionally and unlawfully kills, maims, or wounds any animal, not being cattle, which is of some value, and which is and appears tamed or domesticated or is in a state of actual confinement, shall be liable to a fine of ten pounds, or to imprisonment for two months.

Damage to  
animal, not  
being cattle.

89. Whoever intentionally and unlawfully takes or destroys any fish in any water which is private property shall be liable to a fine of five pounds.

Taking or  
destroying  
fish in private  
water.

90. Whoever intentionally and unlawfully catches, takes, or drives, or attempts to catch, take, or drive, any cattle from or out of any pasture, enclosure, stable, or other place, for the purpose of riding any such animal, or of using the same in the carrying of any load or burden or in the drawing of any cart or carriage, or for the purpose of setting it loose or of driving it about, or for any other unlawful and mischievous purpose, without the consent of the owner or of the person entrusted with the charge of such animal, and without having any probable claim or pretence of title thereto, shall be liable to a fine of five pounds.

Taking and  
using cattle,  
&c., without  
consent of  
owner.

91. Whoever intentionally and unlawfully destroys or damages the wall or fence of, or any vault, railing, tablet, stone, monument, or other memorial of the dead in any cemetery or burial place shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

Damage to  
monument,  
&c., in ceme-  
tery.

92. (1) Whoever intentionally and unlawfully causes damage not exceeding one pound to any tree growing in any public place or in any private garden or pleasure ground, or damage not exceeding five pounds to any tree growing in any other place, shall be liable to a fine of five pounds, or to imprisonment for six weeks.

Damage to  
tree.

(2) Whoever intentionally and unlawfully causes damage exceeding one pound to any tree growing in any public place or in any private garden or pleasure ground, or damage exceeding five pounds to any tree growing in any other place, shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

Book II.—  
Part V.  
Title X.

Damage to  
cultivated  
plant.

93. (1) Whoever intentionally and unlawfully causes damage not exceeding one shilling to any cultivated plant, shall, if the same is growing in any public or private garden or pleasure ground or in any building, be liable to a fine of two pounds, or to imprisonment for six weeks, or shall, if the same is growing elsewhere, be liable to a fine of one pound, or to imprisonment for one month.

(2) Whoever intentionally and unlawfully causes damage exceeding one shilling to any cultivated plant, shall, if the same is growing in any public or private garden or pleasure ground or in any building, be liable to a fine of ten pounds, or to imprisonment for two months, or shall, if the same is growing elsewhere, be liable to a fine of one pound, or to imprisonment for one month.

Damage to  
fence, &c.

94. Whoever intentionally and unlawfully destroys or damages any part of any live or dead fence whatsoever, or any post, pale, rail, or wire used as a fence, or any stile or gate, or any mile mark or boundary mark, or any part thereof respectively shall be liable to a fine of two pounds.

Poisoning  
or using  
dynamite in  
river.

95. Whoever—

- (1) Throws any substance poisonous to fish into any river, stream, or lagoon, in order to poison or stupefy the fish therein; or
- (2) Turns or obstructs any river or stream, for the purpose of taking or destroying fish; or
- (3) Throws any substance poisonous to fish into any part of the sea at the mouth of any river or stream running into the sea, for the purpose of poisoning, stupefying, taking, or destroying any fish; or
- (4) Uses dynamite or other explosive substance to catch or destroy fish in any river, stream, or lagoon; or
- (5) Uses any mode of catching fish which tends to destroy the fishing in any river, stream, or lagoon,

shall be liable to a fine of ten pounds, or to imprisonment for two months.

Damage to  
fishing net,  
&c., or fish,  
&c., caught  
in same.

96. Whoever intentionally and unlawfully damages, destroys, or takes away any net, crawl, pot, or other apparatus of any other person, being or set in the sea, or in any river, stream, or lagoon, for the purpose of catching, taking, or keeping turtle or fish, or any turtle or fish caught or being in any net, crawl, pot, or other apparatus of any other person, being or set as aforesaid shall be liable to a fine of five pounds.



97. Every artificer, workman, journeyman, apprentice, servant, or labourer who intentionally and unlawfully damages, spoils, or destroys any goods, wares, work, or materials committed to his care and charge, without the consent of the person by whom he is hired, retained, or employed, the damage done being less than five pounds in value, shall be liable to a fine of ten pounds.

Book II.—  
Part V.  
Title XI.

Damage by  
artificer, &c.,  
to goods  
committed to  
his care.

98. Whoever intentionally and unlawfully in any way damages, spoils, or destroys anything belonging to or in the possession of any other person or to which any other person has the right of possession, notwithstanding such thing is not of any pecuniary or saleable value, or of any value whatever except to the person to whom it belongs, or in whose possession it is, or in whom exists the right of possession, shall be liable to a fine of five pounds, although no pecuniary damage to any such thing may be committed by the person so offending.

Damage  
although no  
pecuniary  
damage  
caused.

99. (1) Whoever intentionally and unlawfully causes damage not exceeding one shilling to any land, or to any animal or thing, in any case not specially provided for in this Title, shall be liable to a fine of two pounds.

Damages in  
cases not  
provided for.  
(See s. 268.)

(2) Whoever intentionally and unlawfully causes damage exceeding one shilling to any land, or to any animal or thing, in any case not specially provided for in this Title, shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

#### TITLE XI.—MISAPPROPRIATIONS AND FRAUDS.

##### *Stealing.*

100. Whoever steals anything, such stealing not being accompanied by housebreaking or burglary, nor amounting to robbery, shall be liable to imprisonment for three months.

Stealing.  
(See s. 271.)

101. Whoever steals any cultivated tree, plant, root, or fruit from the field, garden, building, or other similar place where the same is grown, or any tree, plant, root, or fruit growing or being in any land appropriated to cultivation, shall be liable to imprisonment for three months, and, in the discretion of the Court, to whipping. (*As amended by 13 of 1919, s. 7.*)

Stealing  
tree, &c.

##### *False Pretences and Frauds.*

102. Whoever defrauds any other person by any false pretence shall be liable to imprisonment for three months.

Fraud by  
false pretences  
(See s. 277.)

Book II.—  
Part V.  
Title XI.

Fraud as  
to ticket,  
witchcraft,  
weights,  
measures,  
certificates,  
&c.

103. Whoever does any of the following acts shall be liable to imprisonment for three months, namely:—

- (1) Transfers to any other person, or accepts from any other person, any ticket or pass for travelling in any vessel or on any railway or conveyance knowing that such ticket or pass is not transferable; or
- (2) Accepts or offers to accept any money or other property for or on pretence of using any kind of witchcraft, sorcery, enchantment, or conjuration, or art of telling fortunes; or
- (3) Deals in or is possessed of any fetish or charm which he pretends has power to protect criminals or to injure persons giving information as to a crime; or
- (4) Defrauds any person by means of any false weight or measure, or by any false use of any weight or measure; or
- (5) Makes, gives, or uses any certificate or testimonial of health, sickness, character, qualification, or competency, knowing the same to be false in any material particular; or
- (6) Knowingly makes any false return or statement of any matter as to which he is required by statute to make a return or statement for the purposes of any tax, rate, or assessment.

Fraud as to  
weights and  
measures.  
(See Chapter  
164.)

104. Whoever does any of the following acts shall be liable to imprisonment for three months, namely:—

- (1) Knowingly makes or sells any false weight or measure or machine or appliance for weighing;
- (2) Forges or counterfeits any stamp or mark used by lawful authority for stamping or marking any weight or measure;
- (3) Knowingly sells, disposes of or exposes for sale any weight or measure having thereon any forged or counterfeit stamp or mark resembling or intended to resemble any stamp or mark used by lawful authority for stamping or marking any weight or measure;
- (4) With intent to defraud alters any weight or measure stamped or marked by lawful authority;
- (5) With intent to defraud uses in any sale, contract, or other dealing any weight or measure altered as aforesaid.

Improper  
removal of or  
dealing with  
stamps on  
postal  
matter, &c.

105. (1) Whoever does any of the following acts shall be liable to a fine of ten pounds, namely:—

- (a) Unlawfully removes from any postal matter or telegraph form any stamp affixed thereto or impressed thereon in payment for the postage or message, whether it has been cancelled or not;



- (b) Knowingly uses or attempts to use, or sells, or buys, or otherwise procures a stamp which has been so removed;
- (c) Knowingly uses or attempts to use in payment for any postage any stamp or stamped envelope or card or wrapper which has been before used for a like purpose, or any stamp cut from any such envelope or wrapper;
- (d) Removes or attempts to remove the cancelling marks from any stamp which has been so affixed or impressed, in order that it may be used or otherwise disposed of.

(2) Whoever, being employed in the postal department or the telegraph department, commits any of the offences described in sub-section (1) of this section shall be liable to a fine of twenty-five pounds or to imprisonment for three months.

#### *Receiving.*

106. Whoever dishonestly receives anything which he knows to have been obtained or appropriated by any crime, shall be liable to imprisonment for three months.

Dishonestly receiving thing obtained or appropriated by crime.  
(See s. 285.)

#### *Unlawful Possession.*

107. (1) Whoever is brought before the Court charged with having in his possession or conveying in any manner anything which is reasonably suspected of having been stolen or unlawfully obtained, and who does not give an account, to the satisfaction of the Court, as to how he came by the same, shall be liable to imprisonment for three months.

Having possession of thing reasonably suspected of having been stolen.

(2) Where any person is brought before the Court charged with having in his possession or conveying in any manner anything which has been stolen or unlawfully obtained or which is reasonably suspected of having been stolen or unlawfully obtained, and declares that he received the same from some other person, or that he was employed as a carrier, agent, or servant, or to convey the same for some other person, the Court shall, if practicable, cause every such other person, and also, if necessary, every former or pretended purchaser, or other person through whose possession such thing as aforesaid has passed, to be brought before it, and shall examine witnesses upon oath touching the same; and if it appears to the Court that any person so brought before it has had possession of such thing and had reasonable cause to believe the same to have been stolen or unlawfully obtained, every such person shall be deemed to have had possession of such thing at the time and place when and where the same was found or seized, and shall be liable to imprisonment for three months.

Book II.—  
Part V.  
Title XII.

(3) The possession of a carrier, agent, or servant shall be deemed to be the possession of the person who employed such carrier, agent, or servant to convey such thing, and such person shall be liable to the punishment hereinbefore mentioned.

Unlawful  
possession  
of cattle or  
part thereof.

108. If any cattle, or the carcase, head, skin, or any part thereof, is found in the possession or on the premises of any person, and if such person does not satisfy the Court that he came lawfully by such cattle, or such carcase, head, skin, or other part thereof, he shall be liable to a fine of twenty pounds.

Unlawful  
possession of  
tree, &c.

109. If the whole or any part of any tree, plant, root, or fruit or any part of any live or dead fence, or any post, pale, rail, wire, stile, or gate or any part thereof respectively, is found in the possession or on the premises of any person with his knowledge, and if such person does not satisfy the Court that he came lawfully by the same, he shall be liable to a fine of five pounds, and, being convicted a second or any subsequent time of any such offence, shall be liable to imprisonment for three months.

Unlawful  
possession of  
thing be-  
longing to  
vessel in  
distress, &c.  
(See Chapter  
104.)

110. If anything belonging to any officer, crew, or passenger of any vessel in distress, or wrecked, stranded, or cast on shore, is found in the possession or on the premises of any person with his knowledge, and if such person does not satisfy the Court that he came lawfully by the same, he shall be liable to a fine of twenty pounds.

Offering for  
sale things  
taken from  
vessel in  
distress, &c.

111. If any person offers or exposes for sale anything which has been unlawfully taken, or is reasonably suspected so to have been taken, from any vessel in distress, or wrecked, stranded, or cast on shore, in every such case any person to whom the same is offered for sale, or any officer of Customs or peace officer, may lawfully seize the same, and shall with all convenient speed carry the same, or give notice of such seizure, to some District Commissioner, and if the person who has offered or exposed the same for sale, being summoned to appear before the Court, does not appear and satisfy the Court that he came lawfully by such thing, then the same shall, by order of the Court, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be fixed by the Court) to the person who seized the same; and the offender shall be liable to a fine of twenty pounds, and, being convicted a second or any subsequent time of any such offence, shall be liable to imprisonment for three months.

#### TITLE XII.—FORGERY AND FALSE COIN.

Application  
of definitions  
of Title  
XXII.

112. The definitions and special provisions contained in Title XXII. of this Code shall be deemed to apply to this Title, so far as they are appropriate thereto.



113. (1) In this Title, the expression "trade-mark" means any mark, label, ticket, or other sign or device lawfully appropriated by any person as a means for denoting that any article of trade, manufacture, or merchandise is an article of the manufacture, workmanship, production, or merchandise of any person, or is an article of any peculiar or particular description made or sold by any person, and also means any mark, sign, or device which, in pursuance of any statute relating to registered designs, is to be put or placed upon, or attached to, any article during the existence or continuance of any copyright or other peculiar right in respect thereof.

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Definition of  
trade-mark.  
(See Chapter  
156.)

(2) A mark, label, ticket, or other sign or device shall not be deemed to be lawfully appropriated by a person, within the meaning of this section, unless it is of such a kind and so appropriated as that an injunction or other process would be granted by the Supreme Court to restrain the use thereof by any person without the consent of the person by whom it is so appropriated, or that an action might be maintained by such last-mentioned person against any other person making use thereof without his consent.

114. Whoever forges or counterfeits any trade-mark, or marks with a forged or counterfeited trade-mark any goods or anything used in, or about, or in connection with the sale of any goods, or sells or offers for sale any goods or such thing so marked, or has in his possession, custody, or control any goods or such thing so marked, or any materials or means prepared or contrived for the forging or counterfeiting of any trade-mark, or for the marking of any goods or thing therewith, intending in any such case as aforesaid fraudulently to pass off, or to enable any other person fraudulently to pass off, any goods as having been lawfully marked with such trade-mark or as being of a character signified by such trade-mark, shall be liable to imprisonment for three months.

Forging  
trade-mark,  
&c.

115. Whoever commits either of the following acts, with intent to aggrieve or annoy any person, shall be liable to a fine of five pounds, that is to say:—

Sending false  
telegram, &c.

- (1) Knowingly sends any false telegram to any person; or
- (2) Signs the name of any other person to any petition, prospectus, or testimonial, knowing that he has no authority for so doing.

116. Whoever tenders, utters, or puts off any of the Queen's current gold, silver, or copper coin which has been defaced by stamping thereon any name or word, whether such coin has or has not been, thereby diminished or lightened, shall be liable to

Uttering  
defaced coin.

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a fine of three pounds: provided that a prosecution for an offence under this section shall not be instituted except by the Attorney-General, or with his consent.

Mode of  
dealing with  
suspected  
coin when  
tendered in  
payment.

117. (1) Where any coin is tendered as the Queen's current gold or silver coin to any person who suspects it to be diminished otherwise than by reasonable wearing or to be counterfeit, it shall be lawful for such person to cut, break, bend, or deface such coin.

(2) If any coin so cut, broken, bent, or defaced appears to be diminished otherwise than by reasonable wearing or to be counterfeit, the person tendering it shall bear the loss thereof; but if it is of due weight and appears to be lawful coin, the person cutting, breaking, bending, or defacing it shall receive it at the rate it was coined for.

(3) If any dispute arises whether the coin so cut, broken, bent, or defaced is diminished in manner aforesaid or counterfeit, the same shall be heard and finally determined in a summary manner by any District Commissioner, who may examine upon oath as well the parties as any other person in order to the decision of such dispute.

Mode of  
dealing with  
counterfeit  
coin when  
discovered in  
any place, &c.  
(See s. 304.)

118. (1) If any person finds or discovers, in any place whatsoever, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin resembling, or apparently intended to resemble or pass for, any of the Queen's current gold, silver, or copper coin or any coin of any foreign prince, state, or country, or any instrument, tool, or engine whatsoever adapted and intended for the counterfeiting of any such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which has been produced or obtained by diminishing or lightening any of the Queen's current gold or silver coin, it shall be lawful for the person so finding or discovering, and he is hereby required, to seize the same, and to carry the same forthwith before some District Commissioner.

(2) Where any such false or counterfeit coin, or any such instrument, tool, or engine, or any such machine, or any such filings, clippings, or bullion, or any such gold or silver in dust, solution, or otherwise, as aforesaid, is or are in any case whatsoever seized and carried before a Commissioner, he shall, if necessary, cause the same to be secured for the purpose of being produced in evidence against any person who may be prosecuted for any offence relating to coin; and all such false and counterfeit coin, and all such instruments, tools and engines, and all such machines, and all such filings, clippings, and bullion, and all such gold and silver in dust,



solution, or otherwise, as aforesaid, after they have been produced in evidence, or when they have been seized and are not required to be produced in evidence, shall be forfeited and applied as the Court directs.

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Title XIII.

119. Whoever, without lawful authority or excuse (the proof whereof shall lie on him), has in his custody or possession any greater number of pieces than five pieces of false or counterfeit coin resembling, or apparently intended to resemble or pass for, any gold or silver coin of any foreign prince, state, or country, or any kind of coin not being the Queen's current coin, but resembling, or apparently intended to resemble or pass for, any copper coin, or any other coin made of any metal or mixed metals, of less value than the silver coin of any foreign prince, state, or country, shall, on being convicted thereof, forfeit all such false and counterfeit coin (which shall be cut in pieces or otherwise destroyed by order of any District Commissioner), and shall, for every such offence, be liable to a fine of two pounds for every such piece of false and counterfeit coin which is found in his custody or possession.

Having possession of more than five pieces of counterfeit foreign coin, &c.

## PART VI.—OFFENCES AGAINST PUBLIC ORDER, HEALTH, AND MORALITY.

### TITLE XIII.—PUBLIC NUISANCES.

#### *Drumming and Firing Guns, &c.*

120. (1) Every occupier of any house, building, yard or other place situate in any town, who, without a licence in writing from the Governor or a District Commissioner, permits any persons to assemble and beat or play or dance therein to any drum, gong, tom-tom, or other similar instrument of music, shall be liable to a fine of two pounds.

Allowing house, &c., in town to be used for drumming (See s. 139) (10.)

(2) It shall be lawful for any constable to enter any such house, building, yard, or other place where any persons may be so assembled, and to warn them to depart and to seize and carry away all such drums, gongs, tom-toms, or other instruments, and the same shall be forfeited.

(3) Whoever, after being so warned, shall not depart forthwith (except the persons actually dwelling in such house or building), may be apprehended, without warrant, by any constable or person acting in his aid, and shall be liable to a fine of ten shillings.

121. Whoever during the sitting of a Court, and after being warned by a constable or officer of the Court to desist, beats or plays any dram, gong, tom-tom or other instrument, or makes any

Drumming, &c., near Court during sitting.

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loud noise of any kind within a radius of three hundred yards from the place where such sitting is held, shall be liable to a fine of two pounds.

Drumming  
with intent  
to challenge  
or insult.

122. Whoever beats a drum with intent to challenge or provoke any other person to commit a breach of the peace, or with intent to insult or annoy any other person, shall be liable to a fine of twenty-five pounds or to imprisonment for three months.

Discharging  
guns, &c.,  
in town.

123. Whoever in any town without lawful and necessary occasion :—

- (1) Discharges any firearm, or throws or sets fire to any fire-work in any public place, or in any house, building, or yard; or
- (2) Being the occupier of any house, building, or yard, knowingly permits any firearm to be discharged therein, shall be liable to a fine of ten pounds.

*Stray Cattle, Mad Dogs, &c.*

Stray cattle.

124.\* (1) If in any town, any cattle are found at large in any public place without any person in charge thereof, any peace officer or health officer or inspector or assistant-inspector of nuisances may seize and impound such cattle in any common pound, and may detain the same therein until the owner thereof pays to the Treasury a fine not exceeding two shillings for each head of cattle, other than swine, and a fine of not less than five shillings, nor exceeding ten shillings for each head of swine, besides the expenses of keeping the same at rates not exceeding sixpence a day for each head of swine, sheep or goats, and one shilling a day for each head of other cattle.

(2) If the said fine and expenses are not paid within four days after such impounding, the pound keeper, or other person appointed by the health officer for the purpose, may sell any such cattle; but previous to such sale, six days' notice thereof shall be given or left at the dwelling-house of the owner if he is known, or, if not then the notice shall be conspicuously posted in some usual place for the posting of public notices in the town where the cattle were seized; and the proceeds of the sale, after deducting the fine and expenses, shall be paid to the Treasurer, and be by him paid on demand to the owner of the cattle.

(3) Instead of impounding the cattle so found at large, any constable or health officer or inspector or assistant inspector of nuisances may summon the owner before the District Commissioner, who may impose on the owner a fine of not more than two shillings for each animal so found.

\* But when a town council is established, see sect. 38 of Chapter 66.



(4) This section so far as regards sheep and goats shall apply only to the towns of Aburi, Accra, Addah, Akuse, Anamabu, Appam, Axim, Cape Coast, Chama, Christiansborg, Dixcove, Elmina, Quittah, Prampram, Saltpond, and Winnebah, and to such other towns as the Governor in Council may by proclamation published in the Gazette from time to time direct.\* (*As amended by 8 of 1907, s. 7.*)

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125. (1) Whoever rides, drives, or otherwise makes use of any horse, mule or ass affected with farcy or glanders, knowing the same to be so affected, in any public place, and every owner of any such horse, mule, or ass who permits the same to be at large in any public place shall be liable to a fine of ten pounds.

Using horse, &c., with farcy or glanders in public way, or permitting it to be at large.

(2) Any such horse, mule, or ass may be destroyed, and the carcase disposed of by order of the District Commissioner.

126. (1) It shall be lawful for any constable to destroy any dog, or any other animal, at large, and which he has reasonable cause to suspect to be in a rabid state, or which has been bitten by any dog or other animal which he has reasonable cause to suspect to be in a rabid state.

Destruction of dog or other animal suspected to be mad, and penalty on owner.

(2) If the owner or person in charge of any dog or other animal knowingly suffers it to be at large in a rabid state; or if any such dog or other animal is confined, and the owner or person in charge of it does not destroy it, or cause it to be destroyed, after it has shown evident and distinct symptoms of being in a rabid state or of having been bitten by any dog or other animal in a rabid state; such owner or person shall be liable to a fine of ten pounds.

#### *Selling Unwholesome Meat.*

127. (1) Whoever—

- (a) Sells, or offers or exposes for sale, any unwholesome meat, poultry, fish, or provisions; or
- (b) Keeps the same in any market, store, shop, dwelling-house, building, or place, with intent to sell the same,

Selling or offering for sale unwholesome meat, &c.  
(See s. 439.)

shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

(2) It shall be lawful for any inspector of nuisances, or constable, on view of any unwholesome meat, poultry, fish, or provisions, forthwith to seize or cause the same to be seized and brought before a District Commissioner, who shall thereupon cause the same to be forthwith destroyed, and may order the person so selling, or

\* Kpong, Secondeé, and Tarquah added by Proclamation dated 14 July, 1903.

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exposing or offering for sale, or keeping the same as aforesaid to pay the expenses of destroying the same.

*Fouling Water.*

Fouling  
water.  
(See s. 440 (4).)

128. Whoever causes or suffers to be brought or to flow into any stream, well, tank, reservoir, or place used or intended for supplying water to man, or into any conduit communicating therewith, any substance, or does any act, whereby the water therein, or which may enter therein, may be fouled, shall be liable to a fine of ten pounds, and to a further fine of two pounds for every day during which the offence is continued after conviction.

*Burials in Houses, &c.*

Burials in  
houses, &c.  
(See Chapter  
55.)

129. Whoever—

- (1) Buries or attempts to bury or is concerned in burying any corpse in any house, building, premises, yard, garden, compound or open space, in any place for which there is a public cemetery appointed by the Governor; or
- (2) Knowingly buries or attempts to bury or is concerned in burying in any cemetery any coffin in which there is no corpse; or
- (3) Contrary to any order lawfully made by the Governor and published in the Gazette directing that burials in any cemetery shall be wholly or partially discontinued, buries or attempts to bury or is concerned in burying any corpse in such cemetery,

shall be liable to a fine of twenty-five pounds.

*Offences connected with Spirit Stores.*

130. (1) Whoever, being licensed to sell spirits—

- (a) Sells the same contrary to the conditions of, or contravenes any of the regulations indorsed on, his licence; or
- (b) Does not keep suspended or fixed over the entrance to his licensed store a sign-board with his name and the number of his licence, and the words "Licensed to sell spirits," legibly painted thereon and plainly visible, or continues after the expiration of his licence to suspend or fix such sign-board over his store, or sells spirits in any place to which permission to transfer has been granted without having first transferred and affixed such sign-board thereto; or

Offences by  
licensed  
dealer in  
spirits.  
(See Chapter  
137.)



- (c) By himself or his servant or other person employed by him
- knowingly harbours or entertains any constable in the store used by him for the sale of spirits, or in any part of the premises connected therewith, during the time of such constable being on duty,

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in the case of an offence under sub-section (a) shall be liable to a fine of not less than ten shillings nor more than five pounds, and upon a second conviction his licence shall also be liable to forfeiture; and in the case of an offence under sub-sections (b) or (c) shall be liable to a fine of five pounds.

(2) Every prosecution for an offence under this section shall be commenced within six months from the time when the offence was committed.

**131.** Whoever, being licensed to sell spirits, keeps his licensed premises open at or after any hour at which any Police Magistrate, District Commissioner, or European Police Officer, either personally or in writing, directs the same to be closed in case of apprehended or actual riot or tumult, shall be liable to a fine of twenty-five pounds. (*As amended by 13 of 1919, s. 8.*)

Refusing to  
close liquor  
shop in case  
of riot.

### *Drunken, Riotous, and Disorderly Conduct.*

**132.** Whoever, having been thrice convicted under the provisions of any statute for having been drunk and behaving violently or indecently is, within one year from the first conviction, found drunk in any public place, shall be liable to imprisonment for three months as an habitual drunkard.

Habitual  
drunkenness.

**133.** Every owner or occupier, and every person in the employment of any owner or occupier, of any house, shop, room, or other place of public resort wherein provisions, liquors, or refreshments of any kind are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), who knowingly permits drunkenness, gambling, or any other disorderly conduct therein, or knowingly permits known prostitutes or convicted felons to meet together or remain therein, shall be liable to a fine of twenty pounds.

Permitting  
drunkenness,  
&c., in place  
of public  
resort.

**134.** (1) Whoever is drunk, riotous, quarrelsome, or disorderly in any shop, house, premises, or place licensed for the sale of intoxicating liquors by retail, or kept for public refreshment, resort, and entertainment, and refuses or neglects to quit such shop, house, premises, or place upon being requested so to do by the owner, manager, or occupier or his agent or servant, or by any constable, shall be liable to a fine of two pounds.

Expulsion  
from liquor  
shop, &c.,  
of drunken  
person, &c.

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(2) Every constable is hereby authorised and required, on the demand of such owner, manager, occupier, agent, or servaat, to assist in expelling any such drunken, riotous, quarrelsome, or disorderly person from any such shop, house, premises, or place.

Person drunk  
whilst in  
charge of  
vehicle, &c.

135. Any person who is drunk whilst driving, riding, or in charge of, any vehicle or beast of burden on any public way or in any public place shall be liable to imprisonment for any term not exceeding three months or to a fine of twenty-five pounds or to both. (*Added by 13 of 1919, s. 9.*)

Unlawfully  
carrying  
arms.

136. If two or more persons together in any public place openly carry, without lawful cause, any deadly or dangerous instruments, with intent to cause terror to any of the public, each of them shall be liable to a fine of one pound or to imprisonment for one month.

Threat of  
harm.  
(See s. 350.)

137. Whoever threatens any other person with unlawful harm, with intent to put that person in fear of unlawful harm, shall be liable to a fine of one pound or to imprisonment for one month.

Causing  
public terror.

138. (1) Whoever, in any public place, or being unlawfully in any place not public, wantonly does any act with intent to cause terror to any person, shall, if harm is thereby caused to any person, or if his act was of such a character as to be likely to cause harm to any person by terror, be liable to a fine of twenty-five pounds or to imprisonment for three months.

(See s. 220.)

(2) For the purposes of this section, harm shall in this case be deemed to have been caused by the act, although the harm be the mere inward effect of the terror caused by the act.

#### *Illustrations.*

(a) A. goes about the streets, or in a cemetery at night, dressed up in a white sheet in order to pass for a ghost. If any person is thereby seriously frightened and made ill or insane, A. is guilty of an offence against this section.

(b) A. lets off a firework in a crowd. Although he may not have actually purposed to cause harm to any person, yet, if any person is injured by fright or by the movement of the crowd in consequence of the explosion, A. is guilty of an offence against this section.

(c) A. wilfully raises a false alarm of fire in a theatre, and a panic ensues in which a person is injured. A. is guilty of an offence against this section.

#### *Nuisances and Obstructions in Street, and the like.*

139. Whoever does any of the following acts shall be liable to a fine of forty shillings, namely:—

(1) In any town places, or causes or permits to be placed, any carrion, filth, dirt, refuse or rubbish, or any offensive

Throwing  
rubbish in  
street.



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- or unwholesome matter, on any street, yard, enclosure, or open space, except at such places as may be set apart by the District Commissioner or the health officer for that purpose; or
- (2) In any town commits a nuisance in any public place or open space, or in any place being an appurtenance of or adjoining a dwelling-house; or Nuisances.
- (3) Wilfully defaces any public lawful notice, or removes the same from any place where it is lawfully affixed; or Defacing public notice.
- (4) Without the consent of the owner or occupier thereof affixes or attempts to affix any placard, paper, or thing on any building, wall, fence, pillar, or post, or writes upon, soils, or marks any such building, wall, fence, pillar, or post; or Defacing building, &c.
- (5) Without due authority affixes or attempts to affix any placard, paper, or thing on, or writes upon, soils, or marks any post office or post office letter box; or Defacing post office or letter box.
- (6) Unlawfully releases any cattle lawfully impounded, or pulls down, damages, or destroys the pound wherein any cattle are lawfully impounded; or Pound breach.
- (7) In any public place is drunk and behaves violently or indecently; or Being drunk and disorderly.
- (8) In any public place, or in any place within sight or hearing of persons then being in a public place, disturbs the peace by fighting or quarrelling with any other person; or abets an unlawful fight; or uses or applies to any other person then being in such public place or within sight or hearing thereof, any violent or abusive term of reproach; or sings any profane, indecent, or obscene song; or exposes any defamatory or insulting writing or object; or with the intention of annoying or irritating any other person, sings any scurrilous or abusive song or words, whether any person be particularly addressed therein or not; or is guilty of any riotous, indecent, disorderly, or insulting behaviour, to the obstruction or annoyance of any passenger or person in such public place; or Fighting, &c., in public place.
- (9) In any town wilfully or wantonly, and after being warned to desist, shouts or blows any horn or shell, or sounds or plays upon any musical instrument, or sings or makes any other loud or unseemly noise, to the annoyance or disturbance of any person; or Shouting, &c., in town.
- (10) In any town, without a licence in writing from the Governor or a District Commissioner, beats or plays any Drumming &c., in town at night.  
(See s. 120.)

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Throwing  
stones, &c.

- drum, gong, tom-tom, or other similar instrument of music between eight o'clock at night and six in the morning; or
- (11) In any town throws or discharges any stone or other missile in or into any public place; or

Behaving  
violently in  
prison, &c.  
(See s. 373.)  
Behaving  
irreverently  
in place of  
worship.

- (12) Behaves violently or indecently in any prison or Court or public place; or
- (13) Behaves irreverently or indecently in any church, chapel, mosque, or other place appropriated for religious worship; or

Disturbing  
public  
worship.

- (14) Disturbs or molests any minister of religion while celebrating any religious rite or office in any public place, or any person assisting or attending at the celebration of such rite or office; or

Disturbing  
funeral.

- (15) Behaves irreverently or indecently or insultingly at or near any funeral or in or near any public burial ground during the burial of a body; or

Extinguish-  
ing or  
damaging  
street lamp.  
Obstructing  
working of  
telegraph.  
(See s. 263.)

- (16) Wantonly extinguishes the light of, or destroys or damages, any street lamp; or
- (17) Wilfully obstructs or impedes or delays any person employed in the working of a telegraph, or in the delivery of a telegram, in the execution of his duty; or

Furious  
riding or  
driving.

- (18) In any public place rides or drives furiously any horse or other animal, or drives or propels furiously any vehicle, or drives furiously any cattle; or

Failure to give  
warning of  
approach of  
vehicle.

- (19) In any public place or public way rides or propels any bicycle, tricycle, or other like machine, and, upon overtaking any vehicle, or any horse or other beast of burden, or any person on foot, fails within a reasonable distance from and before passing or reaching such vehicle, horse or other beast of burden, or person on foot, to give by bell, whistle, horn, or other like instrument audible and sufficient warning of the approach of such bicycle, tricycle, or other like machine so ridden or propelled as aforesaid (*added by 13 of 1919, s. 19*); or

Driving, &c.,  
without light  
after dark.

- (20) In any public way drives or propels any vehicle after dark without a lighted lamp sufficient to warn persons in such public way; or

Leaving  
carriage  
unattended in  
public way.

- (21) In any town leaves any carriage with a horse attached to it standing in any public way without someone to hold the horse; or



- (22) Having the charge of any vehicle, or riding any horse, does not in meeting any other vehicle or horse keep his vehicle or horse to the left, or does not in overtaking and passing any other vehicle or horse keep his vehicle or horse to the right; or Book II.—  
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Keeping  
wrong side  
of road.
- (23) By obstructing any public way, wilfully prevents or hinders the free passage of any other person or of any vehicle; or Obstructing  
public way.
- (24) Fastens any animal in such a manner that it does, or can stand, on or across any public way to the obstruction, danger, or annoyance of passengers; or Fastening  
animal on  
public way.
- (25) Without the consent of the District Commissioner or the Director of Public Works, places or leaves any lumber, bricks, stones, iron, bale, puncheon, cask, box, or other impediment in a public way to the obstruction, danger, or annoyance of passengers. (*As amended by 7 of 1909, s. 7*); or Impediments  
in public  
ways.
- (26) Being the occupier of any land or building situate in a town, does not clear and keep free from all dirt, under-bush, under-wood, weeds, high grass, rubbish, rags, broken bottles, refuse, and all offensive matter (filling up all holes with stones, gravel, or other like materials), the streets or roads, at the front, back, and sides thereof, with the drains, gutters, and channels thereon; and, if any such building is unoccupied, the owner shall for this purpose be deemed the occupier: provided that when there are two lots of land contiguous to any street, road, drain, gutter, or channel, and facing each other, the occupier of each lot shall be responsible for keeping clean only the half of the street or road, and the drain, gutter, or channel nearest to his lot; or Not keeping  
roadway  
clear.
- (27) In any town wilfully or negligently causes or permits any vehicle, or anything carried thereby, or any cattle, to injure any drain, ditch, or trench, at the side of any street, or any bridge, or any part thereof respectively; or Injuring  
drain by cart  
or cattle.
- (28) In any town, without the written consent of the District Commissioner or the Director of Public Works, wilfully displaces or takes up or injures the pavement, stones or material of any public way, or attempts to change or obstruct any watercourse; or Injuring  
roadway, &c.
- (29) Assembles with other persons in any public place, or in any open space near a public place, for any idle, vicious, or disorderly purpose, or otherwise than in the regular Assembling  
for idle, &c.,  
purpose, and  
not dispersing  
when re-  
quired.

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Allowing  
ferocious dog  
at large.

Allowing  
dogs to be at  
large after  
notice.

Not helping  
to put out  
fire when  
called upon.

Indecent  
exposure of  
per-son.  
(See s. 432.)

Where  
slaughter-  
house  
provided,  
slaughtering  
cattle  
elsewhere.

Where  
market pro-  
vided, selling  
elsewhere.

Rubbish, &c.  
found in  
front of  
premises  
deemed to  
have been  
thrown there  
by occupier.

performance or in pursuance of some lawful calling or object, to the annoyance or obstruction of any passenger or person frequenting such public place or of any person living in the neighbourhood thereof, and does not move away when required by a constable; or

(30) Suffers to be at large, unmuzzled, any ferocious dog of which he is the owner or has the charge, or sets on or urges any dog to attack or put in fear any person or cattle; or

(31) After public notice given by any District Commissioner or person having authority in that behalf directing dogs or other animals to be confined on account of suspicion of madness, suffers any dog or animal specified in such notice to be at large during the time mentioned in such notice; or

(32) Being called upon by any District Commissioner, constable, or Director of Public Works, to give aid for extinguishing or staying the progress of a fire, refuses or neglects to give such aid according to his ability; or

(33) Wilfully and indecently exposes his person in any public place or in view thereof, or exposes his person in any place with intent to insult any female; or

(34) In any town for which there is a public slaughter-house appointed by statute or by the Governor for the purpose, slaughters any cattle or dresses any carcass for the food of man, within the limits for which such slaughter-house is appointed, except in such slaughter-house, unless by the licence of the District Commissioner;\* or

(35) In any town or place for which there is a public market appointed by statute or by the Governor for the purpose, sells or offers or exposes for sale anything for the sale of which the market is appointed, within the limits for which it is appointed, except in such market or in his dwelling-house or shop, unless by the licence of the District Commissioner.†

140. (1) Where an offence has been committed punishable under sub-section (1) of the last preceding section, and the offender has not been identified or discovered, the fact of any carrion or other substance mentioned in that sub-section being found in front of

\* In Accra the duty of granting licences under this sub-section has been transferred to the Town Council under Chapter 66, s. 38 (2) (d).

† In Accra, Cape Coast and Secondee, the duty of granting licences under this sub-section has been transferred to the Town Council under Chapter 66, s. 38 (2) (d).



any premises shall be *primâ facie* evidence of its having been placed there by the occupier of the premises.

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(2) Any person found committing an offence punishable under sub-sections (1) to (17), inclusive, of the last preceding section may be taken into custody without warrant by any peace officer or health officer, or inspector or assistant inspector of nuisances, or by the owner or occupier of the property on which or with respect to which the offence is committed, or by his servant or any person authorised by him, and may be detained until he can be delivered into the custody of a constable, who shall take him, as soon as conveniently may be, before a District Commissioner.

Arrest of  
certain  
offenders.

(3) Any person being a male and, in the opinion of the Court, under sixteen years of age, convicted of an offence punishable under the last preceding section, may, either in addition to or in substitution for any other punishment, be sentenced to whipping.

Whipping  
juvenile  
offenders.

(4) Every prosecution for an offence under the last preceding section shall be commenced within one year from the time when the offence was committed.

Limitation of  
time for  
prosecution.

(5) Any dog in respect of which an offence punishable under sub-section (30) of the last preceding section has been committed may be destroyed by order of the Court.

Destruction  
of ferocious  
dog.

141. (1) The Commissioner of any district may from time to time make orders for the route to be observed by carts, carriages, and other vehicles, and by persons and animals, and otherwise, for preventing obstructions in any public place, in any case where such place is liable to be thronged or obstructed.

Power to  
regulate  
traffic in  
certain cases.

(2) Whoever commits any wilful breach of any such order shall be liable to a fine of two pounds.

#### TITLE XIV.—MISCELLANEOUS OFFENCES AND MATTERS.

##### *Cruelty to Animals.*

142. Whoever wantonly tortures, or wantonly and cruelly ill-uses any animal shall be liable to a fine of twenty-five pounds or to imprisonment for three months.

Cruelty to  
animals.

##### *Illustrations.*

(1) A. is proved to have cruelly ill-used a horse by beating or spurring it. If the Court thinks that he acted for the purpose only of overcoming obstinacy in the horse, and that the usage, although cruel, was not such as to show a brutal disregard of suffering, nor plainly useless and unnecessary, A. ought not to be convicted. But if it thinks that A. acted merely or principally from anger, or for revenge, or from

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enjoyment of the sight of suffering, or that the cruelty was such as was plainly useless or unnecessary, A. ought to be convicted.

(2) A., in order to protect his garden from dogs, sets a dog-trap and a dog is caught alive. If A. knowingly keeps the dog in the trap for a long time in a state of pain or without food, he may be guilty of an offence against this section.

(3) A. causes pain and distress to an animal by hunting it. If A. acted for the sake of sport or of obtaining food, and not for the sake of causing unnecessary pain, he is not guilty of an offence against this section.

Working  
animal unfit  
for work.

143. Whoever rides or works or causes to be worked in any cart or carriage, or other vehicle of pleasure or burden, or otherwise, any animal in such a condition as to be unfit for work, whether that condition be caused by disease or deficient feeding or otherwise, and any person who cruelly over-rides, over-drives, or over-loads any animal, whether such animal be otherwise unfit or not, or who permits or suffers any animal to be cruelly over-ridden, over-driven, or over-loaded, shall be liable to a fine of ten pounds. (*As amended by 21 of 1918, s. 3.*)

Cramming  
feathered  
stock.

144. Whoever exposes or offers for sale, or causes to be exposed for sale, any feathered stock in the condition known as crammed or stuffed, or having any foreign substance such as lead, iron or stone, or other material in its crop, shall be liable, for each of such feathered stock, to a fine of ten shillings.

Causing  
unnecessary  
pain to  
animal in  
transit.

145. Whoever conveys or carries, or causes to be conveyed or carried, any animal in such a manner or position as to subject it to unnecessary pain or suffering shall be liable to a fine of five pounds.

Torturing  
animal  
required to  
be killed for  
food.

146. Whoever tortures, or causes unnecessary suffering to, any animal which is required to be killed for food or for any other necessary purpose, or in consequence of accidental injury or incurable disease, shall be liable to a fine of five pounds.

### *Trespassing, and Detention of Goods.*

Definition of  
owner and  
occupier.

147. In the following provisions relating to the prevention of squatting and trespassing, unless the context otherwise requires, the words "owner" and "occupier" respectively include any tenant or lessee, and the attorney or agent of any owner or occupier.

Removal and  
punishment  
of squatter.

148. (1) If any person enters upon and uses or occupies any land, not exceeding twenty pounds in annual value, belonging to or in the possession of any other person, without leave of the owner or



occupier thereof or without lawful authority for so doing, it shall be lawful for the Commissioner of the district in which such land is situate on the complaint of such owner or occupier, to summon before him the person using or occupying such land to show cause why an order should not be made for his removal therefrom.

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(2) If, on the hearing of such complaint, it is proved, to the satisfaction of the Commissioner, that the defendant has entered upon and used or occupied such land without such leave or lawful authority for so doing, it shall be lawful for the Commissioner to make an order for the removal, by force if necessary, of such person from the said land, and also of any erection, animal, or thing whatsoever which he may have placed or have thereon.

(3) The Commissioner may also in addition, if he thinks fit, impose on such person a fine of five pounds, and may order that the whole, or any portion of such fine, if paid or recovered, shall be paid to the owner or occupier of the said land.

#### 149. Whoever—

Penalty on  
person guilty  
of insulting  
trespass on  
land.

- (1) Unlawfully enters in an insulting, annoying, or threatening manner upon any land belonging to or in the possession of any other person; or
- (2) Unlawfully enters upon any such land after having been forbidden so to do; or
- (3) Unlawfully enters and remains on any such land after having been required to depart therefrom; or
- (4) Having lawfully entered upon any such land, misconducts himself by behaving thereon in an insulting, annoying, or threatening manner; or
- (5) Having lawfully entered on any such land, remains thereon after having been lawfully required to depart therefrom,

shall, on the complaint of the owner or occupier of such land, be liable to a fine of two pounds.

150. Any artificer, workman, journeyman, apprentice, servant, labourer, or other person who unlawfully disposes of or retains in his possession, without the consent of the person by whom he may be hired, retained, or employed, any goods or chattels, not exceeding five pounds in value, committed to his care or charge, shall be liable to a fine not exceeding two pounds, and shall also be liable to pay as amends to the person aggrieved the value of that which has been so disposed of or not returned uninjured.

Punishment  
of artificer,  
&c., for  
disposing of  
or retaining  
goods com-  
mitted to  
his care.

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*Miscellaneous.*

Taking spirits  
on board Her  
Majesty's  
ships, &c.

151. (1) Whoever brings on board any of Her Majesty's vessels any spirituous or fermented liquor without the previous consent of the officer commanding the vessel, or approaches or hovers about any such vessel for the purpose of bringing any such liquor on board without such consent, or of giving or selling any such liquor to any officer, seaman, or marine in Her Majesty's service without such consent, or of assisting any such officer, seaman or marine to improperly absent himself from his vessel, shall be liable to a fine of ten pounds.

(2) Any officer in Her Majesty's service, or any warrant or petty officer of the navy, or non-commissioned officer of marines may, with or without seamen or persons under his command, search any boat or other vessel hovering about or approaching, or which may have hovered about or approached, any of Her Majesty's vessels, and may seize any such liquor found thereon, and such liquor shall be forfeited to Her Majesty.

(3) Any such officer or warrant or petty or non-commissioned officer, or any constable, may without warrant arrest and detain any person found committing an offence under this section, and take him before a District Commissioner to be dealt with according to law.

Letter  
written for  
illiterate  
person to be  
signed, &c.,  
by writer.

152. Whoever writes a letter or petition at the request or in the name of an illiterate person shall write thereon his own name and address; and his doing so shall imply a statement by him that he was instructed to write the letter or petition by the said illiterate person, and that it conveys neither more nor less than the meaning intended by that person, and (if it is or purports to be signed or executed by him) that it was read over and explained to him and that he fully understood the contents thereof before he signed or executed it, and that the mark or signature thereon which purports to be his is his mark or signature. If the writer does not write his own name and address on such letter or petition, or if (having done so) the statement implied as aforesaid is in any particular untrue, he shall be liable to a fine of five pounds.

“Own name” means full, true and proper country or native name where a person has a country or native name, otherwise a person's true and proper surname and his Christian name if any.

Withholding  
of public  
money, &c.,  
by public  
officer.

153. (1) If any public officer who is bound as such officer to pay or account for any moneys or valuable things, or to produce or give up any documents or other things, fails to pay or account for, or to



produce or give up, the same according to his duty to any other officer or person lawfully demanding the same, he shall (without prejudice to his liability in any civil proceeding, or to his liability as for any offence punishable under any other Title of this Code) be liable to imprisonment for three months.

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(2) If a public officer is summarily adjudged to be imprisoned under the provisions of this section, he shall be discharged upon his satisfying the Court before which he was convicted, or any Court of similar jurisdiction, that he has since his conviction performed the duty for default in performance of which he was adjudged to be imprisoned.

Explanation  
as to with-  
holding  
public  
moneys, &c.

154. Whoever votes or offers to vote at any public election at which he knows that he is not entitled so to vote, or in respect of a qualification in respect of which he knows that he is not entitled so to vote, shall be liable to imprisonment for three months.

Unlawful  
voting at  
election.

155. Whoever without reasonable excuse makes default in obeying any summons, process, or order lawfully issued or made by any Court for his attendance as a witness in any judicial proceeding, or for the production by him of any written or other evidence in any judicial proceeding, shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

Disobedience  
to summons  
as witness.  
(See s. 370.)

156. Whoever, knowing that any execution, warrant, or other process of law has been awarded or issued for the seizure of anything belonging to him or in his possession, custody, or control, removes, conceals, or in any manner disposes of any such thing, with intent to defeat or evade such execution, warrant, or other process, shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

Removing  
goods to  
evade legal  
process.  
(See s. 284.)

157. Whoever with intent to defeat, obstruct, or pervert the course of justice, or the due execution of the law, or to evade the requirements of the law, or to defraud or injure any person, or to obtain or assist in or facilitate the obtaining of any passport, instrument, concession, appointment, permission, or other privilege or advantage, endeavours to deceive or to overreach any public officer acting in the execution of any public office or duty, by personation or by any false instrument, document, seal, signature, or by any false statement, declaration, or assurance, whether written or verbal, or by any written or verbal statement, declaration, or assurance, which the person making such statement, declaration, or assurance, shall not prove to the satisfaction of the Court trying him that he had good reason to believe to be true shall be liable to

Deceit of  
public officer.

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a fine of twenty-five pounds, or to imprisonment for three months.  
(*As substituted by 21 of 1918, s. 4.*)

Falsely pre-  
tending to  
be public  
officer, &c.  
(*See s. 391.*)

158. (1) Whoever pretends to be or acts as a public officer or juror, or to be a messenger of or to hold any authority from the Governor or the Court or any District Commissioner, not being lawfully authorised to act as such officer or juror or messenger, or not holding such authority, and in or under colour of such assumed character does or attempts to do, or procures or attempts to procure any person to do or abstain from doing, any act whatsoever, shall be liable to a fine of twenty-five pounds, or to imprisonment for three months, unless he shows either—

(a) That he so pretended or acted under a mistake of law or of fact; or,

(b) In the case of a person acting as a public officer, that he so acted in good faith for the public benefit.

(2) The provisions in Title XXVI., as to proof of falsity of pretence shall apply upon any trial for an offence under this section.

Taking pro-  
hibited things  
into or out of  
prison, &c.  
(*See s. 380.*)

159. (1) Whoever without authority from the Inspector-General of Prisons conveys anything into or out of a prison, or delivers to or receives from a prisoner in a prison anything whatsoever, shall be liable to a fine of twenty-five pounds. (*As amended by 15 of 1901, s. 9.*)

Interference  
with prisoners  
outside  
prison.

(2) Whoever in any manner interferes with any convicted prisoner without the precincts of the prison, or delivers to or receives from him anything whatever, or permits him to enter his house, yard, or premises, unless by the request of the prison officer or person in charge of the prisoner, or assists him to absent himself or to neglect his work, shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

Prison officer  
leaving  
prisoner  
when outside  
prison, &c.  
(*See s. 379.*)

160. Any prison officer who, whilst in charge of prisoners at work outside a prison, leaves them under any pretext whatsoever from the time of their departure from the prison till their return, or who for any purpose whatsoever enters any premises, not being the place appointed for the labour of the prisoners, during the time that he is in charge of them, shall be liable to a fine of ten pounds.

Escape.

161. Whoever being in lawful custody for any offence or under any sentence of imprisonment escapes or attempts to escape shall be liable to imprisonment for three months.

Assault, &c.  
of public  
officer.  
(*See ss. 173  
and 354.*)

162. Whoever—

(1) Assaults, obstructs, molests or resists, or aids or incites any other person to assault, obstruct, molest or resist any



public or peace officer, or any person employed by a public or peace officer, acting or proceeding to act in the execution of any public office or duty or in the execution of any warrant or legal process; or

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- (2) Uses any threatening, abusive, or insulting language, or sends any threatening or insulting message, or letter, to any District Commissioner in respect of his duties, shall be liable to a fine of twenty pounds. (*As amended by 7 of 1909, s. 7.*)

(See s. 352.)

163. Whoever, for the purpose of compelling any other person to conduct himself in a particular manner in respect of his business or employment, or to do any act, or to abstain from doing any lawful act of any kind, injures, removes, or conceals any tools, materials, or other things used by him in his business or employment, or uses any violence or threat to him or to any other person, shall be liable to imprisonment for three months. (*As amended by 13 of 1919, s. 11.*)

Obstructing  
lawful act by  
violence, &c.

164. Whoever is found in or about any market, wharf, jetty, or landing place, or in or about any vessel, verandah, outhouse, building, premises, passage, gateway, yard, garden, or enclosed piece of land, for any unlawful purpose, shall be liable to imprisonment for three months.

Being on  
premises for  
unlawful  
purpose.  
(See s. 293.)

165. Whoever wilfully secretes or destroys any postal matter or telegram which ought to have been delivered to any other person shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

Wrongfully  
secreting or  
destroying  
letter or  
telegram.

166. In case any person makes any complaint for any offence alleged to have been committed by some other person, and afterwards, directly or indirectly, receives, without the permission of the Court by which the complaint was to be heard and determined, any sum of money or other reward for compounding, delaying, or withdrawing the complaint, he shall be liable to a fine of twenty-five pounds.

Compounding  
offence.  
(See s. 384.)

167. Whoever obtains any sum of money or other reward from any person by threatening, directly or indirectly, to make a complaint before a District Commissioner for any summary offence when no grounds exist for such complaint, or as an inducement to forbear to make such complaint, shall be liable to a fine of twenty-five pounds, or to imprisonment for three months.

Obtaining  
money by  
threat of  
making com-  
plaint for  
summary  
offence.  
(See s. 274.)

168. Whoever accepts, or agrees or offers to accept, any reward under pretence or on account of restoring to any person, or of helping any person to recover, anything which has been appropriated by

Corruptly  
accepting  
reward for  
restoring  
property, &c.

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any crime punishable under Title XI. or Title XX. of this Code, upon the terms or with the understanding that such crime shall be compounded, shall be liable to imprisonment for three months.

Ousting of  
jurisdiction of  
Commissioner  
in cases  
where *bonâ  
fide* question  
of title is  
involved.

169. If, on the hearing of any complaint under this Book, the Commissioner is of opinion that a *bonâ fide* question of title to land, or to any interest therein or accruing therefrom, is raised between the parties, he shall dismiss such complaint, and may make such order in respect of the costs thereof as he thinks fit.

Awarding  
of portion  
of fine to  
informer.

170.\* The Governor may award a portion of any fine imposed under this Book to any person through whose instrumentality a conviction may have been obtained.

Saving of  
offences  
constituted  
by other  
statutes.

171. Nothing in this Book shall be construed to abolish or limit the jurisdiction of a District Commissioner or Justice of the Peace in respect of offences constituted by any other statute and not specified in this Book.

### BOOK III.—INDICTABLE OFFENCES.

#### PART VII.—OFFENCES AGAINST THE PERSON AND REPUTATION.

##### TITLE XV.—ASSAULT AND SIMILAR OFFENCES.

###### *Assault.*

Assault.  
(See s. 85.)

†172. Whoever unlawfully assaults any person is guilty of a misdemeanour.

Aggravated  
assault.  
(See ss. 162,  
354.)

†173. Whoever is convicted of an unlawful assault of either of the following kinds, namely:—

- (1) Assault upon a person acting as a judicial officer or as a peace officer; or
- (2) Assault upon a minister of religion acting in the execution of the duties of his office; or
- (3) Assault upon a person in any Court of Justice, or assault upon a person in order to prevent him from doing, or on account of his doing or having done, anything as a party, agent, counsel, or witness in any judicial proceedings; or
- (4) Assault with a purpose to commit, or in committing or attempting to commit, any other crime; or

\* But see section 31 of the Spirit Licence Ordinance (Chapter 137).

† Triable by District Commissioner. See Chapter 28, s. 17.



- (5) Assault with any deadly or dangerous instrument or means;  
or

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(6) Indecent assault upon any person, whether male or female, shall be liable to imprisonment for two years.

\*174. Where a person is convicted of an indecent assault, or of an assault upon a female which, in the opinion of the Court, is of an aggravated character, the Court may, in its discretion, sentence him to flogging in addition to any other punishment.

Flogging or  
whipping for  
indecent  
assault, &c.

### *Rape and similar Offences.*

175. Whoever commits rape shall be liable to imprisonment for life, and, in the discretion of the Court, to flogging.

Rape.

176. Whoever carnally knows any female under ten years of age, whether with or without her consent, shall be liable to imprisonment for life, and, in the discretion of the Court, to flogging.

Defilement of  
female under  
ten years  
of age.

177. Whoever unlawfully and carnally knows any female, being of or above ten years and under thirteen years of age, whether with or without her consent, shall be liable to imprisonment for two years: Provided that it shall be a sufficient defence to any charge under this section if it is made to appear to the Court or jury that the accused person had reasonable cause to believe that such female was of or above thirteen years of age: Provided, also, that no prosecution shall be commenced for an offence under this section more than three months after the commission of the offence.

Defilement of  
female be-  
tween ten  
and thirteen  
years of age.

178. Whoever unlawfully and carnally knows any idiotic or imbecile female, whether with or without her consent, under circumstances which do not amount to rape, but which prove that the accused person knew, at the time of the commission of the offence, that such female was an idiot or imbecile, shall be liable to imprisonment for two years.

Carnal  
knowledge of  
idiotic or  
imbecile  
female.

179. Nothing in either of the three last preceding sections shall exempt a person from any liability to punishment for rape or for an attempt to commit rape.

Saving as to  
liability for  
rape in case  
of defile-  
ment, &c.

180. Whoever is convicted of unnatural carnal knowledge of any person, with force or without the consent of such person, shall be liable to imprisonment for life, and, in the discretion of the Court, to flogging.

Unnatural  
carnal  
knowledge  
by force.  
(See s. 435.)

\* Triable by District Commissioner. See Chapter 28, s. 17.

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*Kidnapping, Abduction, and similar Offences.*

Kidnapping. 181. Whoever kidnaps any person shall be liable to imprisonment for ten years.

Child-stealing. 182. Whoever steals any person under twelve years of age, whether with or without his consent, shall be liable to imprisonment for ten years.

Abduction of unmarried female under eighteen. 183. Whoever is guilty of an abduction of any unmarried female under eighteen years of age shall be liable to imprisonment for two years.

Householder, &c., permitting defilement of young female on his premises. 184. Whoever, being the owner or occupier of any premises, or having or acting or assisting in the management or control thereof, induces or knowingly suffers any female of such age as is in this section mentioned to resort to, or be in or upon such premises for the purpose of being unlawfully and carnally known by any person, whether such carnal knowledge is intended to be with any particular person or generally, shall—

- (1) If such female is under ten years of age, be liable to imprisonment for life; and
- (2) If such female is of or above ten and under thirteen years of age, be liable to imprisonment for two years:

Provided that it shall be a sufficient defence to any charge under this section if it is made to appear to the Court or jury that the accused person had reasonable cause to believe that such female was of or above thirteen years of age.

Procuration. 185. Whoever—

- (1) Procures any female under twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal connexion, either within or without Her Majesty's dominions, with any other person; or
- (2) Procures any female to become, either within or without Her Majesty's dominions, a common prostitute; or
- (3) Procures any female to leave this Colony, with intent that she may become an inmate of a brothel elsewhere; or
- (4) Procures any female to leave her usual place of abode in this Colony (such place not being a brothel) with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either within or without Her Majesty's dominions,



shall be liable to imprisonment for two years: Provided that no person shall be convicted of any offence under this section upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused person.

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186. Whoever takes away or detains against her will any female of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be liable to imprisonment for fourteen years.

Forcible  
taking or  
detaining of  
female, with  
intent.

187. Whoever by duress causes any person to marry against his or her will, shall be liable to imprisonment for two years.

Compulsion  
of marriage.

• 188. Whoever, knowing that any of the offences mentioned in the seven last preceding sections has been committed in the case of any person, abets the unlawful detention of such person, or otherwise abets the execution of the intent with which that offence was committed, shall be deemed guilty of that offence.

Special pro-  
vision as to  
abetment.

\*189. Whoever, being bound by law, or by virtue of any agreement or employment, to keep charge of or to maintain any child under five years of age, or being unlawfully in possession of any such child, abandons such child by leaving it at a hospital, or at the house of any person, or in any other manner, shall be liable to imprisonment for two years.

Abandonment  
of infant.

### *Definitions and Special Provisions.*

190. Rape is the carnal knowledge of a female of any age without her consent.

Definition  
of rape.

191. Whenever, upon the trial of any person for an offence punishable under this Book, it is necessary to prove carnal knowledge, the carnal knowledge shall be deemed complete upon proof of any the least degree of penetration only.

Evidence of  
rape, &c.

192. If a female is compelled to marry another person by such duress as avoids the marriage or makes it voidable, the marriage is of no effect for the purposes of Book I. of this Code with respect to consent.

Effect of  
avoidance of  
marriage as  
regards  
consent.

193. A person is guilty of kidnapping—

Definition of  
kidnapping.

- (1) Who unlawfully imprisons any person, and takes him out of the jurisdiction of the Court, without his consent; or

\* Triable by District Commissioner. See Chapter 28, s. 17.

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- (2) Who unlawfully imprisons any person within the jurisdiction of the Court, in such a manner as to prevent him from applying to a Court for his release or from discovering to any other person the place where he is imprisoned, or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned.

Definition of  
abduction.

194. (1) A person is guilty of abduction of a female who, with intent to deprive of the possession or control of the female any person entitled thereto, or with intent to cause her to be married to, or carnally known by, any person—

- (a) Unlawfully takes her from the lawful possession, care, or charge of any person; or
- (b) Detains her from returning to the lawful possession, care, or charge of any person.

(2) The possession, control, care, or charge of a female by a parent, guardian, or other person shall be held to continue, notwithstanding that such female is absent from his actual possession, control, care, or charge, if such absence is for a special purpose only, and is not intended by the parent, guardian, or other person to exclude or determine such possession, control, care or charge for the time being; but a person is not guilty of abduction by taking or detaining a female unless he knew, or had grounds for believing that such female was in the possession, control, care, or charge of some other person.

Definition of  
child-  
stealing.

195. (1) A person is guilty of stealing another person—

- (a) Who kidnaps him; or
- (b) Who unlawfully takes or detains him, with intent to deprive of the possession or control of him any person entitled thereto, or with intent to steal anything upon or about his body, or with intent to cause any harm to him.

(2) For the purposes of this section, it is not necessary to prove that the person stolen had been taken from the possession, care or charge of any person, if it is shown that some person, other than the accused person, was entitled to the control or possession of the person stolen.

Special pro-  
visions as  
to child-  
stealing and  
abduction.

196. For the purposes of the sections of this Title relating to child-stealing and abduction—

- (1) It is not necessary that the taking or detaining should be without the consent of the person taken or detained, and it suffices if the person is persuaded, aided, or encouraged. to depart or not to return;



- (2) It is not necessary that there should be an intent permanently to deprive any person of the possession or control of the person taken or detained;
- (3) A taking or detention is unlawful unless some person entitled to give consent to the taking or detention of the person taken or detained, for the purposes for which he is taken or detained, gives consent to the taking or detention for those purposes;
- (4) A person having the temporary possession, care, or charge of another person for a special purpose, as the attendant, employer, or schoolmaster of such person, or in any other capacity, can be guilty of stealing or abduction of such person by acts which he is not authorised to do for such special purpose, and he cannot give consent to any act by another person which would be inconsistent with such special purpose; and
- (5) Notwithstanding the general provisions of Book I. of this Code with respect to mistake of law, a person is not guilty of stealing or of abduction of another person by anything which he does in the belief that he is entitled by law as a parent or guardian, or by virtue of any other legal right, to take or detain the other person for the purposes for which he takes or detains him; but this rule shall not be construed to exempt a person from liability to punishment on the plea that he did not know or believe, or had not the means of knowing, that the age of the other person was under twelve or eighteen years, as the case may be; nor to exempt a person from liability to punishment as for stealing or abduction if he took or detained the other person for any immoral purpose. (*As amended by 3 of 1903, s. 7.*)

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*Illustration.*

Subs. (5) A mother, believing in good faith that she has a right to the custody of her child in pursuance of an agreement with the father, takes it away from the father. She is not guilty of the offence of abduction, although the agreement is invalid.

197. Where, on the trial of any offence under this Title, it is proved, to the satisfaction of the Court, that the seduction or prostitution of any female under thirteen years of age has been caused, encouraged, or favoured by her father, mother, guardian, master, or mistress, it shall be in the power of the Court to divest such father, mother, guardian, master, or mistress of all authority over her, and to appoint any person or persons willing to take charge of such female to be her guardian until she has attained twenty-one

Custody of  
female under  
thirteen years  
of age.

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years of age, or any age below this, as the Court may direct, and the Court shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian, or in any other respect.

Power of  
search for  
female de-  
tained for  
immoral  
purposes.

198. (1) If it appears to any District Commissioner, on information laid before him on oath by any parent, guardian, or relative of any female or by any other person who, in the opinion of the Commissioner, is *bonâ fide* acting in the interest of any female, that there is reasonable cause to suspect that such female is unlawfully detained for immoral purposes by any person in any place within his jurisdiction, he may issue a warrant authorising any person named therein to search for, and, when found, to take to and detain in a place of safety, such female, until she can be brought before him or some other Commissioner; and the Commissioner before whom such female is brought may cause her to be delivered up to her parents or guardian, or to be otherwise dealt with as circumstances may permit and require.

(2) The Commissioner issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such female to be apprehended and brought before him or some other Commissioner, and proceedings to be taken for punishing such person according to law.

(3) A female shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any person, whether any particular person or generally, and either—

(a) Is under thirteen years of age; or

(b) If of or above thirteen years and under eighteen years of age, is so detained against her will, or against the will of her father or mother or of any other person having the lawful care or charge of her; or

(c) If of or above eighteen years of age, is so detained against her will.

(4) Any person who is authorised by warrant under this section to search for any female so detained may enter (if need be by force) any house, building, or other place mentioned in such warrant, and may remove such female therefrom.

(5) Every warrant issued under this section shall be addressed to and executed by some superior officer of the police, who shall be accompanied by the parent, guardian, or relative of the female, or other person laying the information, if such person so desires, unless the Commissioner otherwise directs.



## TITLE XVI.—CRIMINAL HARM TO THE PERSON.

\*199. Whoever intentionally and unlawfully causes harm to any person shall be liable to imprisonment for one year. Causing harm.

\*200. Whoever intentionally and unlawfully causes a wound to any person shall be liable to imprisonment for two years. Causing wound.

201. Whoever intentionally and unlawfully causes grievous harm to any person shall be liable to imprisonment for five years. Causing grievous harm.

202. Whoever intentionally and unlawfully causes a maim or any dangerous harm to any person shall be liable to imprisonment for twenty years. Causing maim or dangerous harm.

203. Whoever uses a sword, dagger, bayonet, firearm, poison, or any explosive, corrosive, deadly, or destructive means or instrument, shall— Use of deadly means of harm.

- (1) If he does so with intent unlawfully to cause harm to any person, be liable to imprisonment for five years; or
- (2) If he does so with intent unlawfully to wound or to cause grievous harm to any person, be liable to imprisonment for ten years; or
- (3) If he does so with intent unlawfully to maim or to cause, dangerous harm to any person, be liable to imprisonment for twenty years.

\*204. Whoever unlawfully and knowingly administers any noxious matter to any person shall be liable to imprisonment for two years. Administering noxious matter.

205. Whoever commits any of the offences mentioned in the preceding sections of this Title, with intent to facilitate the commission of any crime by himself or by any other person, or with intent to hinder the arrest or detention of himself or of any other person for any crime, or with intent to hinder the discovery of any crime, or with intent to enable himself or any other person to escape from legal custody, whether for a crime or for any other cause, shall— Committing certain offences with matter of aggravation

- (1) If such crime is a felony, be liable to imprisonment for a term which may exceed by seven years the term for which he is otherwise liable to such imprisonment, or
- (2) In any other case, be liable to imprisonment for five years.

\* Triable by District Commissioner. See Chapter 28, s. 17.

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Garrotting,  
&c.

**206.** Whoever, with any of the intents mentioned in the last preceding section, and by means of choking, suffocating, or strangling, or by any other violence or by means of any stupefying or overpowering drug, gas, or other matter, renders or attempts to render a person unconscious or insensible or physically incapable of resistance, shall be liable to imprisonment for twenty years, and, in the discretion of the Court, to flogging.

Intentionally  
endangering  
train or  
vessel.

**207.** Whoever causes the safety of any engine, carriage, or train upon a railway, or of any vessel, to be endangered, with intent to cause harm or danger to any person, shall be liable to imprisonment for twenty years, and, in the discretion of the Court, to flogging.

Interference  
with signal,  
&c.

**\*208.** Whoever in any manner unlawfully interferes with or obstructs the working of any lighthouse, beacon, buoy, signal, or other apparatus or thing, of what kind soever, which is used or maintained for the safety of navigation, whether on the sea or on a river or other water, or for the safe working or using of any railway, shall, although he does not intend to cause harm or danger of harm to any person, be liable to imprisonment for two years.

Fraud or  
negligence  
endangering  
train or  
vessel.

**209.** (1) Whoever in constructing or repairing any vessel, or any fittings or machinery for a vessel, or any engine, carriage, or apparatus to be used on or forming part of a railway, knowingly uses such materials, or so does any work, or so conceals any defect, as that the safety of the vessel, or of any person on board the vessel or who may use the railway, is likely to be endangered, shall be liable to imprisonment for ten years.

Supplying  
inferior stores  
or life belts to  
vessel.

(2) Whoever supplies for use on board any vessel any medical or surgical stores or instruments, or any life belt or apparatus for saving life, of such inferior quality or in such a condition as to be substantially unfit for the purposes for which the same are or is supplied or as to be likely to endanger life, shall, if he does so knowingly, be liable to imprisonment for five years or shall, if he does so negligently, be liable to imprisonment for two years.

Exposing  
child to  
grievous  
harm.

**210.** Whoever unlawfully exposes or abandons any child, under seven years of age, in such a manner that any grievous harm is likely to be caused to it, shall be liable to imprisonment for five years.

Negligently  
causing  
harm.

**\*211.** Whoever negligently and unlawfully causes harm to any person shall be liable to imprisonment for six months.

Negligently  
causing  
grievous  
harm.

**\*212.** Whoever negligently and unlawfully causes grievous harm to any person shall be liable to imprisonment for eighteen months.



**\*213. Whoever—**

- (1) Being solely or partly in charge of any steam-engine, machinery, ship, boat, or dangerous thing or matter of any kind; or
- (2) Having undertaken or being engaged in medical or surgical treatment of any person; or
- (3) Having undertaken or being engaged in the dispensing, supplying, selling, administering, or giving away of any medicine or any poisonous or dangerous matter,

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Person in charge of dangerous thing, surgeon, &c., negligently causing harm or danger.

negligently causes harm to any person, or negligently endangers the life of any person, shall be liable to imprisonment for two years.

*Definitions and Special Provisions.***214. In this Code, unless the context otherwise requires—**

“Harm” means any bodily hurt, disease, or disorder, whether permanent or temporary;

Definition of different kinds of harm.

“Grievous harm” means any harm which amounts to a maim or dangerous harm as hereinafter defined, or which seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement or to any permanent or serious injury to any external or internal organ, member, or sense;

“Dangerous harm” means harm endangering life;

“Maim” means the destruction or permanent disabling of any external or internal organ, member, or sense.

**215. Harm is unlawful which is intentionally or negligently caused without any of the justifications mentioned in Title VII. of this Code.**

Definition of unlawful harm.

**216. A person causes harm by an omission, within the meaning of this Code, if harm is caused by his omission to perform any such duty for preventing harm as in the next succeeding section is mentioned, and in no other case.**

Explanation as to causing harm by omission.

**217. A person is under a duty for preventing harm to another person—**

- (1) If he is under a duty, as mentioned in the next succeeding section, to supply a person with the necessaries of health and life; or
- (2) If he is otherwise under a duty, by virtue of the provisions of any statute, or by virtue of any office or employment,

Cases in which a person is under duty to prevent harm to another person.

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Cases in  
which a  
person is  
under duty  
to supply  
another  
person with  
necessaries  
of health and  
life.

or by virtue of a lawful order of any Court or person, or by virtue of any agreement or undertaking, to do any act for the purpose of thereby averting harm from any person, whether ascertained or unascertained.

218. (1) A man is under a duty to supply the necessaries of health and life to his wife, being actually under his control, and to his legitimate or illegitimate son or daughter, being actually under his control and not being of such age and capacity as to be able to obtain such necessaries. A guardian is under the like duty with respect to his ward, being actually under his control.

(2) A woman, upon being delivered of a child, whether legitimate or illegitimate, is under a duty, so far as she is able, to summon assistance and to do all such other acts as are necessary and reasonable for preserving the child from harm by exposure, exhaustion, or otherwise by reason of its condition as a newly-born child. She is also under a duty, so far as she is able, to support and take reasonable care of the child, being under her control or in her care or charge, until it can safely be weaned.

(3) A person who, by virtue of office as a gaoler, relieving officer, or otherwise, or by reason of the provisions of any statute is bound to supply any of the necessaries of health and life to a person, is under a duty to supply them accordingly.

(4) A person who wrongfully imprisons another person is under a duty to supply him with the necessaries of health and life.

(5) A person who has agreed or undertaken to supply any of the necessaries of health and life to another person, whether as his servant, apprentice, or otherwise, is under a duty to supply them accordingly.

(6) If a person is under a duty as hereinbefore in this section mentioned and he has not the means of performing the duty, and there is any person or public authority bound to furnish him with such means, he is under a duty to take all reasonable steps for obtaining such means from such person or authority.

(7) If a person, being under a duty to supply any of the necessaries of health and life to another person, lawfully charges his wife, servant or any other person with the supply of such necessaries, and furnishes the means for that purpose, the wife, servant, or other person so charged is under a duty to supply such necessaries accordingly.

(8) "Necessaries of health and life" includes proper food, clothing, shelter, warmth, medical or surgical treatment, and any other matters which are reasonably necessary for the preservation of the health and life of a person.



*Illustration.*Book III.—  
Part VII.  
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Subs. (6) The father or mother of a child, having no means of providing the child with food or medical attendance, is bound to seek assistance from any officer appointed to relieve the poor, but is not bound to beg from private charity.

219. (1) Where, under the provisions of either of the two last preceding sections, a duty is constituted by an office, employment, agreement, or undertaking, such a duty is sufficiently constituted in the case of a person who is actually performing the functions belonging to such an office or employment, or who is acting as if he were under such an agreement or undertaking with respect to another person.

Explanations  
as to office,  
&c.

(2) No person is excused from liability for failure to perform a duty within the meaning of either of the two last preceding sections, on the ground that another person is also under the same duty, whether jointly with him or independently of him, and whether on the same or on a different ground.

*Illustrations.*

Subs. (1) (a) A deputy-gaoler, even though unlawfully appointed, is under all the duties of a gaoler in relation to his prisoners.

(b) A master is under all the duties of a master in relation to his apprentice, even though the articles of apprenticeship are void.

220. The general provisions of Book I. of this Code with respect to causing an event are, in their application to the matters of this Title, subject to the following explanations and modifications, namely:—

Exceptions  
from general  
provisions as  
to causing  
an event.

(1) A person shall not be deemed to have caused harm to another person by omitting to supply him with the necessities of health and life, unless it is proved against him that the other person, by reason of his age or physical or mental state, or by reason of control by the accused person, could not by reasonable exertion have avoided the harm:

(2) Disease or disorder which a person suffers as the inward effect of his grief, terror, or other emotion shall not be deemed to be harm caused by another person, although such grief, terror, or emotion has been caused by him whether with intent to cause harm or otherwise; (See s. 138.)

(3) Harm which a person suffers by execution of a sentence of a Court in consequence of a prosecution instituted, prosecuted, or procured, or of evidence given or procured to be given, by another person, whether in good faith or not, shall not be deemed to have been caused by that other person; and

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- (4) Except as in this section expressly provided, a person shall not be excused from liability to punishment for causing harm to another person or be acquitted of having caused harm to another person, on the ground that the other person, by his own trespass, negligence, act, or omission, contributed to the causing the harm.

*Illustrations.*

Subs. (1) A master is not guilty of an offence under sect. 218 by not supplying food to his servant according to the contract of service, if the servant could have left his house or obtained food.

Subs. (2) A., knowing that by reason of B.'s state of health, bad news suddenly communicated will be likely to kill B., suddenly communicates bad news to B., and B. dies. Here A. cannot be convicted of murder, even though his intention was to cause B.'s death.

Subs. (3) A., by false evidence, procures B. to be convicted of crime and sentenced to flogging. Here A. is not liable to be convicted of having caused B. to be flogged. But he is liable to be punished under section 359.

Subs. (4) A., by reckless driving, causes harm to B., who is sleeping in his cart in the road. Here A. is not excused by reason of the fact that B. could have got out of the way if he had not been sleeping.

**221.** Where any person in good faith, for the purposes of medical or surgical treatment, intentionally causes harm to another person which, in the exercise of reasonable skill and precaution according to the circumstances of the case, he ought to have known to be plainly improper, he shall be liable to punishment as if he had caused such harm negligently, within the meaning of this Code, and not otherwise.

*Illustration.*

A surgeon, through gross negligence, amputates a limb which there is no necessity to amputate. The surgeon is not liable to be convicted of having intentionally and unlawfully caused a maim, but he is liable to be convicted of having negligently and unlawfully caused grievous harm.

**222.** If a person intentionally hinders any other person from escaping from a wrecked vessel, or from lawfully protecting himself or any other person against harm in any case, he shall be deemed to have intentionally caused any harm which happens to such other person by reason of his being so hindered.

**223.** For the purposes of this Code, expressions referring to poison or to noxious matter include matter which is poisonous or noxious only by reason of the quantity taken or administered, or of the circumstances under which it is taken or administered, or of the state of health or the peculiar bodily character of the person by whom it is taken or to whom it is administered.

Special provision as to medical or surgical treatment.

Causing harm by hindering escape from wreck, &c.

Explanation of provisions referring to poison or to noxious matter.



## TITLE XVII.—CRIMINAL HOMICIDE AND SIMILAR OFFENCES.

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Part VII.  
Title XVII.

224. Whoever commits murder shall be liable to suffer death ; provided that sentence of death shall not be pronounced on or recorded against a juvenile offender, but in lieu thereof the Court shall sentence the juvenile offender to be detained during His Majesty's pleasure, and, if so sentenced, he shall notwithstanding anything contained in any other provision of this Code be liable to be detained in such place and under such conditions as the Governor may direct, and whilst so detained shall be deemed to be in legal custody.

Murder.

Abolition of  
death sen-  
tence against  
juvenile  
offenders.

Detention.

In this section the expression " Juvenile Offender " means an offender who, in the opinion of the Court, is under the age of sixteen years. (*As amended by 8 of 1910, s. 2.*)

Interpre-  
tation.

225. (1) A person in detention pursuant to the directions of the Governor under the preceding section may, at any time, be discharged by the Governor on licence.

Discharge of  
persons de-  
tained under  
preceding  
section.

(2) A licence may be in such form and may contain such conditions as the Governor may direct.

(3) A licence may at any time be revoked or varied by the Governor, and where a licence has been revoked the person to whom the licence related shall return to such place as the Governor may direct, and if he fails to do so may be apprehended without warrant and taken to that place. (*Added by 8 of 1910, s. 3.*)

226. Whoever attempts to commit murder shall be liable to imprisonment for life.

Attempt to  
commit  
murder.

227. Whoever, being under sentence of penal servitude or of imprisonment for three years or more, attempts to commit murder, shall be liable to suffer death.

Attempt to  
commit  
murder by  
convict.

228. Whoever commits manslaughter by negligence shall be liable to imprisonment for five years; and whoever commits manslaughter in any other case shall be liable to imprisonment for life.

Man-  
slaughter.

229. (1) Whoever abets the commission of suicide by any person shall, whether or not the suicide be actually committed, be liable to imprisonment for twenty years.

Abetment of  
suicide.

(2) Whoever attempts to commit suicide shall be guilty of a misdemeanour.

Attempt to  
commit  
suicide.

230. Whoever intentionally and unlawfully causes abortion or miscarriage shall be liable to imprisonment for fourteen years.

Abortion.

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Title XVII.

Causing harm  
to child at  
birth.

Concealment  
of body of  
child.

**231.** Whoever intentionally and unlawfully causes harm to a living child during the time of its birth shall be liable to imprisonment for ten years.

**\*232.** Whoever conceals the body of a child, whether such child was born alive or not, with intent to conceal the fact of its birth, existence, or death, or the manner or cause of its death, shall be liable to imprisonment for two years.

*Definitions and Special Provisions.*

Definition  
of man-  
slaughter.

**233.** Whoever causes the death of another person by any unlawful harm is guilty of manslaughter. If the harm was negligently caused he is guilty only of manslaughter by negligence.

Definition  
of murder.

**234.** Whoever intentionally causes the death of another person by any unlawful harm is guilty of murder, unless his crime is reduced to manslaughter by reason of such extreme provocation, or other matter of partial excuse, as in the next succeeding section is mentioned.

Cases in  
which inten-  
tional homi-  
cide is reduced  
to man-  
slaughter.

**235.** A person who intentionally causes the death of another person by unlawful harm shall be deemed to be guilty only of manslaughter, and not of murder or attempt to murder, if any of the following matters of extenuation are proved on his behalf, namely:—

- (1) That he was deprived of the power of self-control by such extreme provocation given by the other person as is mentioned in the next succeeding section; or
- (2) That he was justified in causing some harm to the other person, and that, in causing harm in excess of the harm which he was justified in causing, he acted from such terror of immediate death or grievous harm as in fact deprived him for the time being of the power of self-control; or
- (3) That, in causing the death, he acted, in the belief, in good faith and on reasonable grounds, that he was under a legal duty to cause the death or to do the act which he did; or
- (4) In the case of a woman who causes the death of her child recently born, that, although she was not insane, she was deprived of the power of self-control by a disease or disorder of mind produced by child-bearing.

\* Triable by District Commissioner. See Chapter 28, s. 17.



*Illustration.*Book III.—  
Part VII.  
Title XVII.

Subs. (3) A soldier is ordered by his commanding officer to fire upon a mob, there being no necessity for such an order to be given. Here, if the soldier in good faith believed himself bound to obey the order, he is not guilty of murder.

236. The following matters may amount to extreme provocation to one person to cause the death of another person, namely:—

Matters  
which amount  
to pro-  
vocation.

- (1) An unlawful assault and battery committed upon the accused person by the other person, either in an unlawful fight or otherwise, which is of such a kind, either in respect of its violence or by reason of accompanying words, gestures, or other circumstances of insult or aggravation, as to be likely to deprive a person, being of ordinary character, and being in the circumstances in which the accused person was, of the power of self-control;
- (2) The assumption by the other person, at the commencement of an unlawful fight, of an attitude manifesting an intention of instantly attacking the accused person with deadly or dangerous means or in a deadly manner;
- (3) An act of adultery committed in the view of the accused person with or by his wife or her husband, or the crime of unnatural carnal knowledge committed in his or her view upon his or her wife or child; and
- (4) A violent assault and battery committed in the view or presence of the accused person upon his or her wife, husband, child, or parent, or upon any other person being in the presence and in the care or charge of the accused person.

237. (1) Notwithstanding proof on behalf of the accused person of such matter of extreme provocation as in the last preceding section is mentioned, his crime shall not be deemed to be thereby reduced to manslaughter if it appears, either from the evidence given on his behalf or from evidence given on the part of the prosecution—

Cases in  
which benefit  
of provo-  
cation is  
excluded.

- (a) That he was not in fact deprived of the power of self-control by the provocation; or
- (b) That he acted wholly or partly from a previous purpose to cause death or harm or to engage in an unlawful fight, whether or not he would have acted on that purpose at the time or in the manner in which he did act but for the provocation; or
- (c) That, after the provocation was given, and before he did the act which caused the harm, such a time elapsed or such

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circumstances occurred that a person of ordinary character might have recovered his self-control; or

- (d) That his act was, in respect either of the instrument or means used or of the cruel or other manner in which it was used, greatly in excess of the measure in which a person of ordinary character would have been likely under the circumstances to be deprived of his self-control by the provocation.

(2) Where a person, in the course of a fight, uses any deadly or dangerous means against an adversary who has not used or commenced to use any deadly or dangerous means against him, if it appears that the accused person purposed or prepared to use such means before he had received any such blow or hurt in the fight as might be a sufficient provocation to use means of that kind, he shall be presumed to have used the means from a previous purpose to cause death, notwithstanding that, before the actual use of the means, he may have received any such blow or hurt in the fight as might amount to extreme provocation.

#### *Illustrations.*

Subs. (1) (b) A., who has long been seeking an occasion to fight in a deadly manner with B., is struck by B., and kills B. Here, if the jury think that A. put himself in B.'s way for the purpose of taking any opportunity which might occur to fight with B., the crime of A. is not reduced to manslaughter by reason of the blow which he received from B.

(d) A. receives a slight blow from a weaker man, B., and beats and kicks B. to death. A.'s crime is not reduced to manslaughter.

Mistake as to  
matter of  
provocation.

238. A lawful blow, arrest, or other violence may be a provocation, notwithstanding its lawfulness, if the accused person neither believed, nor, at the time of his act, had reasonable means of knowing or reasonable ground for supposing, that it was lawful.

Mistake as to  
person giving  
provocation.

239. Where a sufficient provocation has been given to the accused person by one person, and he kills another person under the belief, on reasonable grounds, that the provocation was given by him, the provocation shall be admissible for reducing the crime to manslaughter in the same manner as if it had been given by the person killed; but, except as in this section mentioned, provocation given by one person is not a provocation to kill a different person.

Special provisions as  
to causing  
death.  
(See s. 16.)

240. The general provisions of Book I. of this Code with respect to causing an event are, in their application with respect to the causing of death by harm, subject to the following explanations and modifications, namely:—

- (1) The death of a person shall be held to have been caused by harm if, by reason of the harm, death has happened other-



- wise or sooner, by however short a time, than it would probably have happened but for the harm ;
- (2) It is immaterial that the harm would not have caused the person's death but for his infancy, old age, disease, intoxication, or other state of body or mind, at the time when the harm was caused ;
  - (3) It is immaterial that the harm would not have caused the person's death but for his refusal or neglect to submit to or seek proper medical or surgical treatment, or but for his negligent or improper conduct or manner of living or of treating the harm, unless it is made to appear that the person acted as he did with the purpose of causing his own death ;
  - (4) Death shall be held to have been caused by harm if the death is caused by the medical or surgical treatment of the harm, unless such treatment itself amounts to murder or manslaughter ; and
  - (5) Death shall not be held to have been caused by harm unless the death takes place within a year and a day of the harm being caused.

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**241.** The general provisions of Book I. of this Code with respect to abetment are, in their application for the purposes of this Title, subject to the following special provision, namely, where a person commands the killing of another person, knowing that the killing will be unlawful, then, although the offence of the person so commanded be reduced to manslaughter, or to an attempt to commit manslaughter, by his belief that he was under a legal duty to obey the command, the person giving the command is guilty of the same offence as if the person commanded had not believed himself to be under a legal duty to obey the command.

Special provision as to abetment of homicide.  
(See s. 47.)

**242.** (1) In order that a child may be such a person that it may be murder or manslaughter to cause its death, it is necessary that, before its death, the child should have been completely brought forth alive from the body of the mother.

Explanation as to a child as the object of homicide.

(2) It is not necessary either that a circulation of blood, independent of the mother's circulation, should have commenced in the child, or that the child should have breathed, or that it should have been detached from the mother by severance of the umbilical cord ; and it is murder or manslaughter, as the case may be, to cause death to happen to a child after it becomes a person, within the meaning of this section, by means of harm caused to it before it became such a person.

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Explanation  
as to causing  
abortion.

**243.** (1) The offence of causing abortion or miscarriage of a woman can be committed either by that woman or by any other person; and that woman or any other person can be guilty of using means with intent to commit that offence, although the woman is not in fact pregnant.

(2) The offence of causing abortion can be committed by causing a woman to be prematurely delivered of a child with intent unlawfully to cause or hasten the death of the child.

Explanation  
as to causing  
harm to child  
at birth.

**244.** (1) Where harm is caused to a child during the time of its birth, or where, upon the discovery of the concealed body of the child, harm is found to have been caused to it, such harm shall be presumed to have been caused to the child before its death; and

(2) The expression “during the time of birth” includes the whole period from the commencement of labour till the time when the child so becomes a person as that it may be murder or manslaughter to cause its death.

Explanation  
as to conceal-  
ment of body  
of child.

**245.** (1) Any secret disposition of the body of a child, whether it be intended to be permanent or not, may be a concealment;

(2) The abandonment of the body of a child in any public place may be a concealment, if the body is abandoned for the purpose of concealing the fact of its birth or existence;

(3) Section 232 shall not apply to the case of a child of less than six months' growth before its birth;

(4) Section 232 shall not apply to the case of intent to conceal the birth, existence, or death of a child, or the manner or cause of its death, from any particular person or persons only, but it is requisite that there should be an intent to conceal the same from all persons, except such persons as abet or consent to the concealment; and

(5) The provisions of section 232 apply as well to the mother of the child as to any other person.

#### *Illustrations.*

Subs. (4) (a) A woman conceals from her father or mother the body of her child. She is not guilty of concealment of birth unless she intended to conceal it from persons generally.

(b) A woman conceals the body of her child from all persons except a nurse who helps her in the concealment. The woman is guilty of concealment of birth, notwithstanding that she did not conceal it from her accomplice.

Savings in  
case of  
medical or  
surgical  
treatment.

**246.** (1) Where any person does an act in good faith, for the purposes of medical or surgical treatment, an intent to cause death shall not be presumed from the fact that the act was or appeared likely to cause death.



(2) Any act which is done, in good faith and without negligence, for the purposes of medical or surgical treatment of a pregnant woman is justifiable, although it causes or is intended to cause abortion or miscarriage, or premature delivery, or the death of the child.

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247. Where harm is unlawfully caused to a person within the jurisdiction of the Court, and his death is thereby caused, but the death happens beyond the jurisdiction of the Court, any person who is guilty of having caused or abetted the causing of the harm may be tried and punished under this Code for murder or manslaughter as if the death had happened within the jurisdiction.

Special provision as to jurisdiction in case of homicide.

*Illustration.*

A. wounds B. in Accra. B. sails from Accra, and dies of the wound in Lagos. A. is punishable in Accra for the murder or manslaughter.

TITLE XVIII.—LIBEL.

248. (1) Whoever is convicted of negligent libel shall be liable to imprisonment for six months.\*

Negligent and intentional libel.

(2) Whoever is convicted of intentional libel shall be liable to imprisonment for two years.\*

*Definitions and Special Provisions.*

249. A person is guilty of libel who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person, either negligently or with intent to defame that other person.

Cases in which a person is guilty of libel.

250. (1) Matter is defamatory which imputes to a person any crime, or misconduct in any public office, or which is likely to injure him in his occupation, calling, or office, or to expose him to general hatred, contempt, or ridicule.

Definition of defamatory matter.

(2) In this section "crime" means any offence punishable on information under this Code, and any act punishable on information under any statute in force within the jurisdiction of the Court, and also any act, wheresoever committed, which if committed by a person within the jurisdiction of the Court, would be punishable on information under any statute.

251. (1) A person publishes a libel if he causes the print, writing, painting, effigy, or other means by which the defamatory matter

Definition of publication.

\* Triable with Assessors.

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is conveyed, to be so dealt with, either by exhibition, reading, recitation, description, delivery, or otherwise, as that the defamatory meaning thereof becomes known or is likely to become known, to either the person defamed or any other person.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed, can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

Definition of  
unlawful  
publication.

**252.** Any publication of defamatory matter concerning a person is unlawful, within the meaning of this Title, unless it is privileged on one of the grounds hereafter mentioned in this Title.

Cases in  
which publi-  
cation of  
defamatory  
matter is  
absolutely  
privileged.

**253.** (1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases, namely:—

- (a) If the matter is published by the Governor, or by the Executive Council or the Legislative Council, in any official document or proceeding; or
- (b) If the matter is published in the Executive Council or the Legislative Council by the Governor or by any member of such Councils; or
- (c) If the matter is published by order of the Governor in Council; or
- (d) If the matter is published concerning a person subject to military or naval discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, and to some person having authority over him in respect of such conduct; or
- (e) If the matter is published by a person acting in any judicial proceeding as a Judge or District Commissioner, or as Attorney-General or other public prosecutor, or as a juror or witness; or
- (f) If the matter published is in fact a fair report of anything said, done, or published in the Executive Council or the Legislative Council; or
- (g) If the person publishing the matter is legally bound to publish it; or
- (h) If the matter is true, and if it is found by the jury that it was for the public benefit that the matter should be published.



(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Title (notwithstanding any of the general provisions of Book I. of this Code with respect to justifications or excuses) whether (except as in the last paragraph of the preceding sub-section is mentioned) the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith: Provided that nothing in this section shall exempt a person from any liability to punishment under any other Title of this Code or under any other statute.

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254. A publication of defamatory matter is privileged, on condition that it was published in good faith, in any of the following cases, namely:—

Cases in which publication of defamatory matter is conditionally privileged.

- (1) If the matter published is in fact a fair report of anything said, done, or shown in a civil or criminal inquiry or proceeding before any Court: Provided that if the Court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral, or blasphemous, the publication thereof shall not be privileged; or
- (2) If the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under the last preceding section; or
- (3) If the matter is published by a person acting as counsel or advocate in the course of or in preparation for any legal proceeding; or
- (4) If the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official, or other public capacity, or as to his personal character so far as it appears in such conduct; or
- (5) If the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or
- (6) If the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness, or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this sub-section mentioned; or

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- (7) If the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech, or other work, performance, or act published, or publicly done or made, or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or
- (8) If the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person, so far as it appears in such conduct; or
- (9) If the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
- (10) If the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

Explanation  
as to good  
faith.

255. (1) A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of the last preceding section, if it is made to appear either—

- (a) That the matter was untrue, and that he did not believe it to be true; or
- (b) That the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or
- (c) That, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

(2) If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself,



or from the evidence given on behalf of the accused person, or from evidence given on the part of the prosecution.

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## PART VIII.—OFFENCES AGAINST RIGHTS OF PROPERTY.

### TITLE XIX.—MISCHIEF TO PROPERTY.

#### *Arson.*

256. Whoever intentionally and unlawfully causes any dwelling-house or vessel to be set on fire shall be liable to imprisonment for life.

Arson of dwelling-house or vessel.

257. Whoever intentionally and unlawfully causes any building, whether the same be completed or in an unfinished state, or any mine, or vessel, or anything in or near to any such building, mine, or vessel, to be set on fire, with intent to destroy or materially damage such or any other building, mine, or vessel, shall be liable to imprisonment for twenty years.

Arson of building, &c.

258. Whoever intentionally and unlawfully causes any machine, crop, or other thing, exceeding ten pounds in value, or any forest or plantation of trees, to be set on fire, shall be liable to imprisonment for fourteen years.

Arson of machine, crop, &c.

259. Whoever uses any explosive matter with intent unlawfully to cause material damage to any building, mine, or vessel, or to any engine, carriage, or train upon a railway, or to any bridge or road, or to any part of a railway, or to any machine, or to any property exceeding ten pounds in value, shall be liable to imprisonment for twenty years.

Use of explosive matter with intent to cause damage.

260. Whoever intentionally and unlawfully, in any case not otherwise in this Title expressly provided for, causes damage by fire or explosion to any moveable or immoveable property shall, if the damage so caused exceeds five pounds or harm is caused to any person, be liable to imprisonment for five years or otherwise to imprisonment for one year.

Causing damage by fire or explosion generally.

#### *Other Criminal Mischief.*

261. Whoever in any manner intentionally and unlawfully causes material damage to any building, mine, or vessel, or to any engine, carriage, or train upon a railway, or to any bridge, or to any machinery or tools exceeding five pounds in value, or to any building, structure, work, or apparatus constructed, used, or maintained for the purposes of any port, harbour, dock, canal, railway,

Damage to building, &c.

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mine, or waterworks, or for the purpose of regulating the action of the sea or of any river, or for the purpose of protecting any coast or land from inundation by sea-water or other water, or for the purpose of the supply of water to any manufactory, mine, mill, machinery, or stream, or for the purpose of irrigation, shall be liable to imprisonment for ten years.

Damage to  
lighthouse,  
&c.

**262.** Whoever intentionally and unlawfully causes damage to, or renders permanently or temporarily useless, or obstructs the working of, any lighthouse, beacon, buoy, signal, or other apparatus or thing, of what kind soever, which is used or maintained for the safety of navigation, whether on the sea or on a river or other water, or for the safe working or using of any railway, shall be liable to imprisonment for ten years.

Damage to  
telegraph.  
(See s. 139  
(17).)

**263.** Whoever intentionally and unlawfully causes damage to, or obstructs the working of, any pole, wire, or apparatus used for the purpose of any telegraph, shall be liable to imprisonment for three years.

Damage to  
manufacture,  
&c.

**\*264.** Whoever intentionally and unlawfully causes damage to anything in course of manufacture or of preparation for sale, or to anything manufactured or prepared for sale, or to any vegetable produce, whether growing or severed from the soil, and whether in any building, yard, stack, or wheresoever situate, shall, if the damage caused exceeds ten pounds, be liable to imprisonment for five years, or shall, if the damage caused is to the amount of or is less than ten pounds, but exceeds one pound, be liable to imprisonment for one year.

Damage to  
cattle.  
(See s. 87).

**265.** Whoever intentionally and unlawfully kills, maims, or wounds any cattle, or causes any damage to the amount of or exceeding five pounds to any cattle, or uses poison with intent unlawfully to cause any damage to any cattle, shall be liable to imprisonment for five years.

Damage to  
document.

**266.** Whoever unlawfully damages any document with intent to destroy or materially damage the same, with a purpose to defraud or injure any person, shall be liable to imprisonment for five years; or shall, if the same is a will or a document of title to land or to any interest in land be liable to imprisonment for twenty years.

Damage to  
work of  
art, &c.

**\*267.** Whoever in any manner intentionally and unlawfully causes damage to anything kept for the purposes of art, literature, science,



or curiosity, in any public or private museum, gallery, or collection, or to any statue, or monument in any place, shall be liable to imprisonment for two years, and, in the discretion of the Court, to flogging, in addition to any other punishment.

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\*268. Whoever intentionally and unlawfully causes damage exceeding five pounds to any land or to any animal or thing in any case not specially provided for in this Title, shall be liable to imprisonment for six months.

Damage in  
cases not  
provided for.  
(See s. 99.)

*Definitions and Special Provisions.*

269. In this Code, the word "arson" means any offence punishable under any of the first five sections of this Title.

Definition of  
arson.

270. In this Title—

Definition of  
building, &c.

"Building" means any structure, booth, tent, excavation, cave, or other covered place, whether fixed or moveable, which is constructed, used, or adapted for the habitation, or meeting, or shelter of human beings, or for the keeping or shelter of any cattle or goods, or for the manufacture, keeping, or sale of goods, and any fixture in or attached to a building is a part thereof;

"Dwelling-house" means any building or vessel which, or any part of which, is ordinarily or at the time of the alleged crime occupied by any person, whether as an owner or as a tenant, servant, trespasser, or otherwise, as a sleeping-place during the night or any part of the night; and, for the purposes of this definition, every outhouse or covered place which communicates, by any interior or covered doorway, window, passage, or other opening, with a building shall be deemed to be a part of that building, whether the doorway, window, passage, or opening be used or disused, or fastened or unfastened on either or both sides, and whether the outhouse or covered place be occupied by the same person as the building or by a different person, or be not occupied by any person;

"Mine" includes any mine of coal, metal, stone, or any other mineral or matter, whether it be underground, or wholly or partly open; and "damage," when used with respect to a mine, includes the flooding of a mine.

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TITLE XX.—MISAPPROPRIATIONS AND FRAUDS.

*Stealing, Robbery, and Extortion.*

Stealing.  
(See s. 100.)

\*271. (1) Whoever is convicted of stealing, in any case in which some other punishment is not provided in this Title, shall be liable to imprisonment for five years.

(2) Whoever is convicted of being a common thief shall be liable to imprisonment for fourteen years.

Stealing in  
special cases.

†272. Whoever is convicted—

(1) Of stealing anything of which he had the custody, control, or possession, or to which he had the means of access, by reason of any office, employment, or service;†† or

(2) Of stealing from or in any dwelling-house, shop, manufactory, warehouse, or vessel, or in any place of worship; or

(3) Of stealing from the person; or

(4) Of stealing any cattle; or

(5) Of stealing any pole, wire, or apparatus used for the purposes of any telegraph; or

(6) Of stealing from a grave;

shall be liable to imprisonment for seven years.

Robbery and  
robbery with  
violence.

273. (1) Whoever commits robbery shall be liable to imprisonment for ten years.

(2) Whoever commits robbery, being armed with any offensive instrument, or having made any preparation for using force or causing harm, shall be liable to imprisonment for fourteen years, and, in the discretion of the Court, to flogging.

(3) Whoever shall stop a mail with intent to rob or search the same shall be liable to imprisonment for five years. The term "mail" in this section shall have the same meaning assigned to it as in the Post Office Ordinance. (*Sub-sect. (3) added by 16 of 1898.*)

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Extortion.  
(See s. 167.)

274. (1) Whoever extorts any property from any person by means of threats shall be liable to imprisonment for five years.

(2) Whoever, for purposes of extortion, accuses or threatens to accuse any other person of an infamous offence, shall be liable to

\* Subs. (1) triable by District Commissioner. See Chapter 28, s. 17.

+ Triable by District Commissioner. See Chapter 28, s. 17.

†† Triable with Assessors.



imprisonment for life, and, in the discretion of the Court, to flogging.

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\*275. Whoever steals any animal, not being cattle, which is of some value, and which is and appears tamed or domesticated or is in a state of actual confinement, shall, if it is of a value exceeding one pound, be liable to imprisonment for one year, or if it is of a value exceeding five pounds, be liable to imprisonment for five years.

Stealing  
animal not  
being cattle.

*Fraudulent Breach of Trust.*

276. Whoever is convicted of fraudulent breach of trust shall be liable to imprisonment for five years.

Fraudulent  
breach of  
trust.

*False Pretences and other Frauds.*

\*277. Whoever defrauds any person by any false pretence shall be liable to imprisonment for five years.

Fraud by  
false pretence.  
(See s. 102).

278. Whoever intentionally destroys or causes damage to any building, vessel, goods, cattle, or other thing, with the purpose of claiming or obtaining, or of enabling any person to claim or obtain, any moneys or compensation of any kind from any person who has insured the same, shall be liable to imprisonment for twenty years.

Fraud as to  
insurance.

279. Whoever, being a clerk or servant or public officer, and whoever, being an officer of any partnership, company, or corporation, does any of the acts hereinafter mentioned, with intent to cause or enable any person to be defrauded, or with intent to commit or to facilitate the commission, by himself or by any other person, of any crime, that is to say—

Falsification  
of accounts,  
&c.

- (1) Conceals, injures, alters, or falsifies any book, paper or account kept by or belonging or entrusted to his employers or to such partnership, company, or corporation, or entrusted to him, or to which he has access, as such clerk, servant, or officer, or omits to make a full and true entry in any account of anything which he is bound to enter therein; or
- (2) Publishes any account, statement, or prospectus relating to the affairs of such partnership, company, or corporation, which he knows to be false in any material particular;

shall be liable to imprisonment for seven years.†

\* Triable by District Commissioner. See Chapter 28, s. 17.

† Triable with Assessors.

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Fraud in sale  
or mortgage  
of land.

Fraud by  
bankrupt or  
insolvent.

**\*280.** Whoever, in order to induce any person to become a purchaser or mortgagee of any land or interest in land, fraudulently conceals any document which is material to the title to such land or interest, shall be liable to imprisonment for two years.

**\*281.** (1) Whoever fraudulently and contrary to the provisions of any statute relating to bankruptcy or insolvency or to persons being in insolvent circumstances—

- (a) Conceals, removes, sells, pledges, or in any manner disposes of any property; or
- (b) Fails to disclose or give up any property; or
- (c) Conceals, injures, alters, fabricates, or falsifies any accounts; or
- (d) Makes any assignment of property upon any secret trust; or
- (e) Permits any false claim to be made against his estate; or
- (f) Obtains credit; or
- (g) Uses any deceit for the purpose of procuring his discharge, or of procuring the assent of any person to any deed or arrangement relating to his estate or liabilities; or
- (h) Makes any false claim against the estate of any person who is bankrupt or insolvent:

shall be liable to imprisonment for two years.

(2) The provisions of this section shall be in addition to any provisions of any other statute as aforesaid, but so that a person is not twice punishable for the same act.

Fraud as to  
boundaries  
or documents.

**\*282.** (1) Whoever with intent to defraud does any of the following acts, that is to say—

- (a) Removes, injures, alters, or falsifies any boundary mark or thing serving or intended to distinguish the land or other property of himself, or of any person, from the land or other property of any other person; or
- (b) Conceals, injures, alters, or falsifies any bill of lading, invoice, manifest, receipt, or other document evidencing the quantity, character, or condition of any property, or the receipt or disposition of, or the title of any person to, any property,

shall be liable to imprisonment for two years.

(2) Nothing in this section shall exempt a person from any liability to greater or other punishment under any other provision



of this Code or of any other statute, but so that a person is not twice punishable for the same act.

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\*283. Whoever, secretly or by duress or deceit, and with intent to defraud, takes or obtains any property from any person to whom he has pawned, pledged, or otherwise bailed it, or from any person having, by virtue of any execution, seizure, or other process of law, the possession, custody, or control thereof, is guilty of a misdemeanour.

Fraud as to  
thing pledged  
or taken in  
execution.

\*284. Whoever, knowing that any execution, warrant, or other process of law has been awarded or issued for the seizure of anything belonging to him or in his possession, custody, or control, removes, conceals, or in any manner disposes of any such thing, with intent to defeat or evade such execution, warrant, or other process, is guilty of a misdemeanour.

Fraud in  
removing  
goods to  
evade legal  
process.  
(See s. 156.)

#### *Receiving.*

†285. (1) Whoever dishonestly receives any property which he knows to have been obtained or appropriated by any offence punishable under this Title shall be liable to the same punishment as if he had committed such offence. (*As amended by 7 of 1909, s. 7.*)

Dishonestly  
receiving  
property  
obtained or  
appropriated  
by indictable  
offence and  
common  
receiving.  
(See s. 106.)

(2) Whoever is convicted of being a common receiver shall be liable to imprisonment for fourteen years.

#### *Definitions and Special Provisions.*

286. A person who steals a thing is guilty of robbery if, in and for the purpose of stealing the thing, he uses any force or causes any harm to any person, or if he uses any threat of criminal assault or harm to any person, with intent thereby to prevent or overcome the resistance of that or of any other person to the stealing of the thing.

Definition of  
robbery.

287. "Threat," when used with reference to extortion, does not include a threat of criminal assault or harm to the person threatened.

Explanation  
as to threat  
with reference  
to extortion.

#### *Illustration.*

If A. obtains money from B. by threat of violence to B., he is guilty, not of extortion, but of the graver crime of robbery. And see s. 348.

288. "Infamous offence" means any felony punishable by imprisonment for seven years or more, or an indecent assault or unnatural connection with a person or animal, or an attempt to

Definition of  
infamous  
offence.

\* Triable by District Commissioner. See Chapter 28, s. 17.

† Subs. (1) triable by District Commissioner. See Chapter 28, s. 17.

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XXI.

commit, or an abetment of or conspiracy for, any such offence as aforesaid.

Definition of  
a common  
thief.

**289.** A person shall be deemed to be a common thief if it is proved against him that, in or whilst committing or attempting to commit or abetting the commission of, any offence punishable under this or the next succeeding Title, he used or was in possession of any tools, implements, or means specially contrived or adapted for the purpose of committing such offence, or acted in company with or abetted, or was abetted by, any other person or persons using or in possession of any such tools, implements, or means.

Definition of  
a common  
receiver.

**290.** A person shall be deemed to be a common receiver—

- (1) If he is twice within ten years convicted of the offence of receiving; or
- (2) If the proceeds of two or more offences punishable under this Title are in his possession at the same time; or
- (3) If he, knowingly and without reasonable excuse, has in his possession any tools, implements, or means specially contrived or adapted for the purpose of breaking up, melting, or otherwise preventing the identification of the proceeds of any offence as aforesaid.

#### TITLE XXI.—HOUSE-BREAKING AND BURGLARY.

House-  
breaking.

**\*291.** Whoever commits house-breaking shall be liable to imprisonment for fourteen years, and, if in the opinion of the Court the offence shall have been accompanied by any force or threat of force to any person who is within the building or the offender shall have carried any dangerous weapon or instrument, in the discretion of the Court to flogging. (*As amended by 38 of 1918, s. 2.*)

Burglary.

**\*292.** Whoever commits house-breaking by night in the case of a dwelling-house is guilty of burglary, and shall be liable to imprisonment for twenty years, and, if in the opinion of the Court the offence shall have been accompanied by any force or threat of force to any person who is within the building or the offender shall have carried any dangerous weapon or instrument, in the discretion of the Court to flogging. (*As amended by 38 of 1918, s. 2.*)

Entry into  
building by  
night, &c.  
(See s. 164.)

**\*293.** Whoever unlawfully enters or is by night in any building for the purpose of committing any indictable offence therein, shall,

*\* Note.*—A person charged with any one of these offences may be convicted of any other which is proved. Chapter 13, s. 149.



if such offence is a felony, be liable to imprisonment for seven years, or shall if such offence is a misdemeanour, be liable to imprisonment for five years.

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XXII.

\*294. Whoever is found by night armed with any offensive instrument with the purpose of committing house-breaking or burglary, or is found by night having in his possession, without lawful excuse, any tool, implement, or means contrived or adapted for house-breaking, or unlawfully enters or is by night in any building for the purpose of committing any crime therein, or in any building adjoining or near thereto, shall be liable to imprisonment for five years

Possession of  
instrument  
for burglary,  
&c.

### *Definitions.*

295. A person commits house-breaking if he unlawfully breaks any building for the purpose of executing, or of facilitating or abetting the execution of, any felony therein, by himself or by any other person, or for the purpose of effecting or facilitating the escape therefrom of himself or of any other person after the commission of or attempt to commit any felony therein.

Definition of  
house-  
breaking.

296. A person breaks a building if for any of the purposes mentioned in the last preceding section he uses any force or threat of force to any person who is within the building, or causes damage to anything which is in or forms part of the building, or commences to force or undo or open any lock, bolt, latch, or other fastening, or opens a closed door or window, or is aided in entering or quitting the building by any person who is therein, and who aids him for the purpose of abetting the commission of any felony therein by him or by any other person.

Definition of  
breaking.

297. A person unlawfully enters or is in a building or other place if he enters or is therein, as the case may be, otherwise than in his own right or by the consent of some other person able to give such consent for the purposes for which he enters or is therein.

Definition of  
unlawful  
entry.

### TITLE XXII.—FORGERY AND FALSE COIN.

298. Whoever—

- (1) With intent to defraud, or with intent to defeat, obstruct, or pervert the course of justice, forges any document of any of the following kinds, namely, any will, any document of title to land, any judicial record, any power of

Forgery of  
will, &c.

\* Note.—A person charged with any one of these offences may be convicted of any other which is proved. Chapter 13, s. 149.

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attorney, any bank-note, bill of exchange, promissory note, or other negotiable instrument, any policy of insurance, or any cheque or other authority for the payment of money by a person carrying on business as a banker; or

- (2) With intent to defraud any person to the amount of twenty pounds or upwards, forges any document whatever; or
  - (3) Is convicted of being a common forger,
- shall be liable to imprisonment for life.

Forgery of  
and other  
offences  
relating to  
stamps.

#### 299. Whoever—

- (1) Forges any stamp, whether impressed or adhesive, used for the purposes of revenue by the Colonial Government, or by the Government of the United Kingdom, or of any possession or colony of Her Majesty, or by any foreign prince or state; or
  - (2) Without lawful excuse (the proof whereof shall lie on him) makes or has knowingly in his possession any die or instrument capable of making the impression of any such stamp; or
  - (3) Fraudulently cuts, tears, or in any way removes from any material any stamp used for purposes of revenue by the Colonial Government, with intent that any use should be made of such stamp or of any part thereof; or
  - (4) Fraudulently mutilates any such stamp as last aforesaid with intent that any use should be made of any part of such stamp; or
  - (5) Fraudulently fixes or places upon any material, or upon any such stamp as last aforesaid, any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn, or in any way removed from any other material or out of or from any other stamp; or
  - (6) Fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date, or other matter or thing whatsoever written thereon, with the intent that any use should be made of the stamp upon such material; or
  - (7) Knowingly and without lawful excuse (the proof whereof shall lie upon him) has in his possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date or other matter or thing has been fraudulently erased or otherwise either really or apparently removed,
- shall be liable to imprisonment for seven years.



**300.** Whoever with intent to defraud, or with intent to defeat, obstruct, or pervert the course of justice or the due execution of the law, forges any judicial or official document shall be liable to imprisonment for ten years.

Book III.—  
Part VIII.  
Title XXII.

Forgery of  
judicial or  
official  
document.

**301.** Whoever with intent to defraud any person to the amount or value of five pounds or upwards forges any document whatsoever shall be liable to imprisonment for five years.

Forgery of  
document for  
or above £5.

**\*302.** Whoever forges any document whatsoever, with intent to defraud or injure any person, or with intent to defeat, obstruct, or pervert the course of justice or the due execution of the law, or with intent to evade the requirements of the law, or with intent to commit, or to facilitate the commission of, any crime, shall be liable to imprisonment for two years.

Forgery of  
other docu-  
ment.

**303.** (1) Whoever with intent to defraud counterfeits or falsifies any coin, or imports or exports any counterfeited or falsified coin, shall be liable to imprisonment for five years.

Counterfeit-  
ing coin, &c.,  
and common  
coining.

(2) Whoever is convicted of being a common coiner shall be liable to imprisonment for life.

**304.** (1) Whoever impairs, diminishes or lightens any coin, with intent that when so dealt with it may pass as current coin, shall be liable to imprisonment for fourteen years.

Clipping, &c.,  
of coin; and  
being in  
possession of  
clippings, &c.  
(See s. 118.)

(2) Whoever without lawful excuse, the proof whereof shall lie on him, has in his possession any filings or clippings, gold or silver bullion, or gold or silver in dust, solution or otherwise, produced or obtained by diminishing or lightening any of the Queen's current gold or silver coin, knowing it to have been so produced or obtained shall be liable to imprisonment for seven years.

**305.** Whoever without lawful excuse, the proof whereof shall lie on him, has in his possession any instrument or thing specially contrived or adapted for purposes of forgery or of committing any crime relating to coin, shall be liable to imprisonment for seven years.

Being in  
possession of  
means of  
forging or  
coining.  
(See s. 46.)

**306.** Whoever, with any of the intents mentioned in this Title, utters or in any manner deals with or uses, any such document, stamp, or coin as is in this Title mentioned, knowing the same to be forged, counterfeited, or falsified, as the case may be, or knowing the same not to be genuine, shall be liable to the like punishment as if he had, with that intent, forged, counterfeited, or falsified, as the case may be, such document, stamp, or coin.

Uttering  
forged docu-  
ments, &c.

Book III.—  
Part VIII.  
Title XXII.

Claiming  
upon forged  
document.

307. If any person, with intent to defraud, demands or accepts, for himself or for any other person, any money or money's worth as being due under or by virtue of any document which he knows to be forged or not to be genuine, he shall be liable to the same punishment as if he had forged such document with intent to defraud some person of such money or money's worth.

Possessing  
forged docu-  
ment, &c.

308. Whoever, with any of the intents mentioned in this Title, has in his possession any document, stamp, or coin which is forged, counterfeited, or falsified, or which he knows not to be genuine, shall be liable to the like punishment as if he had, with that intent, forged, counterfeited, or falsified, as the case may be, such document, stamp, or coin.

Procuring,  
making, &c.,  
of document  
by force, &c.

309. Whoever, with any of the intents mentioned in this Title, causes any person, by duress, deceit, or in any manner without his consent, to make, alter, cancel, or injure any such document as is in this Title mentioned, shall be liable to the like punishment as if he had forged such document with such intent.

Forging hall-  
mark on gold  
or silver plate  
or bullion.

\*310. Whoever with intent to defraud forges or counterfeits any hall-mark or mark appointed, under authority of law, by any corporation or public officer to denote the weight, fineness, or age, or place of manufacture of any gold or silver plate or bullion, shall be liable to imprisonment for two years.

#### *Definitions and Special Provisions.*

Explanations  
and special  
provisions as  
to forgery.

311. The following provisions apply with respect to forgery, namely—

(1) A person forges a document if he makes or alters such document, or any material part thereof, with intent to cause it to be believed, either—

(a) That such document or part has been so made or altered by any person who did not in fact so make or alter it; or

(b) That such document or part has been so made or altered with the authority or consent of any person who did not in fact give such authority or consent; or

(c) That such document or part has been so made or altered at a time different from that at which it was in fact so made or altered;

(2) A person who issues or uses any document which is exhausted or cancelled, with intent that it may pass or



- have effect as if it were not exhausted or cancelled, shall be deemed guilty of forging the same;
- (3) The making or alteration of a document or part thereof by a person in his own name may be forgery if the making or alteration is with either of the intents mentioned in this section;
- (4) The making or alteration of a document or part thereof by a person in the name which is not his real or ordinary name is not forgery unless the making or alteration is with one or other of the intents mentioned in this section;
- (5) It is immaterial whether the person by whom, or with whose authority or consent, a document or part thereof purports to have been made, or is intended to be believed to have been made, be living or dead, or be a fictitious person;
- (6) Every word, letter, figure, mark, seal or thing expressed on or in a document, or forming part thereof, or attached thereto, and any colouring, shape, or device used therein, which purports to indicate the person by whom, or with whose authority or consent, a document or part thereof has been made, altered, executed, delivered, attested, verified, certified, or issued, or which may affect the purport, operation, or validity of the document in any material particular, is a material part of such document;
- (7) "Alteration" includes any cancelling, erasure, severance, interlineation, or transposition of or in a document or of or in any material part thereof, and the addition of any material part thereto, and any other act or device whereby the purport, operation, or validity of the document may be affected; and
- (8) All the provisions of this section apply with respect to the forgery of a stamp or trade-mark in the same manner as with respect to the forgery of a document.

Book III.—  
Part VIII.  
Title XXII.

Explanations  
and special  
provisions as  
to forgery.

#### *Illustrations.*

Subs. (3) A. indorses his own name on a cheque, meaning it to pass as an indorsement by another person of the same name. Here A. is guilty of forgery.

Subs. (4) A. is living under an assumed name. It is not forgery for him to execute a document in that name, unless he does so with intent to defraud, etc.

Subs. (5) A., with intent to defraud, makes a promissory note in the name of an imaginary person. Here A. is guilty of forgery.

Book III.—  
Part VIII.  
Title XXII.

Definition of  
coin and of  
official  
document.

### 312. In this Title\*—

“Coin” means any metal or paper used for the time being as money, either in this Colony or in any other place or country, and issued by authority of any Government in order to be so used;

“Official document” means any document purporting to be made, used, or issued by any public officer for any purpose relating to his office.

Definition of  
counter-  
feiting.

313. A person “counterfeits” a stamp, coin, or mark if he makes any imitation thereof, or anything which is intended to pass or which may pass as such stamp, coin, or mark; and if a person makes anything which is intended to serve as a specimen, or pattern, or trial of any process for counterfeiting a stamp, coin, or mark, he shall be deemed to be guilty of counterfeiting, within the meaning of this Title, although he does not purpose that any person should be defrauded or injured by, or that any further use should be made of, such specimen or pattern.

Definition of  
falsification.

314. A person “falsifies” a coin of any metal, coinage, denomination, date, or country, if he removes any such part thereof, or if by any means he so alters it, whether permanently or temporarily, and whether in substance or appearance, as that it may pass for a coin of a different metal, coinage, denomination, date, or country.

Explanation  
as to pos-  
sessing, or  
doing any act  
with respect  
to document,  
stamp, or  
coin.

315. (1) A person possesses or does any act with respect to a document knowing the same not to be genuine, if he possesses it, or does such act with respect to it, knowing that it was not in fact made or altered at the time, or by the person, or with the authority or consent of the person, at which, or by whom, or with whose authority or consent, it purports, or is pretended by him to have been made or altered; and in such case it is immaterial whether the act of the person who made or altered it was or was not a crime.

(2) In like manner, a person possesses or does any act with respect to a stamp or coin knowing the same not to be genuine, if he possesses it, or does such act with respect to it, knowing it is in fact counterfeit or falsified; and in such case it is immaterial whether the act of the person who counterfeited or falsified it was or was not a crime.

Imitation of  
forged docu-  
ment, &c.,  
need not be  
perfect.

316. For the purposes of the provisions of this Code relating to the forgery, counterfeiting, falsifying, uttering, dealing with, using, or possessing of any document, stamp, coin, or trade-mark, it is not necessary that such document, stamp, coin, or trade-mark should be so complete, or should be intended to be made so com-

\* And in Title XII. See sect. 112.



plete, or should be capable of being made so complete, as to be valid or effectual for any of the purposes of a thing of the kind which it purports or is intended to be or to represent, or as to deceive a person of ordinary judgment and observation.

Book III.—  
Parts VIII. &  
IX.  
Titles XXII. &  
XXIII.

317. For the purposes of the provisions of this Code relating to the possessing or doing any act with respect to a document, stamp, coin, or trade-mark which is forged, counterfeited, or falsified, or which is not genuine, it is immaterial whether such document, stamp, coin, or trade-mark has been forged, counterfeited, falsified, made, or altered beyond or within the jurisdiction of the Courts.

Special provision as to jurisdiction.

318. (1) A person shall be deemed to be a common forger—

Definition of a common forger and of a common coiner.

- (a) If he is proved to have used, or to have abetted the use of, any means specially contrived or adapted for purposes of forgery; or
- (b) If he is convicted of any forgery punishable under this Title, after having been convicted of any offence punishable under this Title; or
- (c) If he is proved to have had in his possession, custody, or control at the same or at different times, two or more documents which he knew to have been forged, and by means of which he purposed to commit any offence punishable under this Title.

(2) A person shall be deemed to be a common coiner—

- (a) If he is proved to have used, or to have abetted the use of, any means specially contrived or adapted for purposes of committing any crime with respect to coin; or
- (b) If he is convicted of any crime with respect to coin, after having been convicted of any offence punishable under this Title; or
- (c) If he is proved to have had in his possession, custody, or control, at the same or at different times, three or more coins which he knew to have been counterfeited or falsified, and by means of which he purposed to commit any offence punishable under this Title.

## PART IX.—OFFENCES AGAINST PUBLIC ORDER, HEALTH, AND MORALITY.

### TITLE XXII.—OFFENCES AGAINST THE SAFETY OF THE STATE.\*

319. Whoever compasses, imagines, invents, devises, or intends any act, matter or thing, the compassing, imagining, inventing,

Treason.

\* All offences in this Title except those contained in ss. 319 and 323, are triable with assessors.

Book III.—  
Part IX.  
Title XXIII.

devising, or intending whereof is treason by the law of England for the time being in force, and expresses, utters, or declares such compassing, imagination, invention, device or intention, by publishing any printing or writing or by any overt act, or does any act which, if done in England, would be deemed to be treason according to the law of England for the time being in force, shall be adjudged to be a traitor, and shall be liable to suffer death.

Misprision of  
treason.

**320.** Whoever knows of any treason and does not forthwith reveal the same to the Governor or to some District Commissioner shall be guilty of misprision of treason, and shall be liable to imprisonment for five years.

Treason-  
felony.

**321.** Whoever compasses, imagines, invents, devises, or intends any act, matter, or thing, the compassing, imagining, inventing, devising, or intending whereof is, by the Act of Parliament 11 Victoria, chapter 12, entitled "An Act for the better security of the Crown and Government of the United Kingdom," felony, and expresses, utters, or declares such compassing, imagination, invention, device, or intention, by publishing any printing or writing, or by open and advised speaking, or by any overt act, shall be liable to imprisonment for twenty years.

Application  
of English  
law of  
treason, &c.

**322.** All the enactments, provisos, requirements, and limitations of the law of England for the time being in force relating to treason and misprision of treason, and all the enactments, provisos, requirements, and limitations of the Act of Parliament mentioned in the last preceding section, except so far as provides for the issuing of a warrant within two years after the passing of the said Act, shall be and the same are hereby declared to be the enactments, provisos, requirements, and limitations of the law of this Colony.

Instigating  
invasion of  
the Colony.

**323.** Whoever instigates any foreigner to invade the Colony with armed force shall be liable to suffer death.

Attacking or  
preparing to  
attack with  
force persons  
within or  
without the  
Colony.

**324.** Whoever attacks or prepares to attack with armed force any persons within the Colony, or proceeds or prepares to attack with armed force any persons without the Colony, shall be liable to imprisonment for life.

Use of armed  
force against  
the Govern-  
ment, &c.

**325.** Whoever prepares or endeavours, by armed force or the show of armed force, to procure an alteration in the Government or laws, or to resist the execution of the laws, or to compel the Governor or any member of the Executive or Legislative Council, or any person in command of any military or naval forces or of any peace officers, to do, or to abstain from doing, any act of a public or official character shall be liable to imprisonment for life.



**326.** Whoever is guilty of seditious libel, or having been a party to a seditious assembly, shall be liable to imprisonment for two years.

Book III.—  
Part IX.  
Title XXIII.

Seditious  
libel and  
assembly.

**327.** Whoever with intent to bring Her Majesty into hatred, contempt or ridicule, publishes any defamatory or insulting matter, whether by writing, print, word of mouth, or in any other manner, concerning Her Majesty, is guilty of a misdemeanour.

Defaming  
Her Majesty.

**328.** (1) Whoever intentionally and unlawfully aids or permits the escape of a prisoner of war shall be liable to imprisonment for ten years.

Aiding or  
permitting  
escape of  
prisoner of  
war.

\*(2) Whoever negligently and unlawfully permits the escape of a prisoner of war shall be liable to imprisonment for two years.

**329.** Whoever, not being subject to any Articles of War or Articles of the Navy, abets the commission of mutiny by any person subject to such Articles, shall be liable to imprisonment for twenty years.

Abetment of  
mutiny by  
soldier or  
sailor.

**\*330.** Whoever, not being subject to any Articles of War or Articles of the Navy, abets the desertion of any person subject to such Articles, or the commission by any such person of any assault upon a superior officer being in the execution of his office, shall be liable to imprisonment for two years.

Abetment of  
desertion or  
assault on  
superior  
officer by  
soldier or  
sailor.

**\*331.** Whoever, not being subject to any Articles of War or Articles of the Navy, abets any act of insubordination by any person subject to such Articles, is guilty of a misdemeanour.

Abetment of  
insubordina-  
tion by  
soldier or  
sailor

**\*332.** If three or more persons meet or are together for the purposes of military training or exercise, without the permission of the Governor or of some officer or person authorised by law to give such permission, each of them is guilty of a misdemeanour.

Unlawful  
training.

**\*333.** Whoever causes harm to himself, or procures any other person to cause harm to him, for the purpose of evading any liability to perform military or naval service or duty, shall be liable to imprisonment for two years.

Evasion of  
military or  
naval service.

**334.** Whoever is guilty of piracy, or of any crime connected with or relating or akin to piracy, shall be liable to be tried and punished according to the law of England for the time being in force.

Piracy.

**335.** Whoever takes, or administers, or attempts or offers to administer to any other person, any unlawful oath, shall be liable to imprisonment for five years.

Taking or  
administering  
unlawful  
oath.

\* Triable by District Commissioner. See Chapter 28, s. 17.

Book III.—  
Part IX.  
Title XXIII.

Breaches of  
official trust.

**336.** (1) Whoever, by means of his holding or having held an office under the Queen, has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan, or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model, or information to any person to whom the same ought not, in the interest of the State or otherwise in the public interest, to be communicated at that time, shall—

(a) If the communication was made or attempted to be made to a Foreign State, be liable to imprisonment for life; or

\*(b) In any other case be guilty of a misdemeanour.

(2) This section shall apply to a person holding a contract with the Colonial Government, or with the holder of any office under the Queen as such holder, where such contract involves an obligation of secrecy; and also to any person employed by any person holding such contract; and the person holding such contract and the person so employed are under the like obligation of secrecy as if they were respectively holders of an office under the Queen.

(3) A prosecution for an offence under this section shall not be instituted except by the Attorney-General or with his consent.

(4) In this section, unless the context otherwise requires—

“Communication” includes any communication, whether in whole or in part, and whether the document, sketch, plan, model or information itself, or the substance or effect thereof only, be communicated;

“Document” includes part of a document, despatch, letter, telegram, and telegraphic code or cypher;

“Model” includes design, pattern, and specimen;

“Sketch” includes any photograph or other mode of representation of any place or thing;

“Office under the Queen” includes any office or employment in or under any department of the Colonial Government; and, so far as regards any document, sketch, plan, model, or information relating to the naval or military affairs of Her Majesty, includes any office or employment in or under any department of Her Majesty’s Government.

Sending tele-  
grams from  
or to political  
prisoners.

**\*337.** Whoever, without the consent in writing of the Governor, transmits or causes to be transmitted any telegram sent by or on behalf of any person whom he knows to be lawfully detained by order or warrant of the Governor as a political prisoner, or delivers any telegram to any person whom he knows to be so detained, is guilty of a misdemeanour.



*Definitions and Special Provisions.*

Book III.—  
Part IX.  
Titles XXIII.  
& XXIV.

Definitions  
and special  
provisions as  
to various  
matters in  
this Title.

**338.** For the purposes of this Title—

“Seditious libel” is the publication, by any such act as is specified in Title XVIII. of this Code as amounting to publication of a libel, of any matter with a seditious purpose. A seditious libel cannot be justified on any ground of absolute or conditional privilege;

A “seditious assembly” is an assembly with five or more persons with a seditious purpose, or at which any seditious libel is published, or at which any speeches are made with a seditious purpose;

A “seditious purpose” means a purpose to excite any of Her Majesty’s subjects to the obtaining by force or other unlawful means of an alteration in the laws or in the form of government, or to the commission of any offence punishable under the first seven sections of this Title;

“Escape” includes the departure by a prisoner on parole beyond the limits within which he is allowed to be at large;

“Unlawful oath” means any oath or engagement to commit or abet any crime, or to conceal a design to commit any crime, or to prevent the discovery of any crime or the conviction of any person for any crime, and any oath or engagement to conceal the existence, purposes, or proceedings of any association of persons associated for any treasonable or seditious purpose;

In this section, “crime” includes any crime punishable on information, whether under this Code or under any other statute.

**TITLE XXIV.—OFFENCES AGAINST THE PUBLIC PEACE.\***

**+339.** Whoever takes part in a riot is guilty of a misdemeanour. Riot.

**+340.** Whoever takes part in a riot, being armed with any offensive instrument, shall be liable to imprisonment for two years. Rioting with weapons.

**341.** Whoever in rioting is guilty of any felony or abetting any felony punishable under any of the Titles XV. to XVII. (both inclusive) or XIX. to XXI. (both inclusive) of this Code, shall be liable to imprisonment for a term which may exceed by three years the term to which he would otherwise be liable under the provisions of that Title. Riot and felony.

\* All offences in this Title are triable with assessors.

† Triable by District Commissioner. See Chapter 28, s. 17.

Book III.—  
Part IX.  
Title XXIV.

\*342. If any persons assemble or are together with a purpose of committing a riot, each of them is guilty of a misdemeanour.

Unlawful  
assembly.

Provocation  
of riot.

\*343. Whoever does any act with intent to provoke a riot is guilty of a misdemeanour.

Rioting after  
proclamation.  
(See s. 356.)

344. If proclamation is made commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of half an hour from the making of such proclamation, takes or continues to take part in the riot or assembly, shall be liable to imprisonment for five years.

Preventing or  
obstructing  
the making of  
proclamation.

345. If any person forcibly prevents or obstructs the making of such proclamation as is in the last section mentioned, he shall be liable to imprisonment for ten years; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, shall be liable to imprisonment for five years.

Assaulting  
Commissioner, &c., in  
riot.

\*346. Whoever assaults any District Commissioner, officer, or person, executing any duty or authority for the suppression of a riot or for the dispersion or arrest of any persons engaged in a riot, or assembled with the purpose of committing a riot, shall be liable to imprisonment for five years.

Forcible  
entry.

\*347. Whoever with violence makes an entry into any building or land, whether he be entitled to the possession thereof or not, is guilty of a misdemeanour, unless he does so in pursuance of a warrant or other lawful authority to use such violence.

Forcible  
detainer.

\*348. Whoever, being unlawfully and without claim of right in or upon any building or land, maintains or attempts to maintain his possession or occupation thereof with violence, is guilty of a misdemeanour.

Challenging  
or agreeing  
to fight with  
weapons.

\*349. Whoever does any act with intent to provoke any other person to fight, whether in a public place or not, with any deadly or dangerous instrument, and whoever agrees or offers to agree so to fight, shall be liable to imprisonment for two years.

Threat of  
death or  
grievous  
harm.  
(See s. 137.)

\*350. Whoever threatens any other person with death or grievous harm, with intent to put that person in fear of death or grievous harm, is guilty of a misdemeanour.



**351.** Whoever by writing threatens any other person with death or grievous harm, or by writing threatens the commission of arson or of any felony punishable under Title XIX. of this Code, shall be liable to imprisonment for five years.

Book III.—  
Part IX.  
Title XXIV.  
Threat by  
writing.

**\*352.** Whoever uses any violence with intent to deter any person from acting in any manner as a Judge, District Commissioner, juror, witness, counsel, agent, prosecutor, or party in any legal proceeding or inquiry, or from acting in execution of his duty as a Commissioner or peace officer, or in any judicial or official capacity, or from having recourse to any Court or public officer, or on account of his having so acted or had recourse, shall be liable to imprisonment for two years.

Violence  
against  
judges, &c.,  
in legal  
proceeding.  
(See s. 162 (2).)

**\*353.** Whoever unlawfully and with violence obstructs the assembly of any persons for any lawful purpose, or disturbs any such assembly, or with violence disperses or attempts to disperse any such assembly, is guilty of a misdemeanour.

Disturbance  
of lawful  
assembly.

**\*354.** Whoever with violence or by deceit hinders or obstructs any public or peace officer or other person acting or proceeding to act in the execution of any public office or duty, or in the execution of any warrant or legal process, is guilty of a misdemeanour.

Obstructing  
public or  
peace officer.  
(See s. 162.)

#### *Definitions and Special Provisions.*

**355.** (1) If five or more persons together in any public or private place commence or attempt to do any of the following things, namely:—

2.  
Definition of  
riot.

- (a) To execute any common purpose with violence, and without lawful authority to use such violence for that purpose; or
- (b) To execute a common purpose of obstructing or resisting the execution of any legal process or authority; or
- (c) To facilitate, by force or by show of force or of numbers, the commission of any crime,

they are guilty of a riot.

(2) Persons are not guilty of a riot by reason only that they, to the number of five or more, suddenly engage in an unlawful fight, unless five or more of them fight with a common purpose against some other person or persons.

**356.** Any District Commissioner, or, in the absence of any District Commissioner, any Justice of the Peace or any commissioned officer in Her Majesty's military or naval service, in whose view a

Making  
proclamation  
for rioters to  
disperse.

Book III.—  
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& XXV.  
—

riot is being committed, or who apprehends that a riot is about to be committed by persons assembled within his view, may make or cause to be made a proclamation in the Queen's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

Dispersion of  
rioters after  
proclamation  
made.  
(See s. 66 (5).)

**357.** If upon the expiration of half an hour after such proclamation made, or after the making of such proclamation has been prevented by force, twelve or more persons continue riotously assembled together, any person authorised to make proclamation, or any peace officer, or any other person acting in aid of such person or officer, may do all things necessary for dispersing the persons so continuing assembled or for apprehending them or any of them, and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

Definition of  
violence

**358.** For the purposes of this Title, "violence" means any criminal force or harm to any person, or any criminal mischief to any property, or any threat or offer of such force, harm, or mischief, or the carrying or use of deadly, dangerous, or offensive instruments in such a manner as that terror is likely to be caused to any persons, or such conduct as is likely to cause in any persons a reasonable apprehension of criminal force, harm, or mischief to them or their property.

#### TITLE XXV.—PERJURY AND OBSTRUCTIONS OF PUBLIC JUSTICE.

##### *Perjury and similar Offences.\**

Perjury.

**359.** Whoever commits perjury shall be liable to imprisonment for ten years.

Perjury on  
trial for  
capital crime.

**360.** Whoever commits perjury with intent to cause the conviction of any person for any crime punishable with death, shall be liable to imprisonment for life.

Fabrication  
of evidence.

**361.** Whoever fabricates evidence, with intent to defeat, obstruct, or pervert the course of justice in any proceeding, shall be liable to the same penalties as if he had committed perjury in that proceeding.

Destruction,  
&c., of public  
register, &c.  
(See s. 395.)

**362.** Whoever intentionally and unlawfully falsifies, destroys, injures, removes, or conceals any public register of marriages.

\* All offences under this Title are triable with assessors.



births, baptisms, deaths, or burials, or any other public register or record, or any will or any document of title to land, with intent to defeat, obstruct, or pervert the course of justice, or to defraud or injure any person, shall be liable to imprisonment for ten years.

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\*363. Whoever unlawfully, with intent to defeat, obstruct, or pervert the course of justice, or to defraud or injure any person, removes, conceals, injures, or alters any instrument or document used or intended to be used in any judicial proceeding, shall be liable to imprisonment for two years.

Removal, &c.,  
of document  
used in  
judicial  
proceeding.

364. Whoever acknowledges or consents to any judgment or confession of a cause of action, or acknowledges any deed to be enrolled or registered, or enters into any recognizance or bail (whether the same to be filed or not) in the name of any other person without his consent, is guilty of felony.

Fraudulent  
acknowledg-  
ment of judg-  
ment, &c.

\*365. Whoever with intent to defeat, obstruct, or pervert the course of justice, or to defraud or injure any person, endeavours to deceive any Court, or any judicial officer by personation, or by any false instrument, document, seal, or signature, shall be liable to imprisonment for two years.

Deceit of  
Court by per-  
sonation, &c.

\*366. Whoever with intent to defeat, obstruct, or pervert the course of justice, or the due execution of the law, or to evade the requirements of the law, or to defraud or injure any person, or to obtain or assist in or facilitate the obtaining of any passport, instrument, concession, appointment, permission or other privilege or advantage, endeavours to deceive or to overreach any public officer acting in the execution of any public office or duty, by personation, or by any false instrument, document, seal, signature, or by any false statement, declaration, or assurance, whether written or verbal, or by any written or verbal statement, declaration, or assurance which the person making such statement, declaration, or assurance, shall not prove to the satisfaction of the Court trying him that he had good reason to believe to be true is guilty of a misdemeanour. (*As substituted by 21 of 1918, s. 5.*)

Deceit of  
public officer.  
(*See s. 157.*)

\*367. Whoever fraudulently brings any action against another person in a false or fictitious name, having no ground for such action, is guilty of a misdemeanour.

Bringing  
fictitious  
action.

\*368. Whoever in any manner wilfully causes any person to disobey any summons, process, or order lawfully issued or made for his attendance as a witness in any judicial proceeding, or for the

Causing  
witness to  
disobey  
summons.

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production by him of any written or other evidence in any judicial proceeding, is guilty of a misdemeanour.

Causing  
person to  
refrain from  
giving evi-  
dence on  
criminal  
trial.

\*369. Whoever with intent to defeat, obstruct, or pervert the course of justice at the trial of any person for any crime, in any manner causes any person to refrain from giving evidence at such trial, is guilty of a misdemeanour.

Disobedience  
to summons  
as witness.  
(See s. 155.)

\*370. Whoever without reasonable excuse makes default in obeying any summons, process, or order lawfully issued or made for his attendance as a witness in any judicial proceeding, or for the production by him of any written or other evidence in any judicial proceeding, is guilty of a misdemeanour.

Hindrance of  
inquest.

\*371. Whoever with intent to prevent, obstruct, or delay the taking of any inquest upon the body or touching the death of any person, or to defeat the ends of justice, buries, or in any manner conceals or disposes of such body, shall be liable to imprisonment for two years.

Neglect to  
hold inquest,  
&c.

\*372. (1) Whoever, being under a duty as a District Commissioner, coroner, gaoler, peace officer, or in any other capacity, to give any notice or take any measures in order to the holding of an inquest upon the body or touching the death of any person, wilfully and without reasonable excuse fails to perform such duty, shall be liable to imprisonment for two years.

(2) A prosecution for an offence under this section shall not be instituted except by the Attorney-General or with his consent.

Disturbance  
of Court.  
(See ss. 121,  
139 (12).)

\*373. Whoever with force, threats, or tumult, hinders, interrupts, or disturbs the proceeding of any Court, or wilfully and unlawfully, with force, threats, or tumult, hinders any person from entering or quitting any Court, or removes him therefrom, or detains him therein, shall be liable to imprisonment for two years.

Insulting  
Court.

\*374. Whoever in the presence of any Court is guilty of contempt of such Court by any insulting, opprobrious, or menacing acts or words, is guilty of a misdemeanour.

Exciting  
prejudice as  
to proceeding  
pending in  
Court.

\*375. Whoever, pending any proceedings in any Court, publishes in writing or otherwise anything concerning such proceedings or any party thereto, with intent to excite any popular prejudice for or against any party to such proceedings, is guilty of a misdemeanour.



*Rescue, Escape, Compounding Crime, &c.*Book III.—  
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**376.** Whoever endeavours to resist or prevent the execution of the law—

Rescue of  
criminal.

- (1) By resisting the lawful arrest of himself or of any other person for crime; or
- (2) By rescuing any other person, or aiding any other person to escape, from lawful custody for crime,

if such crime is punishable with death or with imprisonment for more than seven years, shall be liable to imprisonment for seven years, or if such crime is punishable with imprisonment for not more than seven years, shall be liable to imprisonment for five years, or, if such crime is a misdemeanour, is guilty of a misdemeanour.

**\*377.** Whoever endeavours to resist or prevent the execution of the law—

Rescue in  
other cases.

- (1) By resisting the lawful arrest of himself or of any other person for any cause other than crime; or
- (2) By rescuing any other person from lawful custody for any cause other than crime; or
- (3) By rescuing any goods or things from any public officer or peace officer or other person having the possession, custody, or care thereof under or by virtue of any lawful warrant, or process,

is guilty of a misdemeanour.

**\*378.** (1) Whoever, being in lawful custody for crime, or under any sentence of imprisonment, endeavours to resist or prevent the execution of the law by escaping or permitting himself to be rescued, if he was in custody under sentence of penal servitude or imprisonment with hard labour for more than seven years, shall be liable to imprisonment for seven years, and, in the discretion of the Court, to flogging; or, if he was in custody under sentence of penal servitude or imprisonment with hard labour for not more than seven years, shall be liable to imprisonment for five years, and, in the discretion of the Court, to flogging; or, in any other case, is guilty of a misdemeanour.

Escape.

(2) Where a person in lawful custody under any sentence of imprisonment escapes, the time during which he is at large shall not be taken into account in computing the term of his original sentence.

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Prison officers  
accessory to  
breaches of  
discipline.  
(See s. 160.)

Taking  
prohibited  
things into  
or out of  
prison, &c.  
(See s. 159.)

Preventing  
execution of  
person  
sentenced to  
death.

Refusal or  
neglect to aid  
public officer,  
&c., in pre-  
vention  
of crime.

Harbouring  
criminal.

Compound-  
ing crime.  
(See s. 166.)

Definition of  
perjury.

Special  
explanation  
as to perjury.

**\*379.** If any prison officer or person in charge of any convicted prisoner knowingly permits him to receive any tobacco, spirits, food, money, or any other thing which such prisoner is not permitted by the prison regulations to receive, or to enter any house, yard or premises, not being the place appointed for the labour of such prisoner, he shall be liable to imprisonment for six months.

**\*380.** Whoever, without authority from the Superintendent of Prisons, conveys anything into or out of a prison, or to or from a prisoner, whether in or out of a prison, shall be liable to imprisonment for six months. (*As amended by 15 of 1901, s. 9.*)

**381.** Whoever endeavours by force to prevent the execution of any person sentenced to death shall be liable to imprisonment for life.

**\*382.** Whoever, being lawfully commanded by any public officer, peace officer, or other person to give aid for the prevention of crime, or for arresting any person or for preventing the rescue or escape of any person, refuses or neglects to give such aid according to his ability is guilty of a misdemeanour.

**\*383.** Whoever, knowingly or having reason to believe that any person has committed or has been convicted of any crime, aids, conceals, or harbours such person, with the purpose of enabling him to avoid lawful arrest or the execution of his sentence, shall, if the crime is punishable with death or with imprisonment for fourteen years or upwards, be liable to imprisonment for five years, or shall, if the crime is a felony other than as aforesaid, be liable to imprisonment for two years, or shall, if the crime is a misdemeanour, be liable to imprisonment for six months.

**\*384.** Whoever, without leave of a Court, compounds any crime, shall, if the crime is a felony, be liable to imprisonment for two years, or shall, if the crime is a misdemeanour, be liable to imprisonment for six months.

*Definitions and Special Provisions.*

**385.** A person is guilty of perjury if, in any written or verbal statement made or verified by him upon oath before any Court or public officer, he states anything which he knows to be false, or which he has not reason to believe to be true.

**386.** A person can be guilty of perjury by swearing that he believes a thing which he does not in fact believe.



**387.** A person fabricates evidence if he causes any circumstance to exist, or makes any false entry in any book, account, or record, or makes any document containing a false statement, or forges any document, with intent to mislead any public officer, Judge, or juror acting in any judicial proceeding.

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Definition of  
fabrication.

**388.** A person compounds a crime if he offers or agrees to forbear from prosecuting or giving evidence against a person on a criminal charge, in consideration of money, or of any other valuable thing, or of any advantage whatsoever to himself or to any other person.

Definition of  
compounding.

**389.** Nothing in this Title shall apply to a native Court, or to any proceeding in or process issued by a native Court.

Exclusion of  
native Courts.

#### TITLE XXVI.—OFFENCES RELATING TO PUBLIC OFFICES AND TO PUBLIC ELECTIONS.\*

**390.** Whoever without lawful excuse refuses to serve in any public office in which he is bound to serve, and for the refusal to serve in which no penalty or punishment is provided by any statute, is guilty of a misdemeanour.

Refusal to  
serve in  
public office.

**+391.** Whoever pretends to be or acts as a public officer or juror, or to be a messenger of or to hold any authority from the Governor or the Court, or any District Commissioner, not being lawfully authorised to act as such officer or juror, or messenger, or not holding such authority, and in or under colour of such assumed character does or attempts to do, or procures or attempts to procure, any person to do or abstain from doing, any act whatsoever, is guilty of a misdemeanour, unless he shows either—

Falsely pre-  
tending to be  
public officer  
or juror, &c  
(See s. 158.)

(a) That he so pretended or acted under a mistake of law or of fact; or

(b) In the case of a person acting as a public officer, that he so acted in good faith for the public benefit.

**+392.** Whoever, in order that he may obtain or be qualified to act in any public office or to vote at any public election, makes, signs, publishes, or uses any declaration, statement, or oath required by law in such case, or any certificate or testimonial as to his conduct or services, or as to any other matter which is material for the obtaining by him of such office, or for his qualification to act in such office or to vote at such election, shall, if he does so, knowing

Making false  
declaration,  
&c., for office  
or voting.

\* All offences under this Title are triable with assessors.

+ Triable by District Commissioner. See Chapter 28, s. 17.

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that such declaration, statement, oath, certificate, or testimonial is false in any material particular, be liable to imprisonment for two years.

Corruption,  
&c., by  
public officer,  
or juror.

\*393. Every public officer or juror who is guilty of corruption, or of wilful oppression, or of extortion, in respect of the duties of his office, shall be liable to imprisonment for two years.

Giving of  
false certifi-  
cate by  
public officer.

\*394. Every public officer who, being bound or authorised as such officer to attest or certify, by writing or otherwise, any document or matter, or that an event has or has not happened, attests or certifies such document or matter knowing the same to be false in any material particular, or attests or certifies that such event has happened or has not happened, as the case may be, without knowing or having reason to believe that the same has happened or has not happened, as the case may be, according to his attestation or certificate, shall be liable to imprisonment for two years.

Destruction,  
&c., of  
document by  
public officer.  
(See s. 362.)

\*395. Every public officer who intentionally and unlawfully destroys, injures, falsifies, or conceals any document which is in his possession, custody, or control, or to which he has access, by virtue of his office, shall be liable to imprisonment for two years.

Oppression  
by officer of  
prison.

\*396. Every officer of a prison who uses any kind of torture to a prisoner, or who is guilty of cruelty to a prisoner, or who intentionally and unlawfully causes any harm to a prisoner, shall be liable to imprisonment for two years.

Corrupting  
public officer  
or juror.

\*397. Whoever corrupts or attempts to corrupt any person in respect of any duties as a public officer or juror shall be liable to imprisonment for two years.

Accepting  
bribe to  
influence  
public officer  
or juror.

\*398. Whoever accepts, or agrees or offers to accept, any valuable consideration under pretence or colour of having unduly influenced, or of agreeing or being able so to influence, any person in respect of his duties as a public officer or juror, is guilty of a misdemeanour.

Corrupt  
promise by  
judicial  
officer or  
juror.

\*399. Whoever, otherwise than in the due execution of his duties as a judicial officer or juror, makes or offers to make any agreement with any person as to the judgment or verdict which he will or will not give as a judicial officer or juror in any pending or future proceeding, is guilty of a misdemeanour.

Corrupt  
selection of  
juror.

\*400. Whoever, with a purpose of procuring any undue advantage or disadvantage to any party to any judicial proceeding, procures



himself or any other person to be summoned, impannelled, or sworn as a juror in such proceeding, or endeavours to prevent any other person from being summoned, impannelled, or sworn as a juror in such proceeding, is guilty of a misdemeanour.

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**401.** Whoever is a party to or abets the unlawful sale or purchase of any public office, or the making of any unlawful and corrupt bargain or transaction with respect to an appointment to a public office, or with respect to the profits of a public office, shall be liable to imprisonment for two years.

Unlawful  
sale or  
purchase of  
office.

**\*402.** Whoever attempts to prevent, obstruct, or disturb any public election by any kind of force, violence, or threats, or by any act which is a crime punishable under this Code, shall be liable to imprisonment for two years.

Prevention,  
&c., of  
election by  
force, &c.

**\*403.** Whoever is guilty of corruption, intimidation, or personation in respect of a public election, shall be liable to imprisonment for six months, and shall, during seven years from the date of his conviction, be incapable of voting at any public election and of holding the public office in respect of which the election was held, or any public office of the same nature.

Corruption,  
intimidation,  
and personation  
in  
respect of  
election.

**\*404.** Whoever forges or falsifies, or intentionally and unlawfully injures or destroys, any voting paper or other similar thing, or intentionally and unlawfully injures or destroys any ballot box, polling booth, or other apparatus or thing used for the purposes of a public election, shall be liable to imprisonment for two years.

Forging, &c.,  
voting paper,  
&c.

**405.** Whoever, being a public officer charged with the counting of votes or the making of a return at any public election, wilfully falsifies the account of such votes or makes a false return shall be liable to imprisonment for five years.

Falsification  
of return at  
election.

### *Definitions and Special Provisions.*

**406.** Upon any trial for an offence under the section of this Title relating to pretending to be or acting as a public officer, or to be a messenger of or to hold authority from the Governor or a District Commissioner, a statement signed by the Governor or the District Commissioner, as the case may be, declaring that the accused was not at the time of the alleged offence his messenger, or did not hold any office or authority under him, or a statement signed by the Colonial Secretary declaring that the accused was not a public officer,

Proof of  
falsity of  
pretence.

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\* Triable by District Commissioner. See Chapter 28, s. 17.

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shall, without proof of the signature (unless the Court sees reason to doubt its genuineness) be *primâ facie* evidence of the matters so stated therein.

Special provision as to sale and purchase of office.

407. (1) The provisions of the section of this Title for prohibiting the sale or purchase of a public office, or relating to corrupt bargains or transactions in respect of public offices, extend to every civil public office the sale and purchase whereof is not authorised by any statute or by any orders or regulations lawfully made respecting such office by some person having authority to make the same :

Provided that no person shall be liable to punishment under the said section in respect of any sale, purchase, bargain, or transaction which is made by him with the sanction of the Governor, or, in case such person is the Governor, or the sale, purchase, bargain, or transaction is made by such person from, to, with, or on behalf of the Governor, which is made with the sanction of Her Majesty or of the Secretary of State.

(2) For the purposes of the said section, “corrupt bargain or transaction” includes any agreement, not made with such sanction as aforesaid, for the giving or receipt by any person of any valuable consideration for nominating or appointing a person to an office, or for procuring, soliciting, or recommending the nomination or appointment of a person to an office, or for resigning or procuring the resignation of an office, or for any promise, offer, or endeavour to do any such act as hereinbefore in this section mentioned, and includes any agreement, not made with such sanction as aforesaid, for paying to any person, or permitting any person to retain or receive, the whole or any part of the salary, fees, or other remuneration or benefits of an office.

Explanation as to corruption by public officer, &c.

408. A person is guilty of corrupting a public officer, juror, or voter in respect of the duties of his office or in respect of his vote, if he endeavours directly or indirectly to influence the conduct of such public officer, juror, or voter in respect of the duties of his office or in respect of his vote, by the gift, promise, or prospect of any valuable consideration to be received by such public officer, juror, or voter, or by any other person, from any person whomsoever.

Explanation as to corruption by public officer, &c.

409. A public officer, juror, or voter is guilty of corruption in respect of the duties of his office or vote, if he directly or indirectly agrees or offers to permit his conduct as such officer, juror, or voter to be influenced by the gift, promise, or prospect of any valuable consideration to be received by him, or by any other person, from any person whomsoever.



410. It is immaterial, for the purposes of either of the two last preceding sections, that the person respecting whose conduct the endeavour, agreement, or offer therein mentioned is made is not yet, at the time of the making of such endeavour, agreement, or offer, such a public officer, juror, or voter, if the endeavour, agreement, or offer is made in the expectation that he will or may become or act as such officer, juror, or voter.

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Special  
explanation  
as to corrup-  
tion of and by  
public officer,  
&c.

411. It is immaterial, for the purposes of any of the three last preceding sections, whether the act to be done by a person in consideration or in pursuance of any such gift, promise, prospect, agreement, or offer as therein mentioned, be in any manner criminal or wrongful otherwise than by reason of the provisions of the said sections.

Corrupt  
agreement  
for lawful  
act.

412. If, after a person has done any act as a public officer, juror, or voter, he secretly accepts, or agrees or offers secretly to accept for himself or for any other person, any valuable consideration on account of such act, he shall be presumed, until the contrary is shown, to have been guilty of corruption, within the meaning of this Title, in respect of such act before the doing thereof.

Acceptance  
of bribe by  
public officer,  
&c., after  
doing act.

413. If, after a public officer, juror, or voter has done any act as such officer, juror, or voter, any other person secretly agrees or offers to give to or procure for him or for any other person any valuable consideration on account of such act, the person so agreeing or offering shall be presumed, until the contrary is shown, to have been guilty of having, before the doing of such act, corrupted such public officer, juror, or voter, in respect of such act.

Promise of  
bribe to  
public officer,  
&c., after act  
done

414. In this Title, "valuable consideration" includes any money, money's worth, or valuable thing, and any office or dignity, and any forbearance to demand money, or money's worth, or any valuable thing, and any private advantage of whatsoever kind.

Definition of  
valuable  
consideration.

415. A person is guilty of intimidation at a public election if he endeavours to influence the conduct of any voter in respect of such election by a threat of any evil consequence to be caused to him, or to any other person, on account of his conduct as such voter.

Definition of  
intimidation.

416. A public officer or juror is guilty of wilful oppression in respect of the duties of his office if he wilfully commits any excess or abuse of his authority, to the injury of the public or of any person.

Explanation  
as to oppres-  
sion.

417. A public officer is guilty of extortion who, under cover of his office, demands or obtains from any person, whether for public

Explanation  
as to extor-  
tion.

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purposes or for himself or any other person, any money or valuable consideration which he knows that he is not lawfully authorised to demand or obtain, or at a time at which he knows that he is not lawfully authorised to demand the same.

Explanation  
as to an  
election.

418. No person shall be relieved from any liability to punishment under this Title by reason of any irregularity or informality in the proceedings at or preliminary or subsequent to an election.

#### TITLE XXVII.—BIGAMY AND SIMILAR OFFENCES.\*

Bigamy.

419. Whoever is guilty of bigamy shall be liable to imprisonment for seven years.

Marriage  
with a person  
previously  
married.

420. Whoever, being unmarried, goes through the ceremony of marriage with a person whom he or she knows to be married to another person is guilty of a misdemeanour, whether the other party to the ceremony has or has not such guilty knowledge as to be guilty of bigamy.

Fictitious  
marriage.

421. Whoever goes through the ceremony of marriage, or any ceremony which he or she represents to be a ceremony of marriage, knowing that the marriage is void on any ground, and that the other person believes it to be valid, shall be liable to imprisonment for seven years.

Personation  
in marriage.

422. Whoever personates any other person in marriage, or marries under a false name or description, with intent to deceive the other party to the marriage, shall be liable to imprisonment for seven years.

Unlawfully  
performing  
marriage  
ceremony.

423. Whoever performs or witnesses as a marriage officer the ceremony of marriage, knowing that he is not duly qualified so to do, or that any of the matters required by law for the validity of such marriage has not happened or been performed, so that the marriage is void or unlawful on any ground, shall be liable to imprisonment for seven years.

Making false  
declaration,  
&c., for  
marriage.

424. Whoever in any declaration, certificate, licence, document, or statement required by law to be made or issued for the purposes of a marriage, declares, enters, certifies, or states any material matter which is false, shall, if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for one year, or shall, if he does so knowing that such matter is false, be liable to imprisonment for five years.

\* All offences under this Title are triable with assessors.



\*425. Whoever endeavours to prevent a marriage by pretence that his consent thereto is required by law, or that any person whose consent is so required does not consent, or that there is any legal impediment to the performing of such marriage, shall, if he does so knowing that such pretence is false or without having reason to believe that it is true, be liable to imprisonment for two years.

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False pretence of impediment to marriage.

\*426. Whoever, being under a duty to fill up the certificate of a marriage performed by him, or the counterfoil thereof, or to transmit the same to the Registrar of Marriages, wilfully fails to perform such duty, shall be liable to imprisonment for two years.

Wilful neglect of duty to fill up or transmit certificate of marriage.

427. Whoever contracts a marriage under the provisions of the Marriage Ordinance,† or any statutory modification or re-enactment thereof, being at the time married in accordance with native law or custom to any person other than the person with whom such marriage is contracted, shall be liable to imprisonment for five years.

Contracting marriage under Marriage Ordinance when already married by native law.  
†Chapter 71.

428. Whoever, having contracted marriage under the Marriage Ordinance,‡ or any statutory modification or re-enactment thereof, during the continuance of such marriage contracts a marriage in accordance with native law or custom, shall be liable to imprisonment for two years.

Contracting marriage by native law when already married under Marriage Ordinance.  
‡Chapter 71.

429. Whoever with intent to defeat, obstruct or pervert the law with respect to inheritance or succession, or with intent to defraud or injure any person, falsely pretends that a child, whether living or dead, is a legitimate child, or substitutes one child, whether living or dead, legitimate or illegitimate, for another child, whether living or dead, legitimate or illegitimate, shall be liable to imprisonment for ten years.

Substitution of child.

### *Definitions and Special Provisions.*

430. (1) A person commits bigamy who, knowing that a marriage subsists between him or her and any person, goes through the ceremony of marriage with some other person: Provided that nothing in the first two sections of this Title shall apply to marriages in accordance with native law or custom: Provided, also, that a person accused of bigamy or under sections 427 or 428 shall be acquitted if at the time of the subsequent marriage his former wife or her former husband has been continually absent from him or her for seven years, and has not been heard of by him or her as being alive within that time, and if before the subsequent marriage he or

Definition of and special provision as to bigamy.

\* Triable by District Commissioner. See Chapter 28, s. 17.

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she informs the other party thereto of the facts of the case so far as they are known to him or her.

(2) Upon proof by the accused person of such continued absence and information as aforesaid, it shall lie on the prosecution to prove that the former wife or husband has been heard of as aforesaid.

Mode of  
proving  
marriage or  
divorce.

**431.** (1) Where, for the purposes of this Title, it is requisite to prove a former marriage of any person, it shall be requisite and sufficient to prove a marriage, wheresoever and howsoever celebrated, which would be admitted by the Court as a valid marriage for the purposes of any civil proceeding, or for the purposes of the administration or distribution of the effects of a person upon his decease.

(2) In like manner, where a person accused of bigamy defends himself or herself on the ground of a divorce from a former wife or husband, any such divorce (and no other) shall be deemed sufficient as would be admitted by the Court as a valid divorce from the bond of marriage.

#### TITLE XXVIII.—PUBLIC NUISANCES.\*

Publication  
or sale of  
obscene book,  
&c.

†**432.** Whoever publishes or offers for sale any obscene book, writing, or representation, shall be liable to imprisonment for two years.

##### *Illustrations.*

(1) A. publishes a book for the use of physicians or surgeons, or of persons seeking medical or surgical information. Whatever may be the subjects with which the book deals, if they are treated with as much decency as the subject admits, A. is not guilty of an offence against this section.

(2) B. publishes extracts from the book mentioned in the last illustration, arranged or printed in such a manner as to give unnecessary prominence to indecent matters. If the Court or jury think that such publication is calculated unnecessarily and improperly to excite passion, or to corrupt morals, B. ought to be convicted.

Prostitution  
by a female,  
not native.

**433.** (1) Any female not being a native of West Africa who follows the calling of a common prostitute shall be liable to imprisonment without hard labour for six months.

(2) No prosecution under this section shall be instituted without the consent in writing of the Attorney-General.

(3) Any offence under this section may be heard and determined summarily by a District Commissioner. (*Added by 24 of 1903, s. 2.*)

\* All offences under this Title are triable with assessors.

† Triable by District Commissioner. See Chapter 28, s. 17.



**\*434.** Whoever publicly and wilfully commits any grossly indecent act is guilty of a misdemeanour, and shall be liable, in the discretion of the Court, to flogging or whipping in addition to or in lieu of imprisonment.

Book III.—  
Part IX.  
Title XXVIII.  
Gross  
indecenty.  
(See s. 139  
(33).)

**\*435.** If any two persons are guilty of unnatural connexion, or if any person is guilty of unnatural connexion with any animal, every such person shall be liable to imprisonment for ten years, and, in the discretion of the Court, to flogging or whipping.

Unnatural  
crime.  
(See s. 180.)

**\*436.** Whoever keeps any common gaming-house shall be liable to imprisonment for one year.

Keeping  
common  
gaming-  
house.

**\*437.** Whoever unlawfully hinders the burial of the dead body of any person, or without lawful authority in that behalf disinters, dissects, or harms the dead body of any person, or, being under a duty to cause the dead body of any person to be buried, fails to perform such duty, is guilty of a misdemeanour.

Hindering  
burial of  
dead body, &c.

**\*438.** Whoever, with intent to cause any public alarm or disturbance, publishes, or attempts to cause the publication of, any news or telegram which he knows or believes to be false, is guilty of a misdemeanour.

Publishing  
false news.

**\*439.** Whoever sells, or prepares or offers for sale, as being fit for consumption as food or drink, anything which he knows or has reason to believe to be in such a condition, from putrefaction, adulteration, or other cause, as to be likely to be noxious to health, is guilty of a misdemeanour.

Selling, &c.,  
unwholesome  
food.  
(See s. 127.)

**\*440.** Whoever, without lawful authority or excuse (the proof whereof shall lie on him) commits any of the following nuisances, namely—

Carrying on  
of noxious  
trade, and  
other inter-  
ferences with  
public rights.

- (1) So carries on any noxious, offensive, or noisy business at any place, or causes or permits any noxious or offensive matter to be collected or continue at any place, or so keeps any animals at any place, as to impair or endanger the health of the public inhabiting or using the neighbourhood of such place, or as to cause material damage to the lands, crops, cattle, or goods of such public, or as to cause material interruption to such public in their lawful business or occupations, or as to materially affect the value of their property; or

Book III.—  
Part IX.  
Title XXVIII.

- (2) So makes, keeps, or uses any explosive matter, or any collection of water, or any other dangerous or destructive thing, or any building, excavation, open pit, or other structure, work, or place, or so keeps any animal or permits it to be at large, as to cause danger of harm or damage to the persons or property of the public; or
- (3) Causes damage to, or any obstruction to the public use of, any public way or work, or any navigable water, or any well, spring, or reservoir, so as to deprive the public of the benefit thereof; or

(See s. 128.)

- (4) Corrupts or fouls the water of any public well, tank, spring or reservoir,

shall be liable to fine, and shall, upon conviction for a continuance or repetition of any such offence, be liable to imprisonment for six months.

### *Special Provisions.*

Explanation  
as to carrying  
on of noxious  
trade, &c.

441. The following provisions shall have effect with respect to the nuisance of carrying on a noxious, offensive, or noisy business, at any place, or of causing or permitting noxious or offensive matter to be collected or continue at any place, or of keeping animals at any place as mentioned in this Title, namely—

- (1) “Business” includes not only any trade, manufacture, work, business, or occupation carried on for gain, but also any continued or frequent repetition of any act or series of acts of any kind; and
- (2) It is necessary, in order that a person may be punishable in respect of any such nuisance, that the prejudice or danger caused thereby should extend to persons inhabiting or occupying, under separate tenancies, not less than three houses or other tenements.

Explanation  
as to ob-  
struction of  
public way.

442. (1) A person shall not be deemed to be guilty, within the meaning of this Title, of obstructing the public use of any public way or work by reason only of his being a party to any meeting or assembly assembled in, or upon or near any public way or work, unless the purposes of such assembly are or include the obstruction of the public by force or threats or show of force.

(2) “Obstruction” of the public use of a public way or work includes the making or using of any fetish or charm for the purpose of preventing any person from using such way or work.



## TITLE XXIX.—SLAVE-DEALING.\*

Book III.  
Part IX.  
Title XXIX.

Slave-dealing.

## †443. Whoever—

- (1) Deals or trades in, buys, sells, barterers, transfers, or takes any slave; or
- (2) Deals or trades in, buys, sells, barterers, transfers, or takes any person in order that such person may be held or treated as a slave; or
- (3) Places or receives any person in servitude as a pledge or security for debt, whether then due and owing or to be incurred or contingent, whether under the name of a pawn or by whatever other name such person may be called; or
- (4) Conveys any person, or induces any person to come, within the Colony in order that such person may be dealt or traded in, bought, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt; or
- (5) Conveys or sends any person, or induces any person to go out of the Colony in order that such person may be dealt or traded in, bought, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt; or
- (6) Enters into any contract or agreement with or without consideration for doing any of the acts or accomplishing any of the purposes herein above enumerated; or
- (7) By any species of coercion or restraint compels or attempts to compel the service of any person,

shall be liable to imprisonment for seven years. Provided that nothing in this section shall apply to any such coercion as may lawfully be exercised by virtue of contracts of service between free persons, or by virtue of the rights of parents and other rights, not being repugnant to the law of England, arising out of the family and tribal relations customarily used and observed in the Colony.

## PROCLAMATION UNDER SECTION 124 (4) OF THE CRIMINAL CODE.

The provisions of section 124 of the Criminal Code, so far as regards sheep and goats, shall apply to Kpong in the Volta River District, to Secondee in the Secondee District, and to Tarquah in the Tarquah District. (*Made 14 July, 1903.*)

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\* Triable with assessors.

† Triable by District Commissioner. See Chapter 28, s. 17.

## CHAPTER 55.

## BIRTHS, DEATHS AND BURIALS.

CAP. 55.

*Ordinance*  
*No. 3 of 1912*

AN ORDINANCE TO MAKE PROVISION FOR THE REGISTRATION OF BIRTHS, DEATHS AND BURIALS AND TO AMEND THE LAW RELATING TO THE REGULATION OF CEMETERIES.

[27th March, 1912.]

WHEREAS it is expedient to make provision for the Registration of Births, Deaths and Burials and to amend the Law relating to the Regulation of Cemeteries;

Be it, therefore, enacted by the Governor of the Gold Coast Colony, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as “The Births, Deaths and Burials Ordinance.”

Interpreta-  
tion.*No. 9 of 1891*  
*(repealed).*

2. In this Ordinance:—

“Public cemetery” means any cemetery declared to be a public cemetery under the provisions of this Ordinance, or of the Cemeteries Ordinance, 1891.

“Private cemetery” means any place used or appropriated for the burial of the dead other than a public cemetery, or a cemetery established under the provisions of section 30 hereof;

“Proprietors of a private cemetery” mean and include all persons for the time being responsible for the custody and management of any private cemetery, or any person or body of persons in whom the land on which the same is situated is vested whether as trustees or otherwise;

“Chief” means the recognised local head or authority of any town or place, by whatever title he may be called;

“Pauper” means any person whose gross earnings do not exceed twelve pounds a year.



“House” includes a public institution.

“Public institution” includes a prison, lock-up, lunatic asylum, hospital and any other public or charitable institution.

“Occupier” includes the keeper, master, matron, superintendent or other chief resident officer of every public institution, and where a house is let in separate apartments or lodgings includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held or his agent.

“Qualified medical practitioner” means any medical practitioner whose name appears on the Medical Register of the Colony.

“Registrar” means the registrar of births, deaths and burials.

“Deputy registrar” means the deputy registrar of births, deaths and burials.

3. The Governor may by proclamation in the Gazette declare any Government cemetery to be a public cemetery for any town or place in or adjacent to which the same may be situated.

Government cemetery may be declared a public cemetery.

4. The Governor may appoint a registrar for the Colony and a deputy registrar for any town or place where a public cemetery has been declared.

Appointment of registrar, deputy registrar and others.

5. The registrar shall cause to be provided a sufficient number of register books for entries of all births, deaths and burials, and shall from time to time furnish to every deputy registrar such register books as he may require. Such register books shall be in such form as may, from time to time, be prescribed by rules made under this Ordinance.

Register books.

6. (1) The deputy registrar for any town or place shall be required to inform himself carefully of every birth, death and burial occurring in such town or place and to register the same in the proper books furnished to him for that purpose, numbering all registrations consecutively, from the beginning to the end of the year, the entries for each year beginning with No. 1; which consecutive numeration shall be preserved in each town or place by each succeeding deputy registrar, and such registrations shall be in such form as may, from time to time, be prescribed by rules under this Ordinance.

Information as to Births and Deaths.

(2) Every deputy registrar shall forward to the registrar monthly, reports of all births, deaths and burials registered in his town or place, setting forth, when possible, the name, age, sex, residence, nationality and occupation of deceased persons, period of continuous residence in the town or place and last place of residence before arrival in the district, as well as the duration of

his illness, date and cause of death, the name of the medical practitioner certifying the same or the name of the herbalist or other person in attendance.

Inspection of  
and extracts  
from regis-  
ters.

7. The register books of any town or place shall, on payment of the prescribed fees, be open to inspection by any person on any day not being a Sunday or a public holiday, between the hours of 8 a.m. and 11 a.m. and between 2 p.m. and 4 p.m., and the registrar and every deputy registrar shall make and keep for reference in the prescribed form alphabetical indexes of the respective register books of births, deaths and burials kept by him, and shall, on payment of the prescribed fees, furnish to any person requiring the same a certified copy of any entry in any register book in his charge, and every copy of any entry in any register book certified under the hand of the registrar or deputy registrar in charge of the same for the time being to be a true copy shall, subject to the limitation in section 10 hereof, be *prima facie* evidence in all Courts of the dates and facts contained or set forth in such copy.

Yearly sum-  
mary and  
report.

8. The registrar shall within three months after the expiration of every year, compile a summary of the births, deaths and burials of the past year, according to such forms as shall, from time to time, be approved by the Governor, and the registrar shall also compile at the same time a general report on the increase or decrease of the population and on any special causes appearing to affect the same, as far as the same can be gathered from the deputy registrars' returns; and all district register books which shall be filled up shall thereafter be kept in the registrar's office and custody to be handed down to succeeding registrars in such manner as the Governor may direct.

Occupier and  
relatives to  
register births  
and deaths.

9. (1) In the case of every child born alive after the commencement of this Ordinance, it shall be the duty of the father and mother of the child, and of the occupier of the house in which to his knowledge the child is born, and of each person present at the birth, and of the person having charge of the child, within fourteen days after such birth shall have taken place to furnish to the deputy registrar of the district, within which the birth shall have happened, the particulars of the same.

(2) Whenever the name of a child is not settled and cannot be registered within fourteen days of birth, the person whose duty it is to cause such birth to be registered shall, as soon thereafter as the name is settled and not later than seven years thereafter, register such name.

(3) When a person dies in a house after the commencement of this Ordinance, it shall be the duty of the occupier of the house in which to his knowledge the death took place, and of the nearest



relatives of the deceased present at his death or in attendance during the last illness of the deceased, and of each person present at the death, and in default of the persons heretofore in this subsection mentioned of each inmate of the house within twelve hours after such death shall have taken place to furnish to the deputy registrar of the district wherein the death shall have happened the particulars of the same.

(4) When a person dies in a place which is not a house or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the death, and of every person present at the death, and of any person taking charge of the body, to give to the deputy registrar, within twelve hours after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses.

Provided that in the event of the person whose duty it is to give such information being unable through illness or other cause to give such information, it shall be lawful for him or her to authorise any relative to do so in his or her place.

10. Any person whose duty it shall be under this Ordinance to furnish any particulars of any birth or death, and who shall, without reasonable cause, omit to do so within the time required by this Ordinance shall, on conviction before a District Commissioner, be liable to a fine not exceeding ten pounds, except in any case for which a smaller penalty is provided by this Ordinance. Provided that it shall be lawful for the deputy registrar, upon payment by such person of the prescribed fee, to register the particulars within forty-two days after any birth and within three days after any death; and provided further, that notwithstanding the neglect of any such person as aforesaid to give information respecting any birth within forty-two days or any death within three days, it shall be the duty of the deputy registrar to procure by all means in his power the best and most accurate information respecting any birth or death which may have occurred within his district, and upon such information to make any entry of such birth or death in manner hereinafter mentioned, but not until after the expiration of the time last mentioned in each case. Every such entry shall be made in a book specially kept for late registration to be called the post registration book, which shall be open to inspection in the same manner as the register books mentioned in section 7 hereof, and every deputy registrar shall, upon payment of the prescribed fees, furnish to any person requiring the same a certified copy of any entry therein. No copy of any entry in the post registration book shall be receivable in evidence, as pre-

Penalties  
for not  
furnishing  
particulars.



scribed in section 7 of this Ordinance, unless the truth of the facts therein entered shall have been found by a District Commissioner in a proceeding instituted before him under this section, and such District Commissioner has certified his finding in the post registration book. Such a proceeding may be instituted by any person claiming to have an interest in substantiating the record in the post registration book, and shall be brought by way of information and summons to be served on the deputy registrar in charge of such post registration book, calling upon him to show cause why a certified copy of such entry should not be entitled to be received in evidence in the same manner as certified copies from the register books issued under section 7 hereof.

Burial permit not to be issued in some cases without District Commissioner's warrant.

11. Whenever it shall appear to the deputy registrar that there is reason to believe that any deceased person died suddenly, or from violence or by culpable or negligent conduct, either of himself or of others, or if the deputy registrar shall consider that the circumstances connected with any death require investigation, and also whenever any officer of police shall inform him that a report concerning the death in question has been, or is about to be, made to the District Commissioner, then, and in every such case, the deputy registrar shall not issue his certificate for burial until he shall have received a warrant from the District Commissioner authorising him to do so.

Duties of police officers.

12. It shall be the duty of all police officers at the request of a deputy registrar to obtain information of any birth or death within their respective districts.

Duties of medical practitioners as to certificate.

13. It shall be the duty of every qualified medical practitioner, upon the death of any person who has during his last illness been attended by such medical practitioner, to sign and deliver within twelve hours of the death to some person required by this Ordinance to furnish particulars of the death or to the deputy registrar a certificate of the cause of death, free of charge, and such person shall, when furnishing particulars of the death, deliver such certificate to the deputy registrar, and the cause of death as stated in the certificate shall be entered in the register book, together with the name of the certifying medical practitioner.

Duty of District Commissioner holding an enquiry.

14. When an enquiry is held into the death of any person, the District Commissioner holding such enquiry shall, within twenty-four hours after the conclusion thereof, forward a certified copy of his finding to the deputy registrar, and the cause of death as stated in such finding shall be entered in the register book.

When post mortem examination is made.

15. When a qualified medical practitioner has made a post mortem examination of the body of any deceased person such medical



practitioner shall, within twenty-four hours after the conclusion of the examination, forward a certificate of the cause of death to the deputy registrar, and the cause of death as stated in such certificate shall be entered in the register book.

16. Any person wilfully neglecting or omitting to comply with the provisions of section 13, section 14, or section 15 shall be liable, on conviction, to a fine not exceeding five pounds. Penalty.

17. Every person who shall wilfully make or permit to be made, for the purposes of registration, any false statement, or shall wilfully or knowingly furnish or permit to be furnished any false information, touching any of the particulars hereby required to be made known, and every person who shall make or permit to be made any false entry in any register book knowing the same to be false, or who shall wilfully destroy or permit to be destroyed any entry in any register book, shall be guilty of an offence, and be liable, on conviction before the District Commissioner, to a fine not exceeding twenty pounds or to imprisonment with or without hard labour for a term not exceeding six months or to both. Offences triable in District Commissioner's Court.

18. Every person who shall wilfully or carelessly destroy, injure, mutilate, deface, or lose, any register book used for the purpose of this Ordinance, shall be guilty of an offence and shall be liable, on conviction by a District Commissioner, to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for a term not exceeding six months or both. Offences triable before a District Commissioner.

19. No prosecution for an offence under sections 17 and 18 of this Ordinance shall be instituted except with the authority of the registrar. Prosecution.

20. Any error in any register book or index may be corrected by the registrar or a deputy registrar, provided that such correction be made without erasing the original entry and be authenticated by the signature of the officer making the same. Correction of errors.

21. All graves, vaults, or tombs in any public cemetery shall have a clear space of two feet between each other, and such graves, vaults, or tombs, shall be placed in uniform parallel lines, and a clear space of six feet shall intervene between the outside line of graves, tombs, or vaults and the fence or wall of such public cemetery. Regulation for position and size of graves.

22. The Governor in Council may make rules for the regulation of burials in public cemeteries and for the protection of the graves, vaults, railings, tablets, stones, monuments and other memorials of the dead therein, and for the preservation of public cemeteries, and generally for the better carrying into effect the provisions of Rules may be made.

Penalty.

this Ordinance, and may affix a penalty not exceeding five pounds for the breach of any such rule and may amend or revoke any such rule. All such rules and all amendments and revocations thereof shall, when published in the Gazette, have the force and effect of an Ordinance, and shall come into immediate operation on such publication or at such other time as may be provided in such rules, amendments or revocations.

Corpse not to be buried without authority.

23. No corpse shall be buried in any public or private cemetery in or adjacent to any town or place for which a deputy registrar has been appointed without an authority under the hand of such deputy registrar, and the keeper of any such cemetery as aforesaid shall not permit any corpse to be buried in such cemetery without the production of the deputy registrar's authority for such burial, and the keeper of any such cemetery who shall permit the burial of any corpse without the production of such authority shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding five pounds or to imprisonment with or without hard labour for any term not exceeding one month; and any person who shall knowingly bury or cause to be buried, or be concerned in burying any corpse in any such cemetery without the authority of the deputy registrar having been obtained for such burial, shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding ten pounds or to imprisonment with or without hard labour for any term not exceeding two months.

Interments in cemetery.

24. Any person desirous of interring a corpse in a public or private cemetery in or adjacent to any town or place for which a deputy registrar has been appointed, shall furnish such deputy registrar with the particulars required to be registered by section 6 hereof relating to the deceased as far as practicable, and thereupon the deputy registrar shall give to such person an authority for the burial of such corpse which in the case of a public cemetery shall be an authority to the sexton or keeper of such public cemetery to prepare a grave; and any person desiring to bury a corpse in any such public cemetery as aforesaid shall also pay to the deputy registrar the prescribed fees and thereupon the deputy registrar shall give to such person a receipt; provided that if such person is a pauper no fee shall be charged.

Any person knowingly furnishing any information required to be furnished by this section which is materially false, or wilfully withholding such information shall be liable on conviction to a penalty not exceeding ten pounds or to imprisonment with or without hard labour for any term not exceeding two months.



25. Any person may acquire the right of exclusive burial in a public cemetery in or adjacent to any town or place for which a deputy registrar has been appointed, and any person wishing to acquire such right of exclusive burial shall apply to the deputy registrar at such town or place for leave to acquire such right, and shall at the same time pay to such deputy registrar at the rate of one shilling per square foot for the land to be acquired, and the deputy registrar shall thereupon deliver to such person a certificate of the right of exclusive burial, and register the particulars of such certificate in a book to be kept by him for that purpose.

Right of  
exclusive  
burial.

Any person who has acquired the exclusive right of burial in any such public cemetery as aforesaid may, on payment of the prescribed fees, build a vault in or on the land so acquired.

Any person who builds or owns any such vault, or who erects any railing, tablet, stone or monument shall keep the same in good order, and shall repair the same as often as may be necessary.

Any such person neglecting to repair any such vault, railing, tablet, stone or monument for more than three months, after having been served with a notice in writing by the deputy registrar, or Commissioner of the district, to repair the same, shall be liable to a penalty not exceeding five pounds.

Penalty.

26. No corpse shall be taken up, exhumed, transferred, or removed from any cemetery unless with the consent in writing of the Governor first had and obtained; and any person so taking up, exhuming, transferring or removing any corpse shall be guilty of an offence, and be liable upon conviction thereof to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding one hundred pounds, and in default of payment of such fine to be imprisoned with or without hard labour for a term not exceeding two years. Any taking up, exhuming, transfer, or removal of any corpse by consent of the Governor as aforesaid shall take place under such directions as the registrar shall deem fit in each particular case to issue.

Exhumation.

27. No private cemetery shall hereafter be established and used for the burial of the dead in any town or place where the provisions of the Towns Ordinance\* have been or shall be applied without the consent in writing of the Governor. Any person offending against the provisions of this section shall be guilty of an offence and shall on conviction be liable to imprisonment with or without hard labour for a term not exceeding three months or to a fine not exceeding twenty pounds or to both.

No private  
cemetery  
allowed with-  
out Govern-  
or's consent.

\* Chapter 65.

Private  
cemeteries to  
be kept in  
good order.

28. (1) The proprietors of every private cemetery shall fence in such cemetery, and shall make a gate to such fence, and shall keep such fence and gate in good repair; and they shall keep such cemetery clear of weeds, long grass, prickly pear, wild bush and other vegetation other than ornamental plants and from rubbish and deposits of whatsoever kind.

Penalty for  
not clearing,  
&c., after  
notice.

(2) If the proprietors do not make or repair such fence or gate, or do not clear such cemetery to the satisfaction of the Commissioner of the district within fourteen days after notice in writing by the Commissioner to do so, they shall each be liable to a penalty not exceeding ten pounds, and the Commissioner may make or repair such fence or gate, and clear such cemetery, and the expense of doing so shall be recoverable as a debt to the Government from such proprietors or any one or more of them, and it may be sued for by any person appointed by the Commissioner for that purpose.

Consecrated  
cemeteries to  
be reserved  
for Christian  
burials.

29. Where a portion of any public cemetery shall have been set apart for Christian burial no Mahommedan or heathen rite, custom or ceremony shall be celebrated, made, or take place in such portion.

Chiefs to  
make  
cemeteries.

30. (1) The chief of any town or place shall, at the request in writing of the Commissioner of the district, set apart, clear and fence in a piece of land, approved by the Commissioner, as a cemetery for such town or place, and shall make a gate for such fence, and a path not less than six feet wide leading from the town or place to such gate.

Penalty.

If the chief do not comply with such request within one month after it is made he shall be liable to a penalty not exceeding twenty pounds, and the Commissioner may set apart a piece of land owned by such chief, and may clear the same, and may make the fence, gate and path mentioned in this sub-section.

Chief to keep  
cemetery  
clean.

(2) The chief shall keep such fence and gate in good repair, and shall keep the land so set apart and the path so made clear of weeds, long grass, prickly pear, wild bush and other vegetation other than ornamental plants, and from rubbish and deposits of whatsoever kind.

Penalty for  
not clearing,  
&c., after  
notice.

If the chief do not repair such fence or gate or do not clear such land or path to the satisfaction of the Commissioner of the district within fourteen days after notice in writing by the Commis-



sioner to do so, he shall be liable to a penalty not exceeding ten pounds, and the Commissioner may repair such fence or gate and clear such land and path.

(3) The expense incurred by a Commissioner in setting apart, clearing, making or repairing any land, path, fence or gate mentioned in the two last preceding sub-sections shall be recoverable as a debt to the Government from such chief, and may be sued for by any person appointed by the Commissioner for the purpose.

Expense of clearing, &c.

(4) Where a chief has previous to the commencement of this Ordinance set apart a piece of land as a cemetery for any town or place, such cemetery shall be deemed to be established under this section, and the provisions of this section shall apply to the fencing and clearing of the same and to the clearing of a path thereto and to the making and repairing of a gate to such fence.

Chiefs' cemeteries in certain cases to be deemed established under this section.

(5) The Governor may declare any cemetery established under this section to be a public cemetery.

May be declared public cemeteries.

31. The registrar or any deputy registrar by himself and his officers, or the District Commissioner, or health officer of the district shall, at all reasonable times, have free access to any cemetery situated in his district.

Registrar to have free access to cemeteries.

32. Where it is proved to the satisfaction of any Court that a corpse has been buried in any house or building in any town or place for which there is a public cemetery or a cemetery established under the provisions of section 30 hereof, the Court may prohibit the using thereof for habitation until in its judgment such house or building is fit for habitation, and, if necessary, may authorise any constable to remove the inhabitants therefrom. Any person inhabiting or using any house or building in contravention of this section shall incur a penalty not exceeding ten shillings and a further penalty not exceeding five shillings for each day that such act of contravention is continued.

Court may prohibit use of house where corpse buried.

Penalty.

33. Any District Commissioner, upon the information on oath of any informant to the effect that he has reasonable cause to believe that any corpse has been buried in any house, building, premises, yard, garden or compound in any town or place as aforesaid, may issue his warrant authorising an officer of the Court to search, and

Power to issue search warrants.

if necessary, dig up any ground in any such house, building, premises, yard, garden or compound for the purpose of ascertaining if any corpse has been so buried as aforesaid.

Such warrant shall be executed by the officer to whom it shall be directed, but he may be accompanied by any persons necessary to assist him, and if such house, building, premises, yard, garden or compound is closed, and such officer is not admitted on demanding admission and disclosing his authority, he may forcibly enter, but any such warrant as aforesaid shall only be executed in the day time.

Interment on  
Krobo Hill  
prohibited.

34. Whoever buries or causes to be buried or is concerned in burying any corpse in any portion of the hill known as the Krobo Hill in the Volta River District shall be liable to a penalty not exceeding twenty-five pounds or to be imprisoned with or without hard labour for a term not exceeding three months; provided that nothing in this section shall restrict the right of burial in any public cemetery or in any cemetery which may be established under section 30 of this Ordinance.

Discontinu-  
ance of burials  
by order of  
the Governor.

35. In case it appear to the Governor upon the representation of the registrar that for the protection of the public health burials in any cemetery should be wholly discontinued, or should be discontinued subject to any exception or qualification, it shall be lawful for the Governor by order in writing to direct that after a time mentioned in the order burials in any cemetery shall be discontinued wholly, or subject to any exceptions of qualifications mentioned in such order, and so from time to time as circumstances may require; provided that written notice of such representation shall be given to the proprietors of any private cemetery affected by such representation one month before any such order shall be made as aforesaid.

Special  
licences for  
interment  
after order  
for discon-  
tinuance.

36. Notwithstanding any order for discontinuance of burials, where any exclusive right of interment in any cemetery has been acquired or any vault constructed in accordance with the provisions hereof, it shall be lawful for the Governor, on application being made to him, and on being satisfied that the exercise of such right or the interment of any corpse in any such vault as aforesaid will not be injurious to health, from time to time and at any time to grant a licence for the exercise of such right or the interment of any corpse in any such vault as aforesaid, subject to such conditions and restrictions as the Governor may think fit.



37. Subject to the provisions of this Ordinance, the Governor Rules.  
may make rules in respect of all or any of the following matters:—

- (a) The form of the register books and indexes and the mode in which the same are to be kept;
- (b) The forms of any certificates, notices or other documents required for carrying out the purposes of this Ordinance;
- (c) The fees to be taken under this Ordinance;
- (d) The making of searches and the giving of certified copies;
- (e) The custody of the register books, indexes and other documents connected with the business of registration;
- (f) Any other such matters as to which it may be expedient to make rules for carrying into effect the objects of this Ordinance.

Such rules shall be published in the Gazette and shall thereupon be of the same force as if they had been enacted in this Ordinance.

## RULES and ORDERS under the Births, Deaths and Burials Ordinance.

### *Public Cemeteries.*

Proclaimed under sections 4 and 17 of the Cemeteries Ordinance, 1891

|                                 |       |                 |
|---------------------------------|-------|-----------------|
| Aburi (Government Cemetery)     | .. .. | 21 March, 1912. |
| Addah .. .. .                   | .. .. | 3 Jan. 1890.    |
| Accra .. .. .                   | .. .. | 1 Sept., 1888.  |
| Akuse (Government Cemetery)     | .. .. | 24 Aug., 1911.  |
| Axim .. .. .                    | .. .. | 23 March, 1899. |
| Axim (Government Cemetery)      | .. .. | 1 April, 1905.  |
| Bato (Government Cemetery)      | .. .. | 16 Feb., 1909.  |
| Big Addah .. .. .               | .. .. | 22 May, 1890.   |
| Brewe, Axim (New Cemetery)      | .. .. | 4 Dec., 1911.   |
| Cape Coast .. .. .              | .. .. | 31 Dec., 1894.  |
| Cape Coast .. .. .              | .. .. | 1 July, 1899.   |
| Christiansborg .. .. .          | .. .. | 20 April, 1888. |
| Dodowah .. .. .                 | .. .. | 16 Feb., 1909.  |
| Elmina (Government Cemetery)    | .. .. | 20 July, 1903.  |
| Kpong (Government Cemetery)     | .. .. | 1 Sept., 1906.  |
| Labadi (New Cemetery)           | .. .. | 13 Aug., 1911.  |
| Quittah (Government Cemetery)   | .. .. | 5 July, 1910.   |
| Saltpond .. .. .                | .. .. | 8 Sept., 1899.  |
| Seccondee (Government Cemetery) | .. .. | 21 Dec., 1907.  |
| Tarquah (Government Cemetery)   | .. .. | 30 June, 1903.  |
| Winnebah (New Cemetery)         | .. .. | 5 Feb., 1909.   |

**Proclaimed under Section 3 of the Births, Deaths  
and Burials Ordinance.**

|                                     |                                           |
|-------------------------------------|-------------------------------------------|
| Aburi (Government Cemetery) .. ..   | 22 Feb., 1919, amended<br>18 March, 1919. |
| Accra (Extension) .. .. .           | 23 Sept., 1912, and<br>5 June, 1913.      |
| Accra (Muhammadan) .. .. .          | 20 Dec., 1919.                            |
| Cape Coast (Government Cemetery) .. | 14 Nov., 1914.                            |
| Christiansborg (Extension) .. ..    | 7 Feb., 1915.                             |
| Dunkwa (Government Cemetery) .. ..  | 16 April, 1912, and<br>21 Sept., 1916.    |
| Elmina (Extension) .. .. .          | 22 May, 1913.                             |
| Kwanyako (Government Cemetery) ..   | 29 April, 1916.                           |
| Seccondee (Government Cemetery) ..  | 12 Jan., 1918.                            |

**Cemeteries Discontinued under section 22 of the Cemeteries  
Ordinance, 1891.**

|                                        |                 |
|----------------------------------------|-----------------|
| Anamabu (Chief McCarthy's Cemetery) .. | 23 Aug., 1893.  |
| Awukugua (Old Town Cemetery) .. ..     | 26 April, 1905. |
| Brewe, Axim (Old Cemetery) .. .. .     | 4 Dec., 1911.   |
| Chamah (Chief Peter Donkoh's Cemetery) | 25 Feb., 1897.  |
| Mumford (Wesleyan Cemetery) .. ..      | 12 Sept., 1893. |
| Winnebah (King Ghartey's Cemetery) ..  | 12 Sept., 1893. |

**Cemeteries Discontinued under section 35 of the Births,  
Deaths and Burials Ordinance.**

|                                                                                    |                 |
|------------------------------------------------------------------------------------|-----------------|
| Dunkwa Old Cemetery (except that portion<br>reserved for the burial of Europeans). | 21 Sept., 1916. |
|------------------------------------------------------------------------------------|-----------------|

Appointments of Registrar and Deputy Registrars under Section 4  
of the Births, Deaths and Burials Ordinance, made 18th April, 1912.

The Senior Sanitary Officer or his Deputy to be Registrar for the  
Colony of the Gold Coast.

In any place or town to which the Ordinance may apply, except-  
ing towns under the Town Councils Ordinance, the Medical Officer  
in charge of the station to be the Deputy Registrar.

In towns under the Town Councils Ordinance the Medical Officer  
of Health to be the Deputy Registrar.

**Additional Appointments made 3 September, 1912.**

The Medical Officer of Health at Accra to be Deputy Registrar  
for the town of Labadi.

The District Commissioner at Elmina to be Deputy Registrar for  
the town of Elmina.

The District Commissioner at Aburi to be Deputy Registrar for  
the town of Aburi.



Rule under section 22 of the Births, Deaths, and Burials Ordinance.

No burial shall take place in any public cemetery except between the hours of half-past six and half-past ten in the forenoon and between the hours of half-past two and five in the afternoon without the written authority of a Deputy Registrar specially granted in that behalf, which authority the Deputy Registrar may refuse to grant without assigning any reason for such refusal.

(Made 14 November, 1917.)

Rules under section 37 of the Births, Deaths and Burials Ordinance.

### FORMS.

1. The following shall be the forms given in the Schedule to these Rules:—

- A. Register of Births, in Form A;
- B. Register of Deaths, in Form B;
- C. Index to Register of Births, in Form C;
- D. Index to Register of Deaths and Burials, in Form D;
- E. Form of Burial Permit;
- F. Form of Certificate of Burial;
- G. Form of Certificate of right of exclusive Burial;
- H. Medical Certificate of cause of Death;
- I. Medical Certificate of cause of Death after *post mortem* examination;
- J. Report of Death.

2. The monthly returns made by Deputy Registrars to the Registrar shall be in forms similar to Forms A and B, respectively.

3. The medical certificate of the cause of death shall be in Form G; and forms of certificate of the cause of death after *post mortem* examination shall be in Form I.

4. Forms H and I shall not be used by Medical Officers in charge of Public Institutions. Such Officers shall fill in and sign the form of report of death, Form J, when deaths are registered by them.

### FEES.

5. The fees to be paid under this Ordinance shall be:—

|                                                                                            | £ | s. | d. |
|--------------------------------------------------------------------------------------------|---|----|----|
| For a certified extract from register or post registration book of a birth or death ... .. | 0 | 2  | 0  |
| For a search in register or post registration book of births or deaths ... ..              | 0 | 2  | 0  |
| For late registration (under section 10) ... ..                                            | 0 | 2  | 0  |
| For Burial Permits:—                                                                       |   |    |    |
| For grave not exceeding 3 feet in length ... ..                                            | 0 | 1  | 0  |
| For grave exceeding 3 feet but not exceeding 5 feet in length ... ..                       | 0 | 1  | 6  |
| For grave exceeding 5 feet in length ... ..                                                | 0 | 2  | 6  |
| For permission to build a vault ... ..                                                     | 1 | 0  | 0  |

## REGISTER OF BIRTHS

|     |       |      |                     |                                                                           |                                              |            |             |                    |                       |          |
|-----|-------|------|---------------------|---------------------------------------------------------------------------|----------------------------------------------|------------|-------------|--------------------|-----------------------|----------|
| No. | Name. | Sex. | Whether still-born. | FATHER'S<br>Name.<br><br>Occupation.<br><br>Nationality.<br><br>Religion. | MOTHER'S<br>Maiden Name.<br><br>Nationality. | When born. | Where born. | Name of Informant. | Date of Registration. | Remarks. |
|-----|-------|------|---------------------|---------------------------------------------------------------------------|----------------------------------------------|------------|-------------|--------------------|-----------------------|----------|

## REGISTER OF DEATHS AND BURIALS.

|  |     |       |                |      |                                                                                              |
|--|-----|-------|----------------|------|----------------------------------------------------------------------------------------------|
|  | No. | Name. | Y.<br>M.<br>D. | AGE. | Whether still-born.                                                                          |
|  |     |       |                |      | Sex.                                                                                         |
|  |     |       |                |      | Nationality or Tribe.                                                                        |
|  |     |       |                |      | Occupation.                                                                                  |
|  |     |       |                |      | Religion.                                                                                    |
|  |     |       |                |      | Residence at Death.                                                                          |
|  |     |       |                |      | Period of continuous residence in Station.                                                   |
|  |     |       |                |      | Last place of residence before arrival in Station.                                           |
|  |     |       |                |      | Date of Death.                                                                               |
|  |     |       |                |      | Cause of Death.                                                                              |
|  |     |       |                |      | Duration of Illness.                                                                         |
|  |     |       |                |      | Date of Registration.                                                                        |
|  |     |       |                |      | Name of Informant.                                                                           |
|  |     |       |                |      | Name of qualified Medical Practitioner, Herbalist or other person certifying cause of death. |
|  |     |       |                |      | Cemetery.                                                                                    |
|  |     |       |                |      | Signature of Registrar.                                                                      |



FORM C.

INDEX TO REGISTER OF BIRTHS.

| Sex. | Name. | Name of Father and Mother. | Nationality of Father and Mother. | Date of Registration. | Religion of Father. | No. of Entry in Register. | Remarks. |
|------|-------|----------------------------|-----------------------------------|-----------------------|---------------------|---------------------------|----------|
|      |       |                            |                                   |                       |                     |                           |          |

FORM D.

INDEX TO REGISTER OF DEATHS.

| Name. | Sex. | Age. | Cause of Death. | Cemetery. | Religion. | Date of Death. | Date of Registration. | Vol. | Deceased's place of abode. |
|-------|------|------|-----------------|-----------|-----------|----------------|-----------------------|------|----------------------------|
|       |      |      |                 |           |           |                |                       |      |                            |

BIRTHS, DEATHS AND BURIALS.

[CAP. 55.

FORM E.

## BURIAL PERMIT.

No.....

No.....

Date.....19.....

.....19.....  
To the Sexton at.....Cemetery

I.....

Registrar of deaths of.....

Authority for burial of.....

hereby authorise you to prepare a grave for,  
and bury in the above named Cemetery.....

.....of.....

.....of.....

Burial effected as stated in

*Registrar of Deaths.*

permit now attached.

*The Registrar of Deaths.*

The body was buried on the.....

.....19.....

.....in grave No.....

Label No.....

Fees paid .....

*Sexton.*

FORM F.

## CERTIFICATE OF BURIAL.

CERTIFICATE OF BURIAL.

CERTIFICATE OF BURIAL.

No.....

No.....

Date.....19.....

I.....

Certificate granted to.....

Registrar of Deaths of.....

do hereby certify that on the.....day of

.....

.....19.....

of the burial of.....

.....of.....

was buried in the Public Cemetery of.....

Dated at.....this

Paid 2s.

.....day of.....19.....

Payee.

*Registrar of Deaths.*NOTE:—A fee of two shillings is  
to be paid for this Certificate.NOTE:—A fee of two shillings is to be paid for this  
Certificate.



## FORM G.

## CERTIFICATE OF RIGHT OF EXCLUSIVE BURIAL.

No.....

No.....

Date.....19.....

£.....

I certify that I have paid to the Registrar of Deaths the sum of..... pounds..... shillings and .....pence for the exclusive right of burial in a piece of land in the..... Cemetery containing..... square feet for which I have paid him the sum of ..... pounds..... shillings and.....pence.

By virtue of the Births, Deaths, and Burials Ordinance, and in consideration of the sum of.....pounds..... shillings and.....pence paid to me by .....the exclusive right of burial in.....is hereby granted to the said .....to hold in perpetuity for the purpose of burial.

Given under my hand at..... this .....day of.....19

*Registrar of Deaths.*

## FORM H.

## MEDICAL CERTIFICATE OF CAUSE OF DEATH.

Name

I hereby certify that I attended  
of

Last seen

that I last saw him on  
and that he died on

Died

Cause of death

Cause of death

Duration of illness

Date

District

Name

Date

Qualifications

In the event of the medical practitioner making a *post mortem* examination, he must give a certificate on the form provided for that purpose.

## FORM I.

Name

I certify that I made on

Examination

a *post mortem* examination of the body of*Post mortem*

and that

Cause of death

the cause of death was

Date

District

Name

Date

Qualification

REPORT OF DEATH.

(Made 18 April, 1912, and amended 25 August, 1914.)

|                                                    |  |       |   |
|----------------------------------------------------|--|-------|---|
| No.                                                |  | Name. |   |
| Age.                                               |  | Y     | M |
|                                                    |  |       | D |
| Whether still-born.                                |  |       |   |
| Sex.                                               |  |       |   |
| Nationality or Tribe.                              |  |       |   |
| Occupation.                                        |  |       |   |
| Religion.                                          |  |       |   |
| Residence at death.                                |  |       |   |
| Period of continuous residence in Station.         |  |       |   |
| Last place of residence before arrival in Station. |  |       |   |
| Date of death.                                     |  |       |   |
| Cause of death.                                    |  |       |   |
| Duration of illness.                               |  |       |   |
| Date of Registration.                              |  |       |   |
| Name of Informant and his signature.               |  |       |   |



## CHAPTER 61.

## INFECTIOUS DISEASES.

CAP. 61.

*Ordinances*  
*Nos. 2 of 1908*  
*3 of 1908*  
*7 of 1909,*  
*s. 14,*  
*8 of 1917.*

AN ORDINANCE TO MAKE BETTER PROVISION FOR THE PREVENTION OF THE SPREAD OF INFECTIOUS AND CONTAGIOUS DISEASES, AND FOR THE SETTLEMENT OF CLAIMS FOR COMPENSATION AND DAMAGES IN CONNECTION WITH MEASURES TAKEN TO PREVENT THE SPREAD OF SUCH DISEASES.

[13th April, 1908.]

WHEREAS an outbreak of plague has occurred at Accra and elsewhere in the Colony, and further and better provision is required to prevent the spread of the said disease, and of any infectious or contagious disease which may occur hereafter in the Colony;

And whereas it is expedient to make provision for the speedy settlement of claims for compensation and damages in connection with measures taken or to be taken in the interests of public health to prevent the spread of the said outbreak of plague, and of any outbreak of infectious disease which may occur hereafter in the Colony;

Be it, therefore, enacted by the Governor of the Gold Coast Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Infectious Diseases Ordinance.” Short title.

2. In this Ordinance the term “infectious disease” includes plague, cholera, small-pox, cerebro-spinal meningitis, yellow fever, sleeping sickness and any disease of an infectious or contagious nature which the Governor in Council may declare in manner hereinafter provided to be an infectious disease within the meaning of this Ordinance. Interpretation.

“ Compensation Board ” means a board appointed under section 13 of this Ordinance.

“ Medical Officer ” means an officer of the West African Medical Staff or other medical practitioner appointed by the Governor.

(As amended by 7 of 1909, s. 14.)

Power for Governor in Council to apply Ordinance to other disease.

3. It shall be lawful for the Governor in Council by order published in the Gazette to declare that any disease of any infectious or contagious nature, not specifically mentioned in the preceding section, shall be an infectious disease within the meaning of this Ordinance, and thereupon all the provisions of this Ordinance shall apply to such disease.\*

Declaration of infected area, and order for evacuation.

4. (1) Whenever an infectious disease shall have broken out in any town or place it shall be lawful for the Governor in Council by order published in the Gazette to declare such town or place or any portion thereof to be an infected area, and by the same order or any subsequent order published in the Gazette to order the evacuation of the whole or any part of such infected area.

(2) It shall not be lawful for any person to reside or carry on business within any infected area or portion thereof which is comprised in an order for evacuation, or to enter or be therein, except when passing along a thoroughfare allowed to remain open to the public, without an order in writing to that effect signed by a medical officer, and upon such conditions as such medical officer may in such order direct.

(3) Any person contravening the provisions of the preceding sub-section shall be liable for a first offence to a fine not exceeding twenty-five pounds, or to imprisonment with or without hard labour for a period not exceeding three months, and for a second or subsequent offence to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for a period not exceeding six months, or to both.

Spirit and wine and beer licences in area ordered to be evacuated.

5. Any person licensed to sell spirits or wine and beer in a store situated in any infected area or portion thereof which is comprised in an order for evacuation, shall be entitled to a transfer of the licence to a store situated in some place to which no order for evacuation extends, and where no higher licence fee is payable, or may be awarded by a Compensation Board a refund of the whole or any portion of the fee paid for the licence.

\* Anthrax so declared 17th May, 1910. Pulmonary tuberculosis so declared 14th November, 1917. Influenza so declared 7th November, 1919.



6. Whenever in the opinion of a medical officer there is suspicion that a person has died of an infectious disease, whether in an infected area or not, it shall be lawful for the medical officer to order that the body of the deceased person shall be conveyed to such place as the medical officer shall appoint, for such examination as he may consider necessary.

Power to order post mortem examinations.

7. It shall be lawful for a medical officer, if he shall see occasion, to place or cause to be placed on the door or wall of any house or building in which any case of infectious disease has occurred, whether in an infected area or not, any mark which he may deem advisable for the purpose of denoting the occurrence of such disease, and to keep such mark affixed for such time as he may deem necessary; and any person removing or obliterating any such mark without the authority of a District Commissioner shall on conviction be liable to a fine not exceeding five pounds.

Marking of houses where infectious disease has occurred.

8. It shall be lawful for any medical officer to order the disinfection of any house or building in which any case or suspected case of infectious disease has occurred, whether in an infected area or not, and of any property belonging to any person residing or being in such house or building.

Disinfection.

9. (1) It shall be lawful for any medical officer to order the destruction of any house or building where a case of infectious disease has occurred, whether in an infected area or not, or of any thing in such house or building, or elsewhere, which he may consider necessary in the interests of public health.

Power for medical officer to order destruction of house, building or anything.

(2) Any such order shall be carried out in such manner and by such persons as the medical officer may direct.

(3) All claims for compensation in respect of any destruction of a house, building or thing under this section shall be determined by the Compensation Board.

10. It shall be lawful for any medical officer to order the destruction of any animals, whether in an infected area or not, which he has reason to believe are likely to be agents in the transmission of an infectious disease, and to dispose of the carcases of any animals so destroyed in such manner as he may think proper.

Destruction of animals.

11. It shall be lawful for a medical officer to cause any person suffering or suspected to be suffering from an infectious disease, whether in an infected area or not, to be removed to a Government hospital or other place provided by the Government, and to detain such person until he can be discharged with safety to the public.

Removal and detention of infected persons and suspects.

12. It shall be lawful for a medical officer to order any person living in the same house or compound as, or otherwise brought

Isolation of contacts.

into contact with, any person suffering or suspected to be suffering from an infectious disease, to be isolated in such place as the Government may provide, until he can be discharged with safety to the public; and every person authorised by the medical officer to carry out such order may use such force as is necessary to compel obedience to such order.

Compensation Boards.

13. (1) All claims for refund of spirit licence fees under section 5, and for damages or compensation for destruction of property under sections 9, 10 and 18 (1) (iii), and all similar claims in respect of any measures taken before the passing of this Ordinance shall be heard and determined by a Compensation Board to be appointed by the Governor in writing and to consist of two persons, one of whom shall be unconnected with the Government service.

(2) The unofficial member of the Board shall be entitled to his actual out-of-pocket expenses; and the Governor may, at his discretion, allow such further remuneration as to him may seem fit.

(3) In appointing any Compensation Board it shall be lawful for the Governor—

- (a) To define the local limits of the jurisdiction of the Board;
- (b) To appoint any member by name or *ex-officio*;
- (c) To appoint a secretary to the Board; and
- (d) In case any person appointed shall be or become unable or unwilling to act, or shall die, to appoint another member in his place.

(4) Every appointment made under this section shall be published in the Gazette.

(5) A Compensation Board shall have all the powers of the Supreme Court to summon witnesses, and to call for the production of books, plans or documents, and to examine witnesses and parties on oath, and all persons summoned to attend and give evidence or to produce books, plans or documents shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas from the Supreme Court, and shall be entitled to like expenses as if they had been summoned to attend such Court on a criminal trial, if the same shall be allowed by the Board, but the Board may disallow the whole or any part of such expenses in any case if they think fit.

(6) If the members of a Compensation Board shall in any case be equally divided the matter shall be referred to a judge of the Supreme Court, who shall for the purposes of the reference be deemed to be a member of the Compensation Board, and whose decision shall be deemed to be the award of the Board.



(7) The award of a Compensation Board shall be in writing signed by the members or by the judge, as the case may be, and shall be final, and the amount awarded shall be paid in accordance with the award by the Government of the Colony.

(8) For the purposes of Title XXV. of the Criminal Code a Compensation Board shall be deemed to be a Court. Chapter 16.

(*As amended by 3 of 1908, s. 2.*)

14. (1) Every claim for damages or compensation in respect of any measures taken before the passing of this Ordinance shall be preferred within six months from the date of the Gazette containing the announcement of the appointment of a Compensation Board to deal with such claims; every other claim shall be preferred within six months after the happening of the event in respect of which the claim is made. Time within which claims must be brought.

(2) A claim may be sent in the first instance either to the Compensation Board or to the Colonial Secretary, by whom it shall be referred to the Compensation Board appointed to deal therewith.

(3) No claim shall be entertained of which notice shall not have been received by the Compensation Board or the Colonial Secretary within the time specified by this section.

15. (1) No action, suit or civil proceeding of any kind whatsoever shall, without the written consent of the Attorney General, be brought against any person in any Court in the Colony for damages or compensation in respect of any measures taken or to be taken to prevent the spread of any infectious disease. Restriction on civil proceedings in respect of preventive measures.

(2) This section, as well as the two last preceding sections, shall apply to all measures taken to prevent the spread of the outbreak of plague aforesaid at Accra and elsewhere in the Colony as well before as after the commencement of this Ordinance.

16. Where a person in charge of or in attendance on or living with a person suffering from an infectious disease is charged with an offence against this Ordinance or any regulation made thereunder relative to such infectious disease, he shall be presumed to have known of the existence of such disease in such person, unless and until he shows to the satisfaction of the District Commissioner before whom he is charged that he had not such knowledge and could not with reasonable diligence have obtained such knowledge. Presumption.

17. If any person without lawful authority or excuse (proof whereof shall lie on him) shall contravene any of the provisions of this Ordinance for which no other punishment is provided, or any regulation made under this Ordinance, or does or omits to do anything which, under such provisions of this Ordinance, or of any regulations made thereunder, he ought not to do or omit, or if Penalties.

he obstructs or impedes or aids or incites any other person to obstruct or impede any medical officer, police officer, health officer, or other person lawfully acting in the execution of any provisions whatsoever of this Ordinance, or of any regulation thereunder, he shall be guilty of an offence, and on conviction shall be liable to a fine not exceeding twenty-five pounds, or to imprisonment with or without hard labour for a period not exceeding three months, or to both: provided that no person shall be punished for the same offence under this Ordinance and any other Ordinance.

18. (1) It shall be lawful for the Governor in Council to make, vary, and revoke regulations:—

(i) For isolating all persons suffering or suspected to be suffering from an infectious disease, or brought into contact with any person so suffering or suspected;

(ii) For inspecting and granting passports to persons travelling by sea or land from a town, village or place where an infectious disease has occurred, and for disinfecting their clothing and effects;

(iii) For closing, destroying, disinfecting, cleansing or otherwise rendering harmless any houses, buildings, latrines, wells, cesspits, dustbins, dumping grounds and places deemed to be injurious to public health;

(iv) For prohibiting building on, or habitation of, or tillage, or other disturbance of, the soil in any area, or in any portion of any such area, in which plague has occurred, or in which the bodies of persons who have died of plague, or are suspected to have died of plague, have been buried.  
(*Added by 8 of 1917, s. 2.*)

(v) For prohibiting the removal of property from infected houses;

(vi) For prescribing the mode of burial or disposal of the bodies of persons dying from an infectious disease;

(vii) For the removal of persons from any portion of an infected area the evacuation of which has been ordered by the Governor in Council;

(viii) For establishing a cordon around any place where an infectious disease has occurred or otherwise preventing persons departing from or going to any such place;

(ix) For prescribing the reporting of cases of sickness and deaths;

Power for Governor in Council to make regulations.

Isolation of infected persons.

Passports to travellers.

Closing, &c., of houses.

Prohibiting interference with soil.

Removal of property.

Burial of infected persons.

Removal from infected area.

Establishing cordon.

Reporting sickness.



- |                                                                                                                                                                                                                                      |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (x) For preventing, in any place where an infectious disease exists, the holding of public meetings or the performance of funeral or other native customs likely to tend to the dissemination of such infectious disease.            | Prevention of public meetings.                     |
| (xi) For the appointment of the authority by whom the provisions of this Ordinance and any regulations made thereunder are to be carried out, and of inspectors and other necessary officers, and for the execution of their duties; | Appointment of officers.                           |
| (xii) For the destruction of rats, mice and other kinds of vermin, and of mosquitoes, and for the closing of holes made by rats and mice and for the rendering of floors and plinths of houses rat-proof;                            | Destruction of vermin.                             |
| (xiii) For the disposal or destruction of refuse and sewage;                                                                                                                                                                         | Destruction of refuse.                             |
| (xiv) For the erection of temporary huts, mortuaries and similar buildings by the chiefs or headmen of towns or villages;                                                                                                            | Erection of temporary buildings.                   |
| (xv) For the publication within the area affected by beating of gong-gong, or in other manner, of any Order in Council or regulations made under this Ordinance;                                                                     | Public notification of regulations.                |
| (xvi) For prescribing the procedure to be adopted in the proceedings of the Compensation Board, and the forms of witness summonses and other documents to be used in connection with such proceedings;                               | Prescribing procedure, &c., of Compensation Board. |
| (xvii) For prescribing the form and mode of service or delivery of notices and other documents under this Ordinance; and                                                                                                             | Prescribing forms.                                 |
| (xviii) Generally for the better carrying into effect any of the provisions of this Ordinance.                                                                                                                                       | Generally.                                         |
- (2) All such regulations shall, unless some later date be fixed therein, come into operation on publication in the Gazette.

### REGULATIONS *and* ORDERS *under the Infectious Diseases Ordinance.*

Diseases declared to be Infectious Diseases within the meaning of the Ordinance (s. 3.)

Anthrax: 17 May, 1910.

Pulmonary Tuberculosis: 14 November, 1917.

Influenza: 7 November, 1919.

Compensation Boards (s. 18.)

*Precedence of Members of Board.*

1. When a Government officer is a member of a Compensation Board he shall preside at the proceedings of such Board. In other cases the Governor shall appoint the President.

- |                                                                                                                                                                                                                                      |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (x) For preventing, in any place where an infectious disease exists, the holding of public meetings or the performance of funeral or other native customs likely to tend to the dissemination of such infectious disease.            | Prevention of public meetings.                     |
| (xi) For the appointment of the authority by whom the provisions of this Ordinance and any regulations made thereunder are to be carried out, and of inspectors and other necessary officers, and for the execution of their duties; | Appointment of officers.                           |
| (xii) For the destruction of rats, mice and other kinds of vermin, and of mosquitoes, and for the closing of holes made by rats and mice and for the rendering of floors and plinths of houses rat-proof;                            | Destruction of vermin.                             |
| (xiii) For the disposal or destruction of refuse and sewage;                                                                                                                                                                         | Destruction of refuse.                             |
| (xiv) For the erection of temporary huts, mortuaries and similar buildings by the chiefs or headmen of towns or villages;                                                                                                            | Erection of temporary buildings.                   |
| (xv) For the publication within the area affected by beating of gong-gong, or in other manner, of any Order in Council or regulations made under this Ordinance;                                                                     | Public notification of regulations.                |
| (xvi) For prescribing the procedure to be adopted in the proceedings of the Compensation Board, and the forms of witness summonses and other documents to be used in connection with such proceedings;                               | Prescribing procedure, &c., of Compensation Board. |
| (xvii) For prescribing the form and mode of service or delivery of notices and other documents under this Ordinance; and                                                                                                             | Prescribing forms.                                 |
| (xviii) Generally for the better carrying into effect any of the provisions of this Ordinance.                                                                                                                                       | Generally.                                         |
- (2) All such regulations shall, unless some later date be fixed therein, come into operation on publication in the Gazette.

## REGULATIONS *and* ORDERS *under the Infectious Diseases Ordinance.*

Diseases declared to be Infectious Diseases within the meaning of the Ordinance (s. 3.)

Anthrax: 17 May, 1910.

Pulmonary Tuberculosis: 14 November, 1917.

Influenza: 7 November, 1919.

Compensation Boards (s. 18.)

*Precedence of Members of Board.*

1. When a Government officer is a member of a Compensation Board he shall preside at the proceedings of such Board. In other cases the Governor shall appoint the President.



2. The ruling of the President of the Board as to procedure and the reception or rejection of evidence shall, in case of difference, be the ruling of the Board; provided that it shall be lawful for the other member of the Board to require that the matter in difference be referred to a Judge of the Supreme Court, whose decision shall be final.

*Meetings of Board.*

3. The place and time of the meetings of a Board shall be fixed by the President after consultation with the other member of the Board.

4. The meetings of a Board shall be held in public.

*Form of Claim.*

5. Every claim shall be in the form in Schedule A hereto, signed by the applicant and attested by one witness.

6. A form of claim may be obtained gratis from the Secretary to the Board.

7. When a claimant is illiterate and unable to furnish a claim in writing, his claim shall be reduced to writing by the Secretary of the Board, who shall fill in all the details required in the said form, and shall cause the claimant to affix his mark to the claim in his presence.

8. Claims may be sent in the first instance either to the Colonial Secretary or to the Secretary of the Compensation Board. Claims sent to the Colonial Secretary shall be referred by him to the Secretary of the Compensation Board.

9. The Secretary shall number the claims received by him consecutively in the order of priority in which they are received by him, and shall indorse on every claim the day and hour on which he receives it.

*Hearing Notice.*

10. Notice of the date on which a claim will be considered by the Compensation Board shall be in the form in Schedule B hereto and shall be served on the claimant.

*Witness Summonses.*

11. Every witness named in the claim and any other witness whose attendance may at any time be required by the Compensation Board shall be served with a notice in the form in the Schedule C hereto.

*Service.*

12. Documents required to be served under this order shall be served by such literate person as the Compensation Board may appoint.

13. Every person serving a document shall fill in the date and hour and mode of service in a book to be kept by the Secretary of the Board for the purpose, and shall sign his name opposite thereto. Such book shall be in the form in Schedule D hereto and an entry therein, so signed as aforesaid, may be accepted as *prima facie* evidence of service of the document to which the entry relates.

14. Service shall ordinarily be personal and may be effected on any day on which service of a writ of summons may be effected under the procedure rules of the Supreme Court.

15. Where it appears to the Compensation Board (either after or without an attempt at personal service) that for any reason personal service cannot be conveniently effected, the Compensation Board may order that service be effected in any of the modes prescribed by Rule 5 of Order III. of the First Schedule to the Supreme Court Ordinance. Chapter 7.

#### *Listing of Claims.*

16. Claims shall be listed for hearing in the order in which they are numbered.

#### *Hearing of Claim.*

17. Claims shall be taken for hearing in the order in which they stand on the list; provided that a Compensation Board may direct any claim to be heard out of its turn.

18. The claimant and his witnesses shall attend at the time and place notified to them.

19. If one or both of the members of the Board shall fail to attend on a day on which any claim is fixed for hearing, it shall be for the attending member of the Board when a member attends, and for the Secretary of the Board when no member attends, to adjourn the hearing of the claim, either to a definite date of which no further notice will be given, or to an unspecified further date, notice of which will be given to the claimant and witnesses. The member or Secretary adjourning the hearing of the claim shall make a note thereof.

20. A claimant shall ordinarily appear in person; provided that a Compensation Board, if satisfied that a claimant is prevented by some good or sufficient reason from attending the hearing of the claim in person, may in its discretion permit any servant, clerk, or the master or any inmate of the family of the claimant, who shall satisfy the Board that he has authority in that behalf, to appear for the claimant.



21. If the claimant fails to appear, the Compensation Board may proceed to hear the claim in his absence, or may strike out the claim, or may postpone the hearing of the claim and give notice of the postponement to the claimant.

22. Any claim struck out may, by leave of the Compensation Board, be replaced on the hearing list on such terms as to the Board may seem fit.

23. A Compensation Board may postpone the hearing of a claim on being satisfied that the postponement is likely to have the effect of better ensuring the hearing of the claim on its merits.

24. Where an application for postponement is made on the ground of the absence of a witness, the Compensation Board shall require to be satisfied that his evidence is material, and that he is likely to return and give evidence within a reasonable time.

25. Witnesses shall ordinarily be examined *viva voce* on oath, which oath shall be administered by the President of the Compensation Board, but a Compensation Board may at any time, for sufficient reason, order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing of the claim on such conditions as the Board may think reasonable, or that any witness whose attendance before the Board ought for some sufficient cause to be dispensed with, shall answer on oath such questions or interrogatories as the Board may require. Every interpreter shall be duly sworn to interpret correctly, and the oath shall be administered by the President of the Board.

26. Every document put in evidence shall be marked by the Secretary of the Compensation Board at the time, and shall be retained by the Board during the hearing of the claim to which it refers, and returned to the claimant or person from whose custody it came, immediately after pronouncement of the award, unless impounded by order of the Board.

27. Notes of the proceedings and evidence shall be taken in writing by the President of the Compensation Board.

28. Any point of law arising during the hearing of a claim, and which is not referred to a Judge under No. 2 of these regulations, may be referred by the Compensation Board to a Law Officer of the Crown for his opinion, which shall be acted upon by the Board.

29. Any claim on the hearing list for the day, not disposed of during the course of the day, shall be adjourned to a future day. No further notice to the claimant or witness shall be requisite unless otherwise ordered by the Compensation Board.

30. In case a reference to a Judge is necessary, such reference shall be in such form as the Judge shall direct.



31. In case of death of a claimant before an award is pronounced, the Compensation Board may permit the claim to be continued by any person who satisfies the Board that he has either taken out Probate or Letters of Administration or that he is entitled by native custom to represent the estate of the deceased.

32. If one of the members of the Board die, or become unable or unwilling to act during the pendency of any claim, the hearing claim may be continued by the other member and the new member appointed by the Governor, and all proceedings taken previous to the change of membership shall have the same validity as if taken subsequent to the change.

33. The award of the Compensation Board shall be pronounced by the President at a meeting of the Board.

34. When compensation is awarded in respect of the destruction of a house or portion of a house, the Compensation Board may order that a sum not exceeding one-fourth of the amount awarded shall be paid forthwith and that the balance shall be paid in instalments conditional on the erection of a new house of the value of the sum awarded and proportionate to the cost of the work done in rebuilding.

35. If the Compensation Board reserves its decision, or the question of compensation is referred to a Judge, the claimant shall be served with notice to attend and hear the award, but the Board may deliver the award in his absence.

#### *Payment of Amount Awarded and Costs.*

36. As soon as possible after the pronouncement of the award, the Secretary of the Compensation Board shall cause particulars thereof, in such form as the Treasurer may prescribe, to be sent to the Treasurer, or to such Treasury Officer as the Treasurer shall direct, and payment shall be made in accordance with such award.

37. If the claimant dies after the award is pronounced but before payment is made, the amount awarded shall be paid on an order signed by both members of the Compensation Board to the person who satisfies the Board that he has either taken out Probate or Letters of Administration or that he is entitled by native custom to represent the estate of the deceased.

38. Costs allowed to witnesses shall be assessed by the Compensation Board in accordance with Part V. of Appendix B to the Schedules to the Supreme Court Ordinance.

39. Particulars of the costs allowed to witnesses in respect of each claim shall be sent, in such form as the Treasurer may prescribe, to the Treasurer or to such Treasury Officer as the Treasurer may direct, and payment shall be made to the witnesses in accordance with the amounts allowed to them.



## SCHEDULE A.

## FORM OF CLAIM FOR COMPENSATION.

(The particulars given in this column are by way of illustration only.)

|                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name, address and occupation of Claimant.                                                                  | George Ababio,<br>Cleland Lane,<br>James Town, Accra.<br>Fisherman.                                                                                                                                                                                                                                                                                                          |
| Property in respect of which compensation claimed or nature of claim.                                      | One four-roomed swish hut, with thatched roof, situated in Cleland Lane, James Town, knocked down.<br>1 Wooden bed<br>1 Mattress<br>1 Chair<br>1 Small wooden box, containing two cloths of the value of 10/- each,<br>or<br>Compensation in respect of a yearly Spirit Licence, taken out on the 3rd January, 1908, for a Store situated in Plange Lane, James Town, Accra. |
| Date of destruction of property. (The approximate date should be given when the actual date is not known.) | 25th January, 1908.                                                                                                                                                                                                                                                                                                                                                          |
| Amount of compensation claimed.                                                                            | £20.                                                                                                                                                                                                                                                                                                                                                                         |
| Names, addresses and occupations of witnesses whose attendance is desired by Claimant.                     | Karley, of Cleland Lane, Accra, Trader.<br>Kwaku Mensa, of Cleland Lane, Accra, Cooper.<br>Henry Bruce, of Otoo Street, Accra, Carpenter, to produce mortgage deed, dated 8th September, 1903, and made between George Ababio of the one part and Henry Bruce of the other part.                                                                                             |

Dated this                      day of                      19                      .

Witness the signature of the Claimant. (*Signature of Claimant.*)

\_\_\_\_\_  
(Name of Witness.)

\_\_\_\_\_  
(Address of Witness.)

\_\_\_\_\_  
(Occupation of Witness.)

## FORM OF INDORSEMENT BY SECRETARY.

The within claim was received by me on the                      day of  
19        at        o'clock in the                      noon, and is numbered

*Secretary of Compensation Board.*

## SCHEDULE B.

## HEARING NOTICE.

Claim No.

To                      claimant.

This claim will come on for hearing on the                      day of  
19        at        o'clock in the                      noon at (state place of sitting).  
If the hearing of the claim is not disposed of on the above mentioned  
day and is not specifically adjourned by the Compensation Board to  
any other day, it will stand adjourned from day to day.

You are required to bring forward at the hearing all the evidence  
by witnesses or documents on which you rely in support of your  
claim.

If you desire to enforce the attendance of any witness whose name  
has not been specified in the form of claim, you should apply at once  
to the undersigned Secretary of the Compensation Board at  
for the issue of a witness summons for his attendance. If any witness  
is required to bring books or papers, they must be specified in the  
witness summons sufficiently to enable him to understand what is  
meant.

Issued on the                      day of                      19        .

By Order of the Compensation Board,

*Secretary.*

## SCHEDULE C.

## WITNESS SUMMONS.

Claim No.

To (name of person summoned, his address and occupation).

You are hereby required to appear in person before the Compensa-  
tion Board on                      the                      day of                      19        at  
o'clock in the                      noon at                      to give evidence respecting the  
claim of one  
(specify documents required)

Therefore fail not at your peril.

Issued on the                      day of                      19        .

*(Signature of President of Compensation Board.)*



## SCHEDULE D.

## SERVICE BOOK.

| No. of claim. | Nature of Document served. | Person required to be served. | Mode of effecting service.       | Date of effecting service. | Signature of person effecting service. |
|---------------|----------------------------|-------------------------------|----------------------------------|----------------------------|----------------------------------------|
| 47            | Hearing Notice ..          | Kojo Mensa                    | Personal .. ..                   | 27 May, 1908.              | Henry Green.                           |
| 47            | Witness Summons            | Dede Abba                     | Personal .. ..                   | Do.                        | Do.                                    |
| 71            | Witness Summons            | John Smith                    | Left with Alice Smith, his wife. | 28 May, 1908.              | Do.                                    |
| 74            | Notice of Date of Award.   | Kai ..                        | Personal .. ..                   | Do.                        | Do.                                    |

N.B.—These particulars are given by way of illustration only.

(Made 1 May, 1908.)

## Notification of Anthrax and Smallpox (s. 18).

1. It shall be the duty of every Chief or Headman to notify immediately the Commissioner of the District of the occurrence of every case of smallpox or anthrax in his town or village. Any Chief or Headman wilfully neglecting or failing to do so shall be guilty of an offence unless he can show to the satisfaction of the District Commissioner before whom he is charged that he had no knowledge of the occurrence and could not with reasonable diligence have obtained such knowledge.

2. Any Chief or Headman contravening the above regulation shall be liable, on conviction, to a fine not exceeding twenty-five pounds or to imprisonment with or without hard labour for a period not exceeding three months, or to both.

(Made 11 May, 1912.)

## Prevention and Notification of Plague (s. 18).

1. Any area declared to be an infected area under section 4 of the Infectious Diseases Ordinance may be fenced in such manner as any Medical Officer may in his discretion think desirable for the purpose of preventing movements of rats, stopping traffic of all or any kind along any street, as defined by section 2 of the Towns Ordinance, or any portion of any such street or for any purpose which he may in his discretion think desirable for preventing the spread of infection.

2. No person shall, without the permission of the Senior Sanitary Officer or of an officer deputed by him go along any such street or portion of such street fenced as provided in Regulation 1 hereof.

3. It shall be lawful for any Medical Officer whenever he shall deem it expedient to order the fumigation of any building for the purpose of destroying rats, mice, or other kinds of vermin, or of mosquitoes therein.

4. Two clear days' notice of intended fumigation shall be posted on a door or front wall of the building to be fumigated. Such notice shall be signed by a Medical Officer or any person authorised by him in that behalf, and may be in the following form:—

#### NOTICE.

To the occupiers of this building.

It is intended to fumigate this building on \_\_\_\_\_ day  
the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

*(Signature of Medical Officer, or person  
authorised.)*

5. It shall be lawful for any Medical Officer, or any person deputed by him to conduct the fumigation, to enter the building and take such steps as he may deem necessary or expedient to carry out the fumigating operations effectively, and for such purpose if the building, or any room therein, is locked or otherwise secured against entrance, to unlock or open the same.

6. In an infected area, unless the evacuation thereof has been ordered all rat holes and mouse holes in any building or in the yard or compound of any building shall be effectively closed, and kept so closed. If a rat hole or mouse hole be situated in a yard, compound, or other place to which all the occupiers of the building have access, then every adult occupier of the building shall be responsible for seeing that it is closed and kept closed; if it be situated in any room, store, or other place to which all the occupiers of the building have not access, then every adult occupier of such room, store, or other place shall be similarly responsible. If there be no occupier responsible, then the owner of the building shall be responsible for carrying out the provisions of this regulation.

7. It shall be lawful for any Medical Officer, or any person deputed by him for the purpose to enter any building or part thereof to ascertain whether the provisions of the preceding regulation have been complied with.

8. No sick person or corpse shall be removed from within any infected place within the meaning of any regulation under the Quarantine Ordinance without permission in writing from a Medical Officer. Chapter 63.

9. Any house, building, latrine well, cesspit, dustbin, dumping ground or place which shall be deemed by any Medical Officer to be injurious to the public health may be closed, destroyed, disinfected, cleansed or otherwise rendered harmless.



10. No house or building shall be destroyed before the expiration of seven days from the date of the notice hereinafter prescribed.

11. Written notice shall be given by the authority aforesaid to the owner and to the occupier, if any, of any house or building intended to be destroyed, and if such owner or occupier cannot be found, due notice shall be deemed to have been given if the same shall have been posted on some conspicuous part of such house or building.

12. When any person is found to be suffering from any illness accompanied by such symptoms as fever, swellings in groins or under the arms or elsewhere, or pneumonia or any affection of the lungs or chest, the case shall be at once reported in manner following.

13. In any town or place where there is a Government Medical Officer, the case shall be reported to such Government Medical Officer, and if there be more than one such Medical Officer, to any of them.

14. In any town or place where there is no Government Medical Officer, the case shall be reported to the principal Chief or Headman of the town or place, who shall cause the case to be reported without delay to the nearest District Commissioner or Government Medical Officer.

15. Every person occupying the same building as a person suffering from illness as aforesaid, or in attendance on any such person, or who shall otherwise be brought in contact with any such person, shall be responsible for reporting the case.

(Made 13 March, 1917.)

Regulations with respect to the District of Accra in the  
Eastern Province (s. 18).

1. Any Medical Officer, Inspector of Nuisances or member or officer of The Accra Town Council or member of the Police Force or other person appointed by the Governor for such purpose may enter and inspect any premises in which the existence of plague is suspected.

2. It shall be lawful for any Medical Officer to require the owner of any bedding, clothing or other articles which he suspects to contain any means of conveying an infectious disease to cause the same to be handed over for disinfection, or, if considered necessary for destruction, to such person as such Medical Officer may direct. Such disinfection shall be performed free of charge, and where practicable the bedding, clothes and articles shall after disinfection be brought back and delivered to the owner, but if any unnecessary damage shall have been inflicted, or if destruction shall have been ordered, the owner shall receive compensation for the same, the amount whereof shall be settled by the Compensation Board.

3. The owners of all stores in which are kept or stored any grain, bran, flour or meal, forage, fodder, hay, straw or rice, shall cause all holes or runs used by rats or mice to be firmly filled with cement

and shall cause the floors of such stores to be rendered, as far as possible, inaccessible to rats or mice; and they shall obey every order for that purpose given by a Medical Officer, and all such officers are hereby empowered to enter any building for the purpose of inspecting the same and giving any order under this rule.

4. All employers of labour shall each morning ascertain whether any of their employees are absent from work, and in the event of any employee being so absent shall forthwith ascertain whether such absence is due to illness. If the employee so absent shall be found to be ill, the employer shall immediately report the same to a Medical Officer.

5. The bodies of all persons dying of plague shall be buried in such manner and at such place or places as a Medical Officer may direct.

6. These rules shall extend to the whole of the Accra District of the Eastern Province.

7. In these rules the expression "Medical Officer" means all members of the West African Medical Staff serving in the Colony and includes any medical practitioner appointed by the Governor

*(Made 13 March, 1917.)*

Regulations with respect to Ofako Village (s. 18).

WHEREAS plague recently occurred in the village of Ofako;

AND WHEREAS persons who died of, and persons who are suspected to have been dead of, plague were buried in such village and within a distance of forty yards of such village; Building on, habitation of, tillage or any disturbance of the soil within the area in which such village existed or within a distance of forty yards of any portion of such last-mentioned area, is hereby prohibited.

*(Made 28 July, 1917.)*



## CHAPTER 62

## CAP. 62.

## VACCINATION.

*Ordinance*  
*No. 20 of 1919.*

## AN ORDINANCE TO PROVIDE FOR VACCINATION.

[1st January, 1920.

Be it enacted by the Governor of the Gold Coast Colony with the advice and consent of the Legislative Council thereof, as follows:—

Short title. 1. This Ordinance may be cited as “The Vaccination Ordinance.”

Interpreta-  
tion.

2. In this Ordinance, unless the context otherwise requires:—

“Adult” means a person who is, or (in the case of a person whose age is uncertain) appears to be, fourteen years of age or over

“Child” means a person who is or (in the case of a person whose age is uncertain) appears to be, under fourteen years of age.

“Parent” means the father or mother of a child, and includes any person having the care or custody of a child.

“Prescribed area” means any district, area, or place in respect of which an Order has been made under section 5 and is in force.

“Successful vaccination” means vaccination which is efficient to protect against smallpox.

Public vacci-  
nators and  
assistant  
public vacci-  
nators.

3. (1) Medical Officers in the Government service shall be public vaccinators for the purpose of this Ordinance.

(2) It shall be lawful for the Governor to appoint, during his pleasure, to be public vaccinators registered medical practitioners not in the Government service, and to be assistant public vaccinators such other persons as may be certified by the Senior Sanitary Officer to have the necessary probity, skill and knowledge



(3) Assistant public vaccinators shall be charged with and shall perform such of the duties of public vaccinators only, and shall have and may exercise such of the powers of public vaccinators only as shall by regulations under section 6 hereof from time to time be assigned to them for the purpose of carrying this Ordinance into effect; and such assignment may be made either generally with respect to all assistant public vaccinators or specifically with respect to any one or more individual assistant public vaccinators. To the extent of and for the purpose of the duties and powers so assigned to them, and save as in this Ordinance otherwise expressly or by necessary implication provided, the term "public vaccinator" shall in this Ordinance be deemed to include an assistant public vaccinator.

4. It shall be the duty of every public vaccinator to vaccinate, free of charge, such persons as shall present themselves or be presented, for the purpose, or such persons as, under the provisions of this Ordinance, are, or become, liable to be vaccinated, except in cases where, in the opinion of any such public vaccinator, vaccinations would be injurious to health, or where there is satisfactory evidence that any such person is already successfully vaccinated or has suffered from smallpox.

Vaccination to be free.

5. The Governor in Council may order, either generally or with reference to particular districts, areas, or places throughout the Colony, or with respect to any particular class or classes of persons, that all persons to whom such order applies who do not produce satisfactory evidence of successful vaccination or of having suffered from smallpox shall be vaccinated by a public vaccinator, unless in the opinion of any such public vaccinator vaccination would be injurious to health.

Power of Governor in Council to order compulsory vaccination.

Such order may prescribe at what age a person shall be liable to any penalty for non-compliance with the terms of the Order, and who shall be liable in cases where the persons failing to be vaccinated shall not have attained such age.

An order under this section may be made subject to any qualifications and exceptions as to the Governor in Council may seem proper, and the provisions of sections 7, 8 and 9 hereof shall be read subject to any such qualifications and exceptions (if any).

6. The Senior Sanitary Officer shall make regulations with respect to:

Power of Senior Sanitary Officer to make regulations.

(1) The supply of lymph to public vaccinators.

(2) The method of vaccination by public vaccinators.



- (3) The treatment of persons after vaccination.
- (4) The evidence to be accepted of successful vaccination, including inspection of the results of vaccination.
- (5) The times and places of attendance of persons upon public vaccinators for the purposes of vaccination.
- (6) The duties and powers of assistant public vaccinators and the limitations and conditions under which such duties shall be performed and such powers shall be exercised.

Regulations made under this section shall be subject to the approval of the Governor in Council.

Vaccination  
of adults.

7. Every adult to whom an order made under section 5 hereof applies shall attend for examination, and, if necessary for vaccination, within such period and at such a time and place as may be appointed by regulations made under section 6 hereof, and shall subsequently attend at such times and at such places as the public vaccinator may direct for the purpose of examination as to whether or not the vaccination has been successful, and, if necessary, for re-vaccination.

Vaccination  
of children.

8. The parent of any child to whom an order made under section 5 hereof applies shall, within three months after the birth of such child, or if such child is over the age of three months at the date of the order, within such period as may be appointed under section 6 hereof, bring such child to a public vaccinator at a time and place appointed under section 6 hereof for examination, and, if necessary, for vaccination, and shall subsequently produce such child at such times and places as the public vaccinator shall direct, for the purpose of examination as to whether or not the vaccination has been successful, and, if necessary, for re-vaccination.

Power of public  
vaccinators  
to enter  
houses, etc.,  
and vaccinate.

9. When an Order has been made under section 5 hereof every public vaccinator may on any day, except (save during an epidemic of smallpox) Sunday, between the hours of six in the morning and six in the evening, enter any house and any yard or compound and any buildings therein in any area prescribed by such order, and inspect every person found therein, and may thereupon vaccinate any such person unless he is satisfied that such person is already successfully vaccinated or has suffered from smallpox, or unless in his opinion vaccination would be injurious to health.

Power to  
examine and  
vaccinate  
strangers.

10. Any public vaccinator may examine and vaccinate any person arriving in the Colony, by land or sea, who cannot produce satisfactory evidence of successful vaccination or of having suffered from smallpox.

11. Any employer (or, whenever such employer is not an individual or being an individual is not in the Colony, then the responsible local representative of such employer) of labourers immigrant into the Colony from other countries shall before the disembarkation (or, in case of immigration overland, before the entry) of such labourers, give to the Medical Officer of Health for the place of the disembarkation or entry of such labourers notice of the arrival of such labourers, for the purpose of their inspection, and, if necessary, vaccination.

Employers of foreign labour to notify arrival.

And it shall be the duty of such employer, or of the responsible local representative of such employer as the case may be, to afford all reasonable facilities to the public vaccinator for the purpose of carrying out the provisions of this Ordinance.

12. Every public vaccinator who has vaccinated any adult or child, and has ascertained that the vaccination has been successful, or is satisfied that such adult or child is insusceptible of successful vaccination, shall issue a certificate in the Form A or B respectively of the Schedule hereto, if at the time application is made to him by such adult or the parent of such child.

Certificate of successful vaccination.

13. It shall be lawful for the Governor, with the consent of the Legislative Council, and subject to the approval of the Secretary of State, to make regulations dealing with the payment of fees, if any, to public vaccinators, and to fix the amount of such fees.

Power to make regulations with regard to payment of fees, if any, to public vaccinators.

14. The practice of inoculation is hereby declared to be unlawful; and any person in anywise exercising or concerned in or conniving at such practice, or concerned in or conniving at the performance of any operation of inoculation, shall be guilty of an offence, and on summary conviction thereof shall be liable to a fine not exceeding fifty pounds, or imprisonment with or without hard labour for any term not exceeding six months.

Prohibition of the practice of inoculation.

15. The Governor in Council may make regulations generally for giving effect to the purposes and provisions of this Ordinance.

Power to make regulations.

16. All orders or regulations made under this Ordinance shall come into force on publication in the Gazette, or on such date as may be specified in such order or regulation.

Commencement of orders, etc., made under this Ordinance.

17. Any person who shall fail to comply with any of the provisions of this Ordinance, or of any order or regulation made thereunder, or shall wilfully endeavour to deceive by false statement or otherwise, or shall obstruct any public vaccinator in the discharge of his duties under this Ordinance, shall be liable on summary con-

Penalties.



viction to a fine not exceeding five pounds, or to imprisonment with or without hard labour for any term not exceeding one month, and when the failure continues after conviction to a fine not exceeding one pound for each day on which such failure continues.

Proviso.

Provided always that the penalty for an offence under section 8 hereof shall be a fine of not more than one pound.

Savings in respect of certificates of medical practitioners.

18: Anything in this Ordinance contained notwithstanding, no public vaccinator shall inspect or vaccinate any person in respect of whom is produced to the public vaccinator either—

Chapter 54.

- (a) A certificate signed by a medical practitioner who is entitled to registration as such under the Registration of Medical Practitioners and Dentists Ordinance, certifying that the person named therein has within the next preceding seven years been successfully vaccinated; or
- (b) A certificate signed within the next preceding four months by some such medical practitioner as aforesaid certifying that the person named therein is medically unfit to undergo vaccination.

#### SCHEDULE.

##### A.

I, the undersigned, hereby certify that  
 \*a man, woman, boy, girl, of the apparent age of about  
 years, a resident of in the  
 was successfully vaccinated by me at , in the

District, on the day of 19 .

(Signature)

*Public Vaccinator.*

##### B.

I, the undersigned, hereby certify that  
 \*a man, woman, boy, girl, of the apparent age of about  
 years, a resident of in the  
 has been times unsuccessfully vaccinated by me, and  
 that I am of opinion that such \*man, woman, boy, girl, is insusceptible  
 of successful vaccination.

(Date)

19 .

(Signature)

*Public Vaccinator.*

\* Strike out unnecessary words.

## CHAPTER 63.

### QUARANTINE.

CAP. 63.

AN ORDINANCE TO AMEND THE LAW WITH RESPECT TO QUARANTINE.

*Ordinance  
No. 2 of 1915.*

[2nd March, 1915.]

Be it enacted by the Governor of the Gold Coast Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Quarantine Ordinance." Short title.
2. Where a place is an infected place within the meaning of regulation 1 of the Schedule to this Ordinance, the Governor may by order declare such place to be an infected place. Governor may declare infected place.
3. (1) (a) The Governor in Council may from time to time make, and, when made, may vary or revoke, regulations for the purpose of preventing the introduction of disease into the Colony, or any part thereof, from an infected place, or for the purpose of preventing the transmission of disease from the Colony into any other country or Colony. Power to make regulations.  
 (b) All regulations made under this section shall apply to the whole of the Colony or to such part thereof as shall be mentioned in such regulations.  
 (c) Unless and until varied and revoked as above prescribed, the regulations contained in the Schedule hereto shall be and remain in force.
- (2) Such regulations may prescribe the person by whom the expenses of carrying out any regulation or rule made under this Ordinance shall be borne and paid and the persons from whom any such expenses incurred or charged by the Government may be recovered.
4. The Governor may from time to time by writing under his hand appoint such fit and proper persons to be officers as may be necessary to enforce and carry out the provisions of this Ordinance. Appointment of officers.



Appointment  
of sanitary  
stations, an-  
chorages, &c.

5. The Governor may from time to time provide such sanitary stations, buildings, and equipment, and by any rules appoint such sanitary anchorages as he may think necessary for the purposes of this Ordinance.

regulations  
to be pub-  
lished in  
Gazette and  
are subject to  
disallowance  
by His  
Majesty.

6. All regulations, rules, and orders made under this Ordinance and all alterations and revocations thereof shall be published in the Gazette, and have full force and effect upon the publication thereof or from the date named therein subject to disallowance by His Majesty.

Penalties.

7. Any person who shall contravene any regulation or rule made under the authority of this Ordinance shall be guilty of an offence against this Ordinance, and on conviction thereof shall be liable to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months.

Legal  
proceedings.

8. Proceedings for recovering any penalty or imposing any term of imprisonment for the breach of or for recovering any expenses incurred or charged by the Government in carrying out any regulation or rule made under this Ordinance may be commenced before and determined by any District Commissioner.

## SCHEDULE.

### QUARANTINE REGULATIONS.

In these regulations:—

“Health Officer” means any duly qualified medical practitioner appointed or employed to act in the execution of these regulations, or authorised to act for or to assist the health officer.

“Ship” includes vessel, boat, or other floating craft.

“Master” means the master, officer, or other person for the time being in charge of any ship.

“Infectious or contagious disease” means cholera, plague, yellow fever, and smallpox.

“Place” means any clearly defined portion of territory such as an island, a port, a district, a town, or a village.

“Infected place” means any place where any infectious or contagious disease exists. Provided that a place shall not be regarded as an infected place because of the existence thereof of imported cases of such disease or because of the occurrence of a single non-imported case.

“Infected ship” means a ship on board of which a case or cases of infectious or contagious disease are present or have occurred:—

(1) In the case of plague, within a period of seven days previous to the date of arrival of the ship;

(2) In the case of cholera, within a period of seven days previous to such arrival;

(3) In the case of smallpox, within a period of twelve days previous to such arrival; and

(4) In the case of yellow fever, within a period of eighteen days previous to such arrival.

"Suspected ship" means a ship on board of which a case or cases of infectious or contagious disease have occurred during the voyage or during the stay of such ship in the port of departure, but on board of which no fresh case has occurred:—

(1) In the case of plague, within a period of seven days previous to the date of arrival of the ship;

(2) In the case of cholera, within a period of seven days previous to such arrival;

(3) In the case of smallpox, within a period of twelve days previous to such arrival; and

(4) In the case of yellow fever, within a period of eighteen days previous to such arrival.

"Healthy ship" means a ship which, although having come from or called at an infected place, has had on board no death from, nor any case of, infectious or contagious disease, either before leaving the port of departure, or during the voyage or on arrival.

"Observation" means that persons are isolated either in a proper station provided for that purpose or on board a ship prior to their obtaining free pratique. In the case of yellow fever the sick or those under observation who develop a temperature exceeding 99·2° Fahrenheit must be effectively screened from mosquitoes.

"Surveillance" means that persons are not isolated. They receive free pratique at once and are allowed to proceed to their place of destination (the health authority of which must be informed of their arrival) there to undergo medical supervision.

When the health officer is aware that while under such medical supervision they are leaving for another country or colony he shall cause the fact to be entered on the bill of health of the vessel conveying them.

2. The measures specified in these regulations shall be applied to arrivals, not from all ports of clearance of a country or colony, but only to arrivals from such ports of clearance, if any, as, having regard to the nature and progress of the disease and to the extent and means of communication with the infected place, are likely, in the opinion of the health officer, to transmit the infectious or contagious disease with which such place is infected.

This limitation shall apply only if the health officer is satisfied that the country or colony in which the infected place is situate takes the measures necessary to prevent export of the rags, clothing, and bedding referred to in regulation 14 from that place unless they shall have been previously disinfected and also takes measures necessary to check the spread of the disease.

3. A place shall cease to be regarded as infected if the health officer is satisfied that:—

(a) There has been no new case of plague or cholera within five days, of yellow fever within eighteen days, or of smallpox within twelve days of the isolation, or of the death or recovery of the last case.



- (b) Infected things have been disinfected or destroyed, and that measures have been taken in the infected place with a view to the destruction of rats, in the case of plague, and of stegomyia and their larvæ in the case of yellow fever.

4. Every infected or suspected ship and every ship having come from or called at an infected place shall be inspected as soon as possible after arrival by the health officer. The health officer may board any ship arriving in the waters of the Colony and inspect every person in the ship. He may, if he think proper, call for inspection of the ship's books and papers, and he shall use every lawful means which may seem to him expedient for ascertaining the state of health of the persons on board and the sanitary condition of the ship.

The master of any ship, or any other person, shall answer truly, and, if required, in writing and on oath, all such questions put to him by and give all such information to the health officer as may be necessary for any purpose of these regulations.

5. Infected ships shall be dealt with as follows:—

- (a) The sick shall as soon as possible be removed from the ship and isolated. In the case of yellow fever they shall be protected by netting against the access of mosquitoes, and transferred to the place of isolation in an ambulance or a litter similarly screened.
- (b) The other persons on board shall be permitted to land and be kept under observation or subjected to surveillance. When observation is resorted to, the period shall not exceed five days in the case of plague and cholera, six days in the case of yellow fever, and twelve days in the case of smallpox. When surveillance is resorted to, the period shall be the same as that of observation, save in the case of plague, when it may be extended to a period not to exceed ten days. In applying these measures the date of the last case and the condition of the ship should be taken into account.
- (c) Clothing and articles belonging to the passengers or crew which, in the opinion of the health officer, are infected, shall be disinfected or destroyed.
- (d) Those parts of the ship that have been occupied by the sick shall be disinfected, and also such other parts of the ship as the health officer may regard as infected.
- (e) In the case of plague, measures shall be taken, either before or after discharge of cargo, to secure the destruction of rats on board. This operation shall be commenced as soon and carried out with as little delay as possible, and its duration shall not in any case exceed forty-eight hours.
- (f) In the case of yellow fever the ship shall be removed at least one thousand yards from the inhabited shore and measures shall be taken to secure the destruction of stegomyia and their larvæ on board. If such measures be applied after the discharging of cargo, the persons employed in discharging the cargo shall be kept under observation during the discharging of cargo and for six days, to date from the last day of exposure on board.



- (g) In the case of cholera the bilge water, after preliminary disinfection, shall be pumped out at such times and places as the health officer may direct, and the drinking water on board may be replaced by a fresh supply of wholesome water. .

When such measures as the health officer may have deemed necessary, in accordance with the provisions of this regulation, have been carried out, such ship shall immediately thereupon be admitted to free pratique.

6. Suspected ships shall be dealt with as follows:—

- (a) The passengers and crew may be subjected to surveillance during a period which shall not exceed five days in the case of plague, six days in the case of yellow fever, and twelve days in the case of smallpox. The period of surveillance shall date from the arrival of the ship.
- (b) Paragraphs (c), (d), and (g) of regulation 5 shall also apply to suspected ships.

When such measures as the health officer may have deemed necessary, in accordance with the provisions of this article, have been carried out, such ship shall immediately thereupon be admitted to free pratique.

7. Healthy ships shall be admitted to free pratique, irrespective of the nature of their bill of health. Such ships, however, having come from or called at an infected place, may, after inspection by the health officer, be subjected at his discretion to the measures specified in paragraphs (c), (e), (f), and (g) of regulation 5; and the passengers and crew may be subjected to surveillance, which shall not exceed five days in the case of plague, five days in the case of cholera, six days in the case of yellow fever, and twelve days in the case of smallpox. The period of surveillance shall date from the departure of the ship from the infected place. It is to be understood that the application of the measures specified in paragraph (c) of regulation 5 can be justified only by special reasons and that those of paragraph (e) of regulation 5 are not to be applied as a general rule. In those cases where the provisions of paragraph (e) of regulation 5 are applied, the operation shall not in any case exceed twenty-four hours, and shall not interfere with the free circulation of passengers and crew between ship and shore.

8. If in a healthy ship the rats on board are found to be suffering from plague, the health officer shall visit the ship and measures shall be taken as in paragraphs (c) and (e) of regulation 5; the parts of the ship that the health officer may regard as infected shall be disinfected; and the passengers and crew may be subjected to surveillance, which shall not exceed a period of five days after arrival unless in exceptional cases, when such period may be extended to ten days. If unusual mortality has been observed among the rats on a healthy ship, the health officer shall visit the ship and a bacteriological examination of the rats shall, when practicable, be made as quickly as possible. If it is thought necessary to resort to measures of rat-destruction these shall be carried out as specified in paragraph (e) of regulation 5. Until all suspicion of plague is removed, the passengers and crew may be subjected to surveillance during the time specified in this regulation in respect of ships on board of which rats are found to be suffering from plague.

9. Whenever the master, the shipowner, or the shipowner's agent shall so demand, the health officer of the port shall furnish him with a



certificate stating that measures for the destruction of rats have been applied and specifying the reasons why they had been applied.

10. Ships from an infected place which have been disinfected and have undergone adequate sanitary measures shall not again be subjected to sanitary measures on their arrival in another port unless a fresh case of infectious or contagious disease has occurred on board since disinfection or unless they have again called at an infected place. A ship shall not be regarded as having called at a place if it has merely disembarked passengers and their luggage or mails, or has embarked mails, without having been otherwise in communication with the shore; provided that measures have been taken, in the case of plague, to prevent rats from gaining access to the ship, and that, in the case of yellow fever, the ship has lain at least one thousand yards from the inhabited shore.

11. Where a ship has passengers on board who are in a filthy or otherwise unwholesome condition, or is overcrowded with passengers, emigrants or otherwise, the health officer may, if in his opinion it is desirable, with a view of preventing the introduction of any infectious or contagious disease, and on his certifying to that effect, subject persons on board to observation or to surveillance for such period as he may direct, not exceeding the period specified for the particular disease in question in paragraph (b) of regulation 5.

12. Where measures of observation or surveillance are prescribed the health officer may exempt from their application any person who is, in his opinion, immune to the infectious or contagious disease on account of which these measures are applied.

13. Where these regulations provide that a person may be permitted to proceed to his place of destination subject to surveillance, the health officer, before granting such permission, must be satisfied that it is reasonably probable that the person to whom it is granted will duly comply with the conditions of surveillance, and permission, if granted, shall be upon the following conditions:—

- (a) He must satisfy the health officer as to his name, intended place of destination, and his place of residence thereat.
- (b) He must agree to present himself, and shall present himself, for medical supervision during the prescribed period, and he may be required by the health officer to deposit a sum not exceeding two pounds, which may be forfeited if he fail so to present himself.
- (c) The place must, in the opinion of the health officer, be conveniently situated for the medical supervision.

If the health officer is not satisfied as herein required, or if the person fails to comply with paragraphs (a) and (b) hereof, the health officer shall detain him under observation or direct him to proceed to a specified place and there remain under medical supervision during the prescribed period. In the latter case the provisions of paragraph (b) hereof may, at the discretion of the health officer, be applied to such person. In the case of plague the period of detention under this regulation may be extended to ten days.

14. Merchandise shall be disinfected only when, in the opinion of the health officer, it is infected: Provided always that in the case of



plague, cholera and smallpox, clothing and bedding which have been used, and rags may, when imported from an infected place as merchandise, be subjected to disinfection even in the absence of evidence that they are infected, or their introduction into the Colony may be prohibited, except that, in the case of cholera, rags compressed in bales, if, in the opinion of the health officer, they are free from infection, shall not be subjected to the provisions of this regulation: Provided further that in the case of yellow fever, merchandise shall in no circumstances be liable to prohibition, and shall be liable to disinfection only if it is capable of harbouring mosquitoes.

15. When merchandise has been subjected to disinfection in pursuance of provisions in these regulations, the owner or his agent shall be entitled to a certificate from the health officer indicating the measures that have been taken.

16. Nothing in these regulations shall render liable to detention, disinfection, or destruction any article forming part of any mail (other than a parcel mail) conveyed under the authority of the postal administration of any Government, or shall prejudicially affect the delivery in due course of any such mail (other than a parcel mail) to the Post Office.

The only measures which parcel mails may be subjected to shall be disinfection or destruction of articles which are, in the opinion of the health officer, infected; but such measures may not be adopted in the case of yellow fever.

17. When any port within the Colony is an infected place, measures shall be taken to prevent the embarkation at such port of any person showing symptoms of infectious or contagious disease. To this end, every person taking passage on a ship leaving such port shall be examined by the health officer immediately before departure of the vessel. Such examination shall, as far as practicable, be made by day and on shore. Measures shall be taken to prevent the exportation of merchandise or articles or clothing belonging to any passenger which the health officer may consider infected unless such merchandise or articles or clothing shall, in the first instance, have been disinfected on shore under his supervision. Measures shall be taken to prevent rats in the case of plague, and *stegomyia* in the case of yellow fever from gaining access to ships. In the case of yellow fever, the ships shall lie at least one thousand yards from the inhabited shore. When access of *stegomyia* or rats to the ship cannot be prevented, measures should be taken immediately before departure of the vessel to secure destruction of the *stegomyia* or rats on board. In the case of cholera, care shall be exercised that drinking water taken on board is wholesome. The health officer shall give to the master of the ship a certificate stating in detail the measures taken.

18. When, in the case of a healthy ship from an infected place, the health officer at the port of arrival is satisfied that the measures specified in regulation 17 have been efficiently carried out, such ship shall be exempted from the measures specified in regulation 7. Provided always that if the period specified in that regulation and dating from departure of the ship from the infected place, shall not have been completed, the passengers and crew may be subjected to surveillance of such duration as is necessary to complete the period.



19. No measures shall be taken against any ship merely because it has come from or called at any place where typhus fever, enteric fever, cerebro-spinal fever, scarlet fever, diphtheria, measles, whooping cough, chicken pox, or dengue exists. If a case or cases of any of these diseases have occurred on board a ship before leaving the port of departure, during the voyage, or on arrival, the measures that may be applied shall be limited to isolation of the sick, disinfection of infected clothing, bedding and effects, and of the compartment of the vessel occupied by the sick, and surveillance of those who have been in contact with the sick person or persons.

20. The charge set opposite to each class of person hereunder set out shall be paid to the health officer for each person kept at a sanitary station, and the health officer shall pay the same into the Treasury. (*As amended 2 August, 1915.*)

|                                                                                                                                                       |     | For each day or<br>portion of a day. |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------------------------------|----|
|                                                                                                                                                       |     | s.                                   | d. |
| 1. First class passengers and ship's officers ...                                                                                                     | ... | 10                                   | 0  |
| 2. Second class passengers not being natives of West<br>Africa ...                                                                                    | ... | 5                                    | 0  |
| 3. Members of the crew and third class passengers not<br>being natives of West Africa and second class<br>passengers being natives of West Africa ... | ... | 3                                    | 0  |
| 4. Members of the crew being natives of West Africa<br>and deck passengers ...                                                                        | ... | 1                                    | 0  |

For children over three years of age and under 10 half  
the above charges shall be paid.

The charges specified for classes 1 and 2 shall be paid by and recoverable from the person so kept, and in the case of children shall be paid by and recoverable from the person whom the child accompanies.

The charges specified for classes 3 and 4 shall be paid by and recoverable from the owners of the ship.

In any proceedings for the recovery of any moneys payable under this regulation an account signed by the health officer showing the amount due shall be admitted without proof and shall be *prima facie* evidence of the amount due.

## CHAPTER 64.

## DESTRUCTION OF MOSQUITOES.

CAP 64

AN ORDINANCE TO PROVIDE FOR THE DESTRUCTION OF MOSQUITOES.

*Ordinance  
No. 6 of 1911.*

[13th May, 1911.]

Be it enacted by the Governor of the Gold Coast Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Destruction of Mosquitoes Ordinance,” and shall apply to such parts of the Colony as the Governor by Order in Council may declare.

Short title  
and applica-  
tion.

2. The following words and expressions shall in this Ordinance have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction:—

Interpreta-  
tion.

“Owner” means and includes the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or who would receive the same if such premises were let to a tenant.

“Occupier” means the person in occupation of the premises in respect of which the word is used but does not include a lodger.

“Premises” includes messuages, buildings, lands, easements and hereditaments of any tenure whether open or enclosed, whether built on or not, whether public or private and whether maintained or not under statutory authority.

“Sanitary Authority” means and includes in any town to which the Town Councils Ordinance applies the Town Council or a committee of the same and in other parts of the Colony under the Towns Ordinance the Sanitary Committee for that town as appointed by the Governor and in any other parts of the Colony to which this Ordinance shall be applied such authority as the Governor may declare.

Chapter 66.

Chapter 65.



Destruction  
of mosquito  
larvæ.

3. (1) It shall be lawful for the sanitary officers, the medical officer of health, or any medical officer specially appointed by the Governor for the purpose or any person duly deputed in writing by any of the above officers to enter upon any premises between the hours of 6 a.m. and 6 p.m. and to take immediate steps to destroy any mosquito larvæ that may be found thereon, and to render any accumulations of water on such premises temporarily unfit to be breeding places for mosquitoes.

(2) It shall be lawful for the above officers or any of them to take such action or order the owner or occupier of such premises to take such action as may be necessary to render any accumulations of water on such premises permanently unfit to be breeding places for mosquitoes.

Provided that no such order shall be made nor action taken involving the expenditure of any sum exceeding five pounds except by resolution of the Sanitary Authority.

Screening of  
water  
receptacles.

4. It shall not be lawful for any owner or occupier to allow at any time the presence on his premises of any receptacle for water containing mosquito larvæ or to allow any water to be kept on his premises for a period exceeding three days without the receptacle containing the same being emptied and cleaned unless such receptacle is properly protected or screened to the satisfaction of the Sanitary Authority from the access of mosquitoes, nor shall such owner or occupier allow on his premises any reasonably preventable conditions which may, in any way, be favourable to the breeding of mosquitoes.

Recovery of  
cost.

5. It shall be lawful for the Sanitary Authority to recover from the owner or occupier of any premises the expense of any measures carried out on his premises under the provisions of this Ordinance, but if it is satisfied that such owner or occupier is not in a position to pay such expenses, to pay all or any part of such expenses itself.

Method of  
recovery.

6. All expenses incurred by the Sanitary Authority in carrying out with respect to any premises, the provisions of this Ordinance shall be recoverable in a summary manner before a District Commissioner.

Penalty for  
refusal to  
carry out an  
order or for  
obstruction.

7. Any person who refuses to carry out any order made under the provisions of this Ordinance or who obstructs any officer empowered to carry out the provisions of this Ordinance in any act authorised by this Ordinance shall be liable to a fine not exceeding twenty-five pounds or in default thereof to imprisonment not exceeding three months.

8. (1) Any owner or occupier who contravenes any of the provisions of section 4 of this Ordinance shall be liable to a fine not exceeding five pounds or in default to imprisonment not exceeding one month. Penalty for breach of Ordinance.

(2) If any such owner or occupier shall be guilty of a continued contravention of this Ordinance for a period exceeding one day after due notice has been given, that contravention shall be punishable as if a fresh contravention of the law had taken place during each day of its continuance.

9. All amounts recovered under this Ordinance in any town to which the Town Councils Ordinance applies or shall hereafter be applied shall be paid to the credit of the Town Council of such town. Amounts recovered to be paid to Town Council. Chapter 66.

10. The Governor in Council may make rules for carrying out the provisions of this Ordinance. Rules.



## CAP. 65.

## CHAPTER 65.

*Ordinances Nos.*

13 of 1892,  
3 of 1901,  
10 of 1901,  
s. 70,  
23 of 1903,  
7 of 1909, s. 8,  
16 of 1916, s. 5.

## TOWNS AND PUBLIC HEALTH.

## AN ORDINANCE FOR BETTER REGULATING TOWNS AND PROMOTING THE PUBLIC HEALTH.\*

[4th November, 1892.]

Be it enacted by the Governor of the Gold Coast Colony, with the advice and consent of the Legislative Council thereof, as follows:—

## I. PRELIMINARY.

Short title.

1. This Ordinance may be cited as "The Towns Ordinance."

Interpretation.

2. In this Ordinance, unless the context otherwise requires—

"Health officer," "peace officer," "Director of Public Works," and "writing" have the same meanings as in the Criminal Code;

Chapter 16.

"Street" includes any public way, alley or passage (whether a thoroughfare or not), the sea beach, and any open space.

"Town" means any place to which this Ordinance for the time being applies.

Application of Ordinance.

3. (1) †This Ordinance applies to the following places:—

In Accra District.—Accra, Achimota, Adeiso, Ayimensa,

\* When a Town Council is established, see chapter 66, s. 38.

† This sub-section is amended as regards the names of districts and the inclusion of towns under them, so as to accord with the Order in Council of 4 October, 1907, and in addition to the Orders in Council of 4 July, 1895, 20 February, 1900, 12 March, 1903, 14 December, 1904, 21 December, 1904, 17 November, 1908, 4 December, 1908, 23 December, 1908, 2 March, 1909, and 8 October, 1909, incorporated in the previous edition, certain Orders in Council, so far as they apply the Ordinance to Kibbi (4 November, 1910), Pakro (25 March, 1911), Mampong (7 October, 1911), Awunaga (13 April, 1912), Apedwa (15 June, 1912), Weshiang (15 June, 1912), Oblogo (15 June, 1912), Swedru (22 June, 1912), Nyakrom (7 September, 1912), Nsaba (14 December, 1912), Huni Valley (22 February, 1913), Kwanyako (24 January, 1914), Half Assinie (25 June, 1914), Imbraim (22 February, 1915), Asuboi (29 May, 1915), Koforidua (7 June, 1915), New Mangoase (2 August, 1915), Opon Valley (6 November, 1915), Osiem (13 March, 1916), Anyinam (13 March, 1916), Kukurantumi (13 March, 1916), Tafo (13 March, 1916), New Asuya (1 May, 1916), New Tafo (11 April, 1917), Jumapo (14 November, 1917), Akyem (4 December, 1917), Great Ningo (29 July, 1918), Adeiso (15 March, 1919), Huhunyah (15 March, 1919). Angu and Ashieme (13 May, 1919), have been incorporated, as also have certain Orders in Council, so far as they suspend the Ordinance in Ampeni, Ankwanda and Bruni Akinam (13 March, 1912), Mumford (30 November, 1914), Christiansborg and Victoriaborg (13 March, 1916), and Ningo (29 July, 1918).



- Insuam (Nsawam), Korley Gono, Labadi, Ningwa (Little Ningo), Oblogo, Pokoasi, Teshi, Weshiang;
- In Addah District.—Addah, Agravi, Bator, Big Addah, Mepe, Mlefi, Sokpe, Tamatoku, Tefi;
- In Akwapim District.—Aburi, Agomeda, Akropong, Apasare (Adawso or Aduoso), Ayikuma, Dodowah, Dodowah Market, Great Ningo, Jumapo, Koforidua, Mampong, Mangoase, New Asuya, New Mangoase, Pakro, Ponii, Prampram, Temma;
- In Ankobra District.—Dunkwa, Imbraim, Opon Valley;
- In Axim District.—Akinim, Attuabu, Axim, Beyin, Brui, Half Assinie, Sanhumah;
- In Birrim District.—Anyinam, Apedwa, Asuboi, Kibbi, Kukurantumi, New Tafo, Osiem, Tafo;
- In Cape Coast District.—Bantama, Cape Coast, Commendah, Elmina, Mafraba Akinum, Mouree;
- In Quittah District.—Adafia, Agwhey, Atitete, Awunaga, Danu, Galo, Jella Kofi, Keji, Quittah, Vogii;
- In Saltpond District.—Akra, Anamabu, Narkwa, Saltpond;
- In Secondee-Dixcove District.—Aboadi, Achonwa, Ajua, Aketinki, Akwida, Amanful, Ampetanu, Angu, Apoan, Archipanu, Ashieme, Assankor, Atinkin, Boutry, Busua, Chamah, Dixcove, Ekroakrom, Essicardos, Esippon, Fungo, Jukua, Katakroa, Kofi-Kakrabakrom, Pompondi, Secondee, Tacorady;
- In Tarquah District.—Abosso, Adjah Bippo, Akyem, Broomassie, Cinnamon Bippo, Prestea, Tarquah, and the following towns along the line of the Tarquah-Prestea Railway:—Akintanzie, Anomabo, Attah Kumah, Huniso, Huni Valley, Katrovekye, Kwabedu, New Awuduah, and Pipepe;
- In the Volta River District.—Abuatia, Akuse, Anum, Huhunyah, Odumase, Pong (Kpong), Somanya;
- In Winnebah District.—Appam, Barracoe, Kwanyako, Nsaba, Nyakrom, Swedru, Winnebah.
- (2) The Governor in Council—
- (a) May from time to time order that this Ordinance, as respects the whole or any one or more of its provisions, shall, from a date mentioned in his order, apply to any town or place, or part thereof, within the Colony, or be suspended in whole or in part in any town or place or part

Power to  
make Orders  
with reference  
hereto;



thereof named in this section or to which it may have been so ordered to apply; and thereupon the Ordinance shall be applied or suspended in whole or in part, as the case may be, according as may be directed by such order;

And to define boundaries :

(b) May by any such order define, for the purposes of this Ordinance, the boundaries of any town or place to which the same, or part thereof, may be applied; and

And to revoke or alter orders.

(c) May from time to time revoke or alter any such order.

## II. REGULATION OF STREETS AND BUILDINGS.

Streets to be under supervision of Director of Public Works.

4. All streets shall be under the immediate supervision of the Director of Public Works, who may from time to time cause any street to be levelled, drained, altered, and repaired as occasion may require.

Power to purchase land for streets.

5. The Colonial Secretary, upon making compensation to the persons entitled thereto, may acquire any land or easement for the purpose of widening, opening, enlarging, draining, or otherwise improving any street, or of making any new street.

Power to take materials for streets, bridges and drains.

6. Whenever the Director of Public Works shall require materials for the construction or repair of any street, bridge or drain; and the same are obtainable from any unoccupied land in or near to any town, he or any person authorised by him may enter upon and take from such land such materials as may be required, without compensation being made therefor to any person.

Power to regulate line of building.

7.—(1) When any house or building situated in any street, or the front thereof, has been taken or has fallen down, the District Commissioner may prescribe the line in which any house or building, or the front thereof, to be built or rebuilt in the same situation, shall be erected, and such house or building or the front thereof shall not be erected except in accordance therewith.

Compensation to owners.

(2) The District Commissioner shall pay or tender compensation to the owner or other person immediately interested in such house or building, for any loss or damage he may sustain in consequence of its being set back or forward.

*(As amended by 7 of 1909, s. 8.)*

Buildings adjoining streets, and encroachments on streets.

8.—(1) It shall not be lawful without the permission of the Governor to erect any house, building, wall or fence upon or adjoining any street; nor to extend, make any addition to or bring forward any house, building, wall or fence adjoining any street, or any part or outbuilding of any such house or building, so as to encroach upon any street; nor to alter the height, width, or level of any paved or other footway in any street; nor to stop up, divert, enclose, or permanently obstruct, or cultivate, or otherwise turn to any private use, any street, or any part thereof.



(2) Any person offending against this section shall be liable to a fine of forty shillings for every day during which the offence is continued after notice from the District Commissioner; and shall, on being required so to do by the District Commissioner, remove any such erection, obstruction or encroachment as aforesaid, and, so far as may be, put such street in the same condition in which it was before the offence was committed; and shall commence to execute the required work within seven days after such requirement, and shall complete it as speedily as the nature of the work admits; otherwise the District Commissioner may execute the work and recover the expense of so doing as provided by section 13. (*As amended by 7 of 1909, s. 8.*)

Penalty for breach of this section.

9.—(1) It shall be lawful for the Governor by order in writing published in the Gazette to delegate the powers or any of them vested in him by the preceding section to any District Commissioner and such order shall specify the town or towns to which it applies. Every permission granted by such District Commissioner in accordance with the terms of the order and within the limits specified shall be equivalent to permission from the Governor. Any such order may be revoked by the Governor in writing and its revocation shall take effect from its publication in the Gazette.

Governor may delegate certain powers to District Commissioner.

(2) Every application to a District Commissioner under this section shall be made in accordance with section 57, and the giving or refusing permission shall be in the discretion of the District Commissioner, and a refusal shall not entitle any person to any compensation.

Application to District Commissioner.

(3) Notwithstanding any order made under this section it shall be lawful for the Governor to grant any permission under the preceding section as though such order had not been made. (*3 of 1902, ss. 2, 3, 4.*)

Saving.

10. The District Commissioner may give notice to the occupier or owner of any house or building to remove or alter any porch, shed, verandah, projecting window, step, pavement, sign post, show board, or any other obstruction or projection erected against or in front of such house or building whilst the same has been within the operation of this Ordinance, and which is an obstruction to the safe and convenient passage along any street; and such occupier or owner shall, within fourteen days after the service of such notice upon him, remove such obstruction or alter the same in such manner as shall have been directed by the District Commissioner, and in default thereof, shall be liable to a fine of forty shillings, and the District Commissioner may then remove such obstruction or projection, and recover the expense of doing so as provided by section 13.

Removal of projections and obstructions.



If the obstruction or projection was not made by the occupier and is removed by him, he shall be entitled to deduct the expense of such removal from the rent payable by him to the owner of the house or building. (*As amended by 7 of 1909, s. 8.*)

Regulations may be made for new streets, water courses, roofs, &c.

11.—(1) The Director of Public Works may regulate—

- (a) The level, width, and construction of new streets;
- (b) The materials and structure of foundations and walls and roofs of new buildings for securing stability and preventing fire;
- (c) The spaces to be left unbuilt around buildings to secure free ventilation;
- (d) The water courses of streets and the drainage of buildings;
- (e) The form and structure and height from the ground of the roofs or buildings where covered with thatch or other inflammable materials.

Mode of making regulations.

(2) Such regulations may be made either by general rules and instructions made by the Director of Public Works with the approval of the Governor and published in the Gazette, or by particular instructions conveyed by the Director of Public Works to the persons concerned.

Work contrary to regulations may be removed.

(3) The District Commissioner may remove, alter, or pull down any work begun or done in contravention of any such regulation.

Application to work executed before Ordinance applied.

(4) This section shall apply notwithstanding that any water course or drain or building affected thereby has been made or erected before the place in which the same is situated was brought within the operation of this Ordinance.

(*As amended by 7 of 1909, s. 8.*)

What to be deemed a new building.

12. For the purposes of this Ordinance, the re-erecting of any building taken or fallen down to or below the top of the ground floor, or of any frame building of which only the framework is left down to the top of the ground floor, or the conversion into a dwelling house of any building not originally constructed for human habitation, shall be considered the erection of a new building.

Recovery of expenses.

13. Where the District Commissioner or Director of Public Works incurs expense in removing or altering any building, wall, fence, or other thing, or any part thereof, erected or done contrary to this Ordinance or to any regulation or direction made or given in pursuance of this Ordinance, he may take one or both of the following courses:—

- (a) Recover the expense as a debt from the person who did or caused to be done the work removed or altered, or who failed to cause the required alteration to be made, or from the occupier or owner of the premises;



- (b) Sell the materials and apply the proceeds in payment of the expense, paying the balance, if any, in the same manner as the balance mentioned in sub-section (3) of section 14 is payable under that section.

(As amended by 7 of 1909, s. 8.)

### III. DANGEROUS BUILDINGS.

14.—(1) If any building or wall or anything affixed thereon is deemed by the District Commissioner to be ruinous or dangerous to passengers, or to the occupiers of such building or of neighbouring buildings, he may take such measures as he thinks necessary by fencing or otherwise for the protection of passengers, and may cause notice to be given to the owner of such building or wall, if he is known and resident in or within one day's journey from the town where it is situated, and also the occupier, if any, requiring such owner or occupier forthwith to take down, secure, or repair such building, wall, or other thing.

Power to fence ruinous or dangerous buildings and to require owner and occupier to secure them.

(2) If such owner or occupier do not begin to take down, secure, or repair the same within four days after service of such notice, and complete the work as speedily as the nature of the case admits, or if no owner or occupier is found, the District Commissioner may, subject to any order of the Governor, cause such building, wall, or other thing, or so much thereof as shall be in a ruinous or dangerous condition, to be taken down, and may rebuild or repair the same; and all the expenses of protecting passengers, and of taking down, rebuilding or repairing such building, wall, or other thing, shall be a debt due by the owner thereof to the District Commissioner, and be recoverable in like manner as any other debt may be recovered.

Power to take them down, &c.

(3) If no owner shall be found within the said limits, or appear and pay such expenses within six months after the completion of such rebuilding or repairs, the District Commissioner may cause the building or wall and the materials and site thereof or any part thereof to be sold by public auction, and apply the proceeds in defraying the said expenses, and pay the balance, if any, to the owner, if he shall establish his claim thereto within twelve months after the date of such sale, failing which, such balance shall be paid into the Treasury and become part of the public revenue.

And to sell building materials and site for payment of expenses.

(As amended by 7 of 1909, s. 8.)

### IV. ENCLOSURE OF TOWN LANDS.

15. (1) Every occupier of any land within a town, or the owner thereof if it is unoccupied, shall fence it with such fence and in

Land to be fenced.



such manner as the District Commissioner shall approve, and shall at all times maintain such fence in good repair to the satisfaction of the District Commissioner.

Penalty in default.

(2) Every occupier or owner who makes default in commencing to make or repair such fence after fourteen days' notice from the District Commissioner, or does not complete such fence or the repairs thereof as speedily as the nature of the work admits, shall be liable to a fine of ten shillings and to a further fine of two shillings for every day during which such default continues after conviction.

(*As amended by 7 of 1909, s. 8.*)

Live fences to be trimmed.

16. The District Commissioner may, after ten days' notice to the occupier of the land, or to the owner thereof if it is unoccupied, or without notice in case no owner or occupier is found in or within one day's journey from the town where it is situated, cause any tree or live fence to be cropped of superfluous branches or of branches which interfere with the traffic along any street, and may recover the expense of doing so as provided by section 13. (*As amended by 7 of 1909, s. 8.*)

#### V. HEALTH AREAS.

Governor in Council may regulate the erection of buildings in a town.

17. The Governor in Council may from time to time make, alter or revoke an order that the erection of a building in any specified part of any town named therein is to be regulated in the interests of public health, and so long as such order remains in force—

Chapter 85.

(1) The Colonial Secretary may acquire any land within the area specified in such order under the Public Lands Ordinance, as though it were land required for the service of the Colony: Provided that the forms under the said Ordinance may be modified so as to meet the case of land taken under this Ordinance, and,

(2) It shall not be lawful for any person to erect any house, building, wall or fence, or to add to or alter any house, building, wall or fence, within the area specified in such order without the permission of the Governor. (*3 of 1901, s. 2.*)

Penalty.

(3) Any person contravening the provisions of subsection (2) shall on conviction be liable to a penalty not exceeding ten pounds, and the Director of Public Works may remove, alter or pull down any work begun or done in contravention of such subsection, and any expense so incurred by the Director of Public Works may be recovered as provided by section 13. (*3 of 1901, s. 3.*)

## VI. OPEN SPACES.

18. (1) It shall not be lawful without the permission of the Governor to erect any house, building, wall or fence upon, or to fence or enclose or permanently obstruct or cultivate or turn to any private use, any open space or any part thereof, whether it is private property or not, and whether it is so declared or not.

Open space not to be built on, &c., without Governor's permission.

(2) The certificate of the Director of Public Works that any land within a town is an open space shall be conclusive evidence of the fact therein stated in any legal proceedings without proof of the signature, unless the Court sees reason to doubt its genuineness. (*As amended by 7 of 1909, s. 8.*)

Certificate of Director of Public Works that land is an open space to be conclusive.

(3) The Governor in Council may at any time direct that any unoccupied land around or adjacent to any town shall be declared an open space; and after the publication of such direction in the Gazette all the provisions of subsections (1) and (2) shall apply to such land.

Governor in Council may declare open spaces adjacent to towns.

(4) The provisions of subsections (1) and (2) shall apply to the lands declared as open spaces on the 24th March, 1890, as notified in the Gazette for March, 1890.

Application of subsections (1) and (2) to open spaces already declared.

19. Any person offending against any of the provisions of section 18 shall, on being required so to do by the Director of Public Works, remove any such erection, fence or obstruction as aforesaid, and, so far as may be, put such open space in the same condition in which it was before the offence was committed; and shall commence to execute the required work within seven days after such requirement, and shall complete it as speedily as the nature of the works admits; otherwise the Director of Public Works may execute the work and recover the expense of so doing as provided by section 13.

Removal of building unlawfully erected, &c.

## VII. NAMING STREETS AND NUMBERING HOUSES.

20. The Director of Public Works may name any street, and for the purpose of notifying the name may fix a post, board, plate or other thing in any street or to or against any building, wall or fence, or may paint or write the name on any building, wall or fence. (*As amended by 7 of 1909, s. 8.*)

Naming of streets.

21. (1) The District Commissioner may cause the houses and buildings in any town to be numbered, and may cause the numbers to be painted, printed or written on any door, building, post, wall or fence, or may fix to any door, building, post, wall or fence any board, plate or other thing for the purpose of notifying the numbers. (*As amended by 7 of 1909, s. 8.*)

Numbering of houses.



Owner and occupier to keep numbers visible and legible.

(2) The owner and occupier of every house or building which has been numbered as aforesaid shall at their own expense keep the numbers exposed to public view, and shall not allow them to become obliterated or illegible. Every person contravening this section shall be liable to a fine of five shillings, and to a further fine of one shilling for each day during which the offence continues after conviction.

Penalty for damaging name boards, &c.

22. Whoever wilfully throws down or damages any post, board, plate or other thing fixed by the District Commissioner or Director of Public Works under the powers hereby given to him, or wilfully obliterated or attempts to obliterate, partially or wholly, any letter or figure painted or written under the powers hereby given, shall be liable to a fine of ten shillings. (*As amended by 7 of 1909, s. 8.*)

### VIII. ABATEMENT OF FIRES.

Demolition or unroofing of building to prevent spread of fire.

23. (1) If any house or building catches or is on fire, any officer of the Gold Coast Regiment of the West African Frontier Force, of rank not lower than native officer, or any sergeant or superior officer of police, or any District Commissioner or Director of Public Works may, with the purpose of staying the spreading of the fire, order that any near or adjacent houses or premises to which the fire is likely to communicate shall be demolished, or the roofs thereof broken down, or the thatch or other inflammable roofing pulled or broken from the roofs, or other suitable means used; but no order for the demolition of any house or premises, or for breaking down the roof, or pulling the roofing material therefrom, shall be given, unless the officer is present at the fire, and satisfied to the best of his judgment, upon personal view, that such order appears necessary for staying the progress of the fire. (*As amended by 10 of 1901, s. 70.*)

Execution of orders; penalty on obstruction.

(2) Such orders may be carried out by any person; and whoever obstructs in any manner the execution of any such order shall be liable to a fine of ten pounds.

No compensation to owner.

(3) No occupier, owner, or other person interested in any house or premises demolished or unroofed, or from which the roofing material shall have been pulled as aforesaid, shall be entitled on account thereof to any compensation.

### IX. SLAUGHTER-HOUSES AND MARKETS.

Provision of slaughter-houses and markets.

24. The Governor may provide a public slaughter-house, or a public market, or both, for any town. Any such provision shall be notified in the Gazette.

25. Any person selling or offering for sale in any public market already provided or hereafter to be provided any thing which according to general usage is sold by weight or measure shall, if required by the buyer or intending buyer, cause it to be weighed or measured by the market clerk (if any); and any such person who shall refuse to cause such thing to be so weighed or measured shall be liable to a fine of ten shillings.

Things sold in market may be required to be weighed or measured.

26. (1) With regard to public slaughter-houses or markets already provided or hereafter to be provided, or with regard to any one or more of such houses or markets, the Governor in Council may from time to time make and, when made, revoke or alter rules for all or any of the following purposes:—

Rules may be made for slaughter-houses and markets.

- (a) Regulating the use thereof, and the charges for the use thereof or of any stall therein;
- (b) Keeping the same clean and free from nuisances or obstructions therein or in the approaches thereto;
- (c) Fixing the days and hours for the opening of the same;
- (d) Regulating the butchers, carriers and labourers and others resorting to or employed about the same;
- (e) Preventing and detecting the use of unjust weights, scales, balances or measures;
- (f) Preventing cruelty therein.

(2) Whoever wilfully breaks or disregards any such rule, or wilfully obstructs the execution thereof, shall be liable to a fine of forty shillings, and to a further fine of ten shillings for each day that any such breach or offence is continued after conviction therefor; and any unjust weights, scales, balances or measures used or found in any slaughter-house or market may be seized by any health officer or peace officer or market clerk and may be forfeited by order of the District Commissioner.

Penalty for breach of rules.

## X. NUISANCES.

27. For the purposes of this Ordinance the following are nuisances liable to be dealt with in the manner herein provided:—

Definition of nuisances.

1. Any street, house or premises in such a state as to be a nuisance or injurious to health;
2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul or in such a state as to be a nuisance or injurious to health;
3. Any animal so kept as to be a nuisance or injurious to health;



4. Any accumulation or deposit which is a nuisance or injurious to health;
5. Any work, manufactory, trade or business, injurious to the health of the neighbours, or dangerous, or so conducted as to be dangerous or injurious to health;
6. Any growth of weeds, prickly pear, long grass, or wild bush of any sort;
7. Any hole or excavation, well, pond or quarry, in or near any street, which in the opinion of the District Commissioner is or is likely to become dangerous to the safety of the public; (*As amended by 7 of 1909, s. 8.*)
8. Any well, pond or tank, the water of which is so tainted with impurities or otherwise unwholesome as to be injurious to the health of persons using it;
9. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates; and
10. Swine.

But, so far as regards swine, the provisions of this part of this Ordinance as to nuisances, unless their application is extended or varied by any order or orders made under section 3, shall apply only to the towns and within the limits named and fixed in the Proclamations\* with regard to the keeping of swine published in the Gazettes for November, 1888, and December, 1889.

Duty of  
inspector of  
nuisances.

28. It shall be the duty of every inspector of nuisances to make from time to time inspection of his district, with a view to ascertain what nuisances exist calling for abatement under this Ordinance, and to enforce the provisions of this Ordinance.

Information  
of nuisances.

29. Information of any nuisance may be given by any person aggrieved thereby, or by any constable.

Notice to  
abate  
nuisance.

30. (1) Whenever any inspector of nuisances or health officer or District Commissioner receives information of, or otherwise has reason to suppose the existence of, any nuisance, he shall personally, or by some messenger authorised by him, visit the premises where such supposed nuisance exists, and shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or the occupier or owner of the premises, requiring him to abate the same.

On non-  
compliance  
complaint to  
Court.

(2) If the person on whom the notice is served makes default in complying with any of the requisitions thereof within the time specified by the notice, or within five days if the time was not

\* See Vol. III., pp. 236-240.

specified, or fails to satisfy the inspector of nuisances or health officer or District Commissioner that he has used all due diligence to carry out the requisitions, or if the nuisance, although abated since the date of the notice, is in the opinion of the inspector of nuisances, health officer or District Commissioner, likely to recur on the same premises, he shall take proceedings before a Court.

(3) If the Court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the Court shall make an order on the person in default, requiring him to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within the time specified in the order, or such time as the Court may deem sufficient, or an order prohibiting recurrence of the nuisance, or an order both requiring abatement and prohibiting the recurrence of the nuisance.

Order of  
Court on  
complaint.

(4) The Court may impose a fine of twenty shillings on the person on whom the order is made in respect of the nuisance existing previously to the order.

Penalty for  
nuisance  
existing  
before order.

(5) Whoever disobeys an order requiring abatement or prohibiting the recurrence of the nuisance shall, if he fails to satisfy the Court that he has used all due diligence to carry out the order, be liable to a fine of five shillings per day during his default; and whoever acts knowingly and wilfully contrary to an order of prohibition shall be liable to a fine of twenty shillings per day during such contrary action. Moreover, the inspector of nuisances or health officer or District Commissioner or their assistants may enter the premises to which the order relates and abate the nuisance, and do whatever may be necessary in execution of the order, and recover the expenses incurred by them as a debt from the person on whom the order is made.

Penalty for  
contravention  
of order.

*(As amended by 7 of 1909, s. 8.)*

31. Where it appears to the satisfaction of the Court that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the necessary work for abating such nuisance may be executed by the inspector of nuisances or health officer or District Commissioner.

Power to  
abate  
nuisance  
where owner  
or occupier  
not known.

*(As amended by 7 of 1909, s. 8.)*

32. (1) Any inspector of nuisances, health officer or District Commissioner, or any person or persons authorised in writing by any health officer or District Commissioner, together with any assistant or assistants bearing any official badge or token, may enter and inspect any premises at any time between six in the morning and six in the evening, for the purpose of examining as to the

Power of  
entry to  
examine  
or abate  
nuisances.



existence or continuance of any nuisance therein, or of abating any nuisance.

If admission refused or premises vacant order for admission to be made.

(2) If admission to premises for any of the purposes of this section is refused, any District Commissioner may, by order under his hand, require the person having custody of the premises to admit the inspector of nuisances, or health officer or District Commissioner, or any persons employed as aforesaid, into the premises during the hours aforesaid; and if no person having custody of the premises is found, the District Commissioner may authorise the aforesaid persons, or any of them, if necessary, to break and enter such premises; and any such order shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done.

Penalty for obstructing officer or disobeying order.

(3) Whoever refuses admission to any inspector of nuisances or other person as aforesaid, or obstructs him in or hinders him from making any such entry or inspection or abatement of nuisance, or disobeys any such order as aforesaid, shall be liable to a fine of five pounds.

*(As amended by 7 of 1909, s. 8.)*

Prohibition of use of houses unfit for human habitation.

**33.** (1) Where any house or building, by reason of any nuisance, or of its insecurity and liability to fall down in whole or in part, is in the judgment of the Court unfit for human habitation, the Court may prohibit the using thereof for that purpose until in its judgment the house or building is rendered fit for habitation; and if necessary, may authorise any constable to remove the inhabitants therefrom.

Penalty for contravention of prohibition.

(2) Whoever inhabits or uses any house or building in contravention of such prohibition shall be liable to a fine of ten shillings, and to a further fine of five shillings for each day that such act of contravention is continued.

Birds fouling drinking water may be destroyed.

**34.** Any pigeons or other birds that foul any water intended to be supplied to man, or any surface or ground from which such water is or may be collected, or any well, stream, tank, reservoir, aqueduct, pond or place where such water is or may be, or any conduit communicating therewith, may be destroyed by the owner or occupier of the premises upon which such fouling takes place.

Rules may be made.

**35.** (1) The Governor in Council may from time to time make and, when made, revoke or alter rules—

For removal of house refuse;

(a) Imposing on the occupiers of any premises the removal therefrom of soil, ashes or refuse of any kind at such intervals and to such receptacles or places as he thinks fit;

or

- (b) For the prevention of the keeping of animals on any premises so as to be a nuisance or injurious to health; or Or as to animals kept on premises;
- (c) Imposing on the chiefs, captains and inhabitants of any town the duty of cleansing and keeping clear the open spaces within or around or adjacent to such town, or any of them, from weeds, grass, prickly pear, wild bush and other vegetation, and from rubbish and deposits of any kind; or Or for keeping open spaces clear.
- (d) Imposing on the chiefs, captains and headmen of any town to which the Town Councils Ordinance does not extend, the duty of digging and maintaining pit latrines for the use of the inhabitants of such town. (As amended by 16 of 1916, s. 5.) Chapter 63.

(2) Whoever makes default in complying with any such rule shall be liable to a fine of ten shillings, and to a further fine of two shillings a day during the continuance of the default after conviction. Penalty.

(As amended by 23 of 1903, s. 2.)

## XI. INFECTIOUS DISEASES.\*

36. (1) Where any health officer considers that the cleansing and disinfecting of any house or part thereof, or of any articles therein, would tend to prevent or check infectious disease, it shall be his duty to give notice to the occupier or owner requiring him to cleanse and disinfect such house, or part thereof or articles. Cleansing and disinfecting premises on notice.

(2) If the person to whom notice is given fails to comply therewith, he shall be liable to a fine of five shillings for every day during which he continues to make default; and the health officer may cause such house, or part thereof, and articles, to be cleansed and disinfected, and may recover the expenses from the occupier or owner in default. Penalty on failure to comply with notice.

37. (1) Whoever knowingly lets, either for hire or otherwise, any house, room, or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room, or part of a house, and all articles therein, properly disinfected to the satisfaction of the health officer, shall be liable to a fine of ten pounds. Letting infected houses.

(2) For the purposes of this section the keeper of an inn shall be deemed to let for hire part of a house to any person admitted as a guest into such inn. Explanation as to inn-keeper.

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\* See also Infectious Diseases Ordinance (Chapter 61).



## 38. Whoever—

Infected persons or things not to be exposed.

- (1) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the disorder in any street, public place, shop, inn or public conveyance; or
- (2) Being in charge of any person so suffering, so exposes such sufferer; or
- (3) Gives, lends, sells, transmits, or exposes without previous disinfection any bedding, clothes, or other things which have been exposed to infection from any such disorder; or
- (4) Being in charge of a public conveyance shall not immediately provide for its disinfection after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder,

shall be liable to a fine of five pounds.

Order for removal of infected persons to hospital in certain cases.

39. (1) Where any suitable hospital or place for the reception of the sick is provided, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or is lodged in a house so overcrowded that, in the opinion of the health officer, his continuance therein may probably lead to the spread of the disorder, may with the consent of the superintending authority of such hospital or place, be removed thereto by order of a District Commissioner.

Penalty for disobeying order.

(2) Whoever wilfully disobeys or obstructs the execution of such order, shall be liable to a fine of five pounds.

## XII. Dogs.

Licence to keep dog.

40. Every person who keeps a dog shall pay for it an annual duty of two shillings and sixpence and shall take out an annual licence to keep it.

Form of licence.

41. Dog licences shall be in such form as the Treasurer shall direct, and shall be granted at Accra by the Treasurer and in other districts by the District Commissioner; and every licence shall commence on the day on which it is granted and shall terminate on the 31st of December following; but no licence shall be granted on payment of a less sum than the duty for a whole year.

Badge to be supplied with licence, and given up on expiration of licence.

42. Every person taking out a dog licence shall be supplied by the officer granting it with a metal badge to be worn by the dog for which the licence is taken out; and at the expiration of any licence the person to whom the badge was supplied along with it

shall on demand deliver up the badge to the Treasurer or District Commissioner; and whoever refuses or neglects without sufficient excuse to deliver up such badge as aforesaid shall be liable to a fine of five shillings.

43. Every officer authorised to grant dog licences shall keep a register of all such licences granted by him, specifying the name and place of abode of every person licensed and the number of dogs which each person is licensed to keep. Register of licences.

44. Whoever keeps a dog without having a licence for it in force, or keeps a greater number of dogs than he is licensed to keep, shall for every such offence be liable to a fine of twenty shillings for each dog so kept. Penalty for keeping a dog without a licence.

45. Every person in whose custody, charge or possession, or in whose house or premises, any dog is found or seen shall be deemed to be the person who keeps such dog, unless the contrary be proved. Who to be deemed keeper of dog.

46. Whoever, having a dog licence in force, refuses or neglects without sufficient excuse to produce and deliver it to be examined and read by any constable or any inspector of nuisances within a reasonable time after request by such officer, shall be liable to a fine of twenty shillings. Penalty for not producing licence.

47. No duty or licence shall be required for any dog under the age of six months. But upon the hearing of any charge of keeping a dog without licence the proof of the age of the dog shall be upon the defendant. No licence required for dog under six months old.

48. (1) Any constable or inspector of nuisances may take possession of any dog not wearing a badge for the then current year, found in any street and not under the control of any person, and may detain such dog until the owner has claimed it and paid all expenses incurred by reason of such detention. When the owner of any dog so taken possession of is known, notice of the seizure thereof shall immediately be given to him. Power to seize dogs not wearing badge and not under control;

(2) Where a dog has been so detained for three clear days without the owner claiming it and paying all the expenses incurred by its detention, the District Commissioner may cause it to be sold or destroyed. Any moneys arising from such sale shall be applied in the manner in which fines under this Ordinance are applicable. And to sell or destroy dogs so seized.

49. (1) If a mad dog, or a dog suspected of being mad, is found in any town or within ten miles thereof, the District Commissioner may, subject to the directions of the Governor, make, and when made revoke or alter an order placing such restrictions as he thinks Order as to dogs found at large when danger from mad dogs is feared.



fit, for such period as he thinks fit, on all dogs not being under the control of any person throughout the town, or such part thereof as may be prescribed in the order.

Penalty for breach of order.

(2) Whoever acts in contravention of any such order, of which due notice shall have been given, shall be liable to a fine of twenty shillings.

Power to seize and sell or destroy dogs at large contrary to order.

(3) The provisions of the last preceding section as to the detention and sale or destruction of dogs found in any street without a badge and not under control shall apply to dogs found at large in contravention of any such order.

### XIII. PROCEDURE.

Compensation, how determined.

50. All questions respecting the amount or payment or distribution of any compensation payable under this Ordinance, and all cases of disputed interest or title arising in connection therewith, shall be settled as nearly as may be in accordance with the provisions of the Public Lands Ordinance.

Chapter 85.

Service of notices and orders.

51. Any notice required to be given under this Ordinance shall be in writing; and any notice or order served in the manner prescribed for the service of summonses by the Supreme Court Ordinance and the Schedules thereto, shall be sufficiently served.

Chapter 7.

Limitation of time for prosecutions.

52. Every prosecution for an offence under this Ordinance shall be commenced within twelve months from the time when the matter of complaint arose.

Rules relating to fines, &c.  
Chapter 16.

53. The rules relating to punishments contained in Title VIII. of the Criminal Code shall apply to the punishments which may be inflicted under this Ordinance.

Joinder of parties in proceedings for nuisance.

54. Where any nuisance under this Ordinance appears to be wholly or partially caused by the acts or defaults of two or more persons, the complainant may institute proceedings against any one of such persons, or may include all or any two or more of such persons in one proceeding; and any one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the Court to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which the Court finds as matter of fact contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to the Court may appear fair and reasonable.

Burden of proof as to who is occupier of house.

55. Where in any proceeding under this Ordinance an inmate of any house is summoned or otherwise dealt with as the occupier, if he alleges that he is not the occupier the proof of such allegation shall be upon him.

56. All rules and orders made under this Ordinance by the Governor in Council shall come into operation upon the publication thereof in the Gazette, or at such time thereafter as may be therein provided.

Publication of rules and orders.

57. (1) Every application for any sanction or permission of the Governor under this Ordinance shall be made in writing to the District Commissioner, and shall contain full particulars of the matter for which sanction or permission is required, and shall be accompanied by a plain outline sketch or plan, to the satisfaction of the District Commissioner, showing the premises in respect of which the sanction or permission is sought, and the width of the adjoining streets, and the boundaries and owners of the adjoining premises on every side.

Application for Governor's permission to be in writing, &c.

(2) The giving or refusing of any such sanction or permission shall be in the absolute discretion of the Governor; and its refusal shall not entitle any person to any compensation.

*(As amended by 7 of 1909, s. 8.)*

### XIII. PROTECTION OF OFFICERS.

58. In any action against any person employed under the authority of the Governor in carrying this Ordinance into effect for anything done in the execution or intended execution of this Ordinance, though judgment is given for the plaintiff, he shall not have costs against the defendant, nor more than two pence damages, unless the Judge or District Commissioner by whom the trial is heard certify his approbation of the action.

Limitation of defendant's liability.

59. Every health officer and inspector and assistant inspector of nuisances, while acting as such, shall, by virtue of his appointment, and without being sworn in, be deemed to be a constable, and have all the powers and privileges of a constable, for the purpose of the execution of his duty under this Ordinance.

Health officer, inspector and assistant inspector of nuisances to be constables.

### XIV. SUPPLEMENTAL.

60. In addition to the powers of making rules hereinbefore contained, the Governor in Council may from time to time make and, when made, revoke or alter such other rules consistent with this Ordinance and subject to the provisions thereof, for further or better carrying into effect any of the purposes of this Ordinance, as he may deem necessary. Whoever makes default in complying with any such rule shall be liable to a fine of forty shillings, and to a further fine of five shillings a day during the continuance of the default after conviction.

Power to make rules.



## CHAPTER 66.

## TOWN COUNCILS.

CAP. 66.

*Ordinances**Nos. 17 of**1894,**4 of 1900,**11 of 1901,**26 of 1903,**7 of 1906,**8 of 1907, ss,**12 and 23,**17 of 1907,**s. 24,**5 of 1911,**16 of 1911,**16 of 1916,**37 of 1918.*

Short title.

Interpreta-  
tion.

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF TOWN COUNCILS IN THE TOWNS OF THE COLONY.

[14th November, 1894.

WHEREAS it is expedient to provide for the establishment of Town Councils in the towns of this Colony;

Be it, therefore, enacted by the Governor of the Gold Coast Colony, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as "The Town Councils Ordinance."

2. In this Ordinance, unless the context otherwise requires—

"House" includes any dwelling-house, warehouse, counting-house, store, manufactory, shop, workshop, or other building used in carrying on any trade or business, and all lands belonging thereto and occupied therewith.

"Land" means any land situated in any town to which this Ordinance is or may be extended other than such as comes within the definition of "house." (*Added by 5 of 1911, s. 2.*)

"District Commissioner" means the Commissioner of the district in which is situate the town to which this Ordinance is extended.

"Council" means the Town Council.

"Town Clerk" includes Deputy Town Clerk.

“Appraiser” includes assistant appraiser.

“Annual value” means gross annual value without any deduction for expenses of repair and maintenance. (*As amended by 26 of 1903, s. 2.*)

#### ESTABLISHMENT OF TOWN COUNCILS.

3. The Governor in Council may, by proclamation, extend this Ordinance to any town, and may, by such proclamation, declare the limits of such town, and the number of members of whom its council shall consist. The Governor in Council may, by a further proclamation, alter or revoke, wholly or partially, any previous proclamation hereunder. (*As amended by 8 of 1907, s. 12.*)

Ordinance may be extended to any town.

4. (1) In every town to which this Ordinance is extended there shall be established a Town Council having perpetual succession and a common seal, and consisting of four, six, or eight members as the Governor may by proclamation under the preceding section have declared. One-half of the members of the Council shall consist of so many official and of so many other members as the Governor may from time to time appoint, and shall include the District Commissioner who shall be *ex officio* President and Treasurer of the Council, the other half shall be unofficial members elected or nominated by the Governor as hereinafter provided.

Establishment of town council.

Provided that the Governor may, should he see fit, appoint an officer in place of the District Commissioner to be a member of and President and Treasurer of the Council.

(2) The official members and any other members appointed by the Governor shall hold their seats during the Governor's pleasure.

(3) The unofficial members shall hold their seats until the day appointed under section 15 hereof for the next general election, unless their seats sooner become vacant. (*As substituted by 37 of 1918, s. 2.*)

5. (1) When this Ordinance is extended to any town the Governor shall thereupon appoint one or more appraisers to ascertain and assess the annual value of all houses and lands in such town, and to take the names of the owners and occupiers of such houses and lands.

Assessment of houses and lands.

(2) In the month of September in every sixth year after such appointment by the Governor, the Council shall appoint one or more appraisers for a similar purpose.

(3) The appraisers shall be paid by such percentage on the total amount of the rate assessed, or in such other way, as the Council may think reasonable.



(4) In the month of September in every alternate year after a general assessment under this section the Council shall appoint one or more appraisers who shall be paid in manner aforesaid to ascertain and assess the annual value, and to take the names of the owners and occupiers of such houses as may during the preceding two years have been erected, altered or rebuilt, or such houses or lands as have been brought within the limits of the town by a proclamation under section 3, and of any house or land in respect of which any person claiming to be owner or occupier thereof shall have delivered to the Town Clerk a written request of re-assessment on or before the first day of the preceding August. (*As substituted by 5 of 1911, s. 3.*)

Declaration  
as to rent of  
houses and  
land.

6. (1) Where any house or land is actually rented the appraiser may require the owner, or the person in receipt of any rent thereof, or the person renting such house or part thereof or such land, or the agent of any such person, to make a declaration in writing before him as to the yearly rent of such house or land, or as to the amount of yearly rent paid or payable for the same, which declaration may be according to the Form A in the Schedule hereto. (*As amended by 5 of 1911, s. 4.*)

(2) If the appraiser shall be of opinion that the yearly rent stated in such declaration is the fair annual value of such house or land he shall assess the annual value at such rent. (*As amended by 5 of 1911, s. 4.*)

(3) Any person who shall knowingly and wilfully refuse or neglect to make any such declaration when called upon so to do or make any false declaration shall be guilty of an offence, and on conviction thereof be liable to imprisonment with or without hard labour for a term not exceeding three months or fine not exceeding twenty-five pounds, or both.

Assessment of  
annual value  
by appraiser.

7. The appraiser shall, according to the best of his ability, assess the annual value of any house or land—

- (a) Where such house or land is not actually rented;
- (b) Where no declaration has been made with respect to such house or land;
- (c) Where the appraiser is of opinion that the rent stated in the declaration is not the fair annual value of such house or land. (*As amended by 5 of 1911, s. 5.*)

Appraiser  
may enter  
house or land.

8. The appraiser may, in the discharge of his duty, enter any house or land between the hours of six in the morning and six in the evening on any lawful day, and may require any owner or occupier of any house or land to give his full name and address when

required for the purposes of this Ordinance; and any person refusing or neglecting to give such information, or obstructing the appraiser in the discharge of his duty, shall be liable to a fine of twenty shillings. (*As amended by 5 of 1911, s. 6.*)

9. Whenever the appraiser shall have assessed the annual value of any house or land at not less than two pounds he shall cause a notice, signed by him and specifying the annual value as assessed by him, to be served on the owner of such house or land. In case the owner be not found, such notice may be left with some adult inmate at the usual or last known place of abode or business of such owner, or may be attached to the door or some conspicuous part of the house or land referred to in the notice. (*As amended by 5 of 1911, s. 7.*)

Notice of assessment to be given to owner.

10. (1) Any owner or other person concerned who may be dissatisfied with the assessment of the appraiser may at any time within twenty-one days next after service of the notice of assessment apply to the District Commissioner to alter such assessment. The District Commissioner after hearing the petition and any evidence which he may produce and any other person as the District Commissioner may think fit shall either make an order directing the alteration of the assessment, or shall refuse to make any order.

Appeal against assessment of appraiser.

(2) When any order is made under this section the District Commissioner shall cause an office copy thereof to be served on the appraiser, who shall alter his assessment in accordance with the terms of such order. (*As amended by 11 of 1901, s. 4.*)

#### VOTERS' LIST AND HOUSE AND LAND LIST.

11. (1) On or before the 30th November in every year in which an assessment shall be made, the appraiser shall make and deliver—

Voters' list and house and land list.

- (a) To the District Commissioner an alphabetical list, to be called the Voters' List, of all male persons of full age being owners or occupiers of houses or land of which the annual assessed value is not less than two pounds, with the addresses of such persons;
- (b) To the Town Clerk, or in case there be no Town Clerk, to the District Commissioner, an alphabetical list, to be called the House and Land List, of all the streets, squares and other places in the town, with the houses and plots of land in such streets, squares and other places, and against each house and plot of land the name of its owner and occupier, together with the assessed annual value of such



house or plot of land as in the Form B in the Schedule hereto;

Provided that in the case of an assessment under section 5, subsection (4) hereof it shall only be necessary for the appraiser to deliver such list as aforesaid in respect of houses and lands included in his assessment, from which lists the general voters' list and house and land list shall forthwith be corrected and completed by the Town Clerk.

*(As amended by 5 of 1911, s. 8, and 16 of 1911, s. 3.)*

(2) Where any persons appear to be joint owners or occupiers of any house or land the names of such persons shall only be placed on the voters' list if the annual assessed value of such house divided by the number of joint owners or occupiers is not less than two pounds.  
*(As amended by 5 of 1911, s. 8.)*

(3) The voters' list and the house and land list shall each of them be open to the inspection of all persons at all reasonable times on payment of a fee of one shilling, and shall continue to be in force till fresh lists are made. *(As amended by 5 of 1911, s. 8.)*

(4) Any house and land list delivered to the District Commissioner shall, on the appointment of a Town Clerk, be delivered to such Town Clerk.

*(As amended by 7 of 1906, s. 4, and 5 of 1911, s. 8.)*

Publication  
of voters' list.

12. (1) On the first Monday in every year following an assessment, the District Commissioner shall post up a copy of the voters' list on some conspicuous place outside the Court House of the district for a period of two weeks, to the end that persons may apply by notice in writing to have names added to or struck from such list upon cause duly shown in such notice.

(2) At the foot of the list shall be notified the place where, and the time when, it is intended to hold the public meeting for settling the voters' list.

Settling of  
voters' list.

13. At the end of the time for posting such list the District Commissioner shall hold a public meeting at such place as shall have been already notified for considering and disposing of all such notices as shall have been received, and shall then revise and settle the voters' list by the addition of names thereto or striking names therefrom, or the correction of errors therein: Provided that at such public meeting no objection shall be allowed on the ground that any assessment is excessive.

14. (1) Any person who feels aggrieved by the District Commissioner placing or refusing to place any name on the voters' list may, within four days after the conclusion of such public meeting aforesaid, make application to a Judge of a Divisional Court to have such name removed from or placed on the list. Such Judge after hearing the petitioner and any evidence he may produce, and also any other persons as such Judge may think fit, shall either make an order directing that such name be removed from or placed on the list, or shall refuse to make any order.

Appeal to Judge from decision of Commissioner.

(2) When any order is made under this section the Judge shall cause an office copy thereof to be served on the District Commissioner, who shall thereupon act in accordance with the terms of such order.

#### ELECTIONS.

15. As soon as practicable after the voters' list shall have been finally settled, or one month after the public meeting aforesaid, whichever may first arrive—

- (a) The Provincial Commissioner shall issue a public notification appointing some convenient day for the general election of members of the Council and some place where the votes may be received;
- (b) The District Commissioners shall deliver the voters' list to the Town Clerk, or to the Town Clerk next after appointed, if there be no Town Clerk at such time.

Public notification for election.

Voters' list to be delivered to Town Clerk.

*(As amended by 37 of 1918, s. 3.)*

16. Every person shall be entitled to vote at an election of members of the Council whose name is on the voters' list on the date of such election.

Persons entitled to vote.

17. A person shall not be qualified to be elected an unofficial member of the Council unless he—

Qualifications of unofficial member of Council.

- (a) Is enrolled or entitled to be enrolled on the voters' list, and
- (b) Is possessed of real or personal property or both to the value of £200 or is rated on an annual value of £20.

18. At eight o'clock in the forenoon of the day fixed by the public notification of the Provincial Commissioner for the general election of members of the Council, the District Commissioner shall repair to the place of election and shall there publicly read the said public notification, and thereupon any voter may nominate any other voter than himself as a candidate; and if after the expiration of one hour no more candidates shall be nominated than are required to be

Nomination and election of candidates.



elected, the District Commissioner shall declare the persons nominated to be duly elected; but if more candidates are nominated than are required to be elected, then the District Commissioner shall forthwith proceed to take the votes of the voters for the candidates nominated; but if no candidates or too few candidates are nominated the Governor may at any time thereafter nominate a sufficient number of voters as candidates and the District Commissioner shall declare the persons so nominated to be duly elected. (*As amended by 37 of 1918, s. 4.*)

Voters to be recorded in poll book.

19. (1) Where a poll is taken for the candidates each voter shall be entitled to come before the District Commissioner at the place of election and to state the names of the candidates for whom he votes, and such District Commissioner shall record the name of such voter in a book called the Poll Book to be kept according to the Form C in the Schedule hereto, and shall place a mark in such book under the name of each candidate for whom such voter votes.

(2) Each voter shall be entitled to vote for as many candidates as there are vacancies.

(3) It shall not be necessary for the District Commissioner himself to record the names of voters or their votes in the poll book, but it shall be sufficient if it be done by an assistant of such District Commissioner.

Questions which may be put to voters.

20. At any election the District Commissioner or any assistant may put to any person offering to vote at the time of his presenting himself to vote, but not afterwards, the following questions, or either of them:—

(a) Are you the person whose name is on the voters' list?  
[*reading the name of the voter and his address.*]

(b) Have you already voted at the present election?

The vote of any person required to answer either of these questions shall not be recorded until he has answered it.

Poll to cease at 4 p.m.

21. (1) At four o'clock in the afternoon of the day of election the District Commissioner and any assistants shall cease to receive any votes and shall then count the votes given for each candidate. The number of candidates required for election who receive the greatest number of votes shall be declared to be elected, and the District Commissioner shall forthwith notify in writing their election to the successful candidates.

Election to be notified to successful candidates.

Custody of poll book.

(2) Whenever there is no Town Clerk the District Commissioner shall retain the poll book in his custody until the appointment of a Town Clerk, when he shall deliver the poll book to such Town Clerk.

22. When any vacancy occurs among the unofficial members of the Council, the Provincial Commissioner may issue a public notification as aforesaid for the election of a member to fill such vacancy, and thereupon an election shall take place for such member in the same way as if it was for a general election of members. (*As amended by 37 of 1918, s. 5.*) Bye-elections.

23. Every conveyance or transfer whatsoever to any person in any fraudulent or collusive manner for the purpose of qualifying him to become a voter under this Ordinance, shall be deemed and taken as against the parties to the same to be valid and absolute, and every bond, covenant, collateral or other security, contract, or agreement, between or with such parties, or any of them, for a re-conveyance or re-transfer or for the revoking, annulling, defeating, or otherwise doing away with the effect of such conveyance or transfer, shall be null and void to all intents and purposes whatsoever. And every party to such conveyance or transfer, and every person who, by colour thereof, or by means thereof, shall give any vote at any election under this Ordinance, or sit in the Council, shall be guilty of an offence, and, on conviction thereof, shall be liable to a fine of fifty pounds, and if a member of Council his seat shall also forthwith become vacant. Fraudulent transfers.

#### MEETINGS OF COUNCIL.

24. Meetings of the Council shall be held on the second Monday in every month and at such other times as the President may appoint, provided that it shall be incumbent on him to convene a meeting whenever so requested in writing by any two or more members of the Council. Meetings of Council.

25. At every meeting of the Council, the President, or, in his absence, the senior official member present, shall preside. Presiding member.

26. All acts whatsoever hereby authorised or required to be done by the Council, and all questions that may come before the Council, shall be done and decided by the majority of votes: Provided that the Council shall not be competent to act in any case unless there be present at and throughout the meeting three members at the least where the Council consists of more than four members, or two members at the least where the Council consists of four members, of whom one must in either case be either President or one of the official members. Quorum.

27. The President or member presiding shall have an original vote in common with the other members as also a casting vote if upon any question the votes shall be equal. Casting vote.



Committees.

28. The Council may from time to time appoint out of their number such and so many committees either of a general or special nature, and consisting of such number of persons as they think fit, for any purposes which the Council may think would be better regulated or managed by means of such committees: Provided that the proceedings of every such committee shall be submitted to the Council for approval.

Member interested not to take part in proceedings.

29. A member of the Council shall not vote or take part in the discussion of any matter before the Council or a committee in which he has directly or indirectly by himself, his wife or partner, any pecuniary interest, and no member of the Council shall receive any salary or shall exact or accept any fee or reward whatsoever for or on account of anything done or to be done by him by virtue of this Ordinance, or on any account whatsoever relative to this Ordinance, or shall have any interest in any contract with the Council.

Standing orders.

30. The Council may from time to time make and may alter or revoke standing orders to ensure due notice being given to members of the meetings of the Council, and to regulate the proceedings and business of the Council.

Minutes.

31. Minutes shall be regularly kept by the Town Clerk in a minute book of all the proceedings of the Council, and at each meeting of the Council the minutes of the last preceding meeting shall be read over and confirmed or amended as the case may require, and signed by the President or member presiding.

Minutes open to inspection.

32. The minute book shall be open to the inspection of any voter at the office of the Town Clerk at all reasonable times on payment of a fee of one shilling. The Town Clerk shall furnish the Governor with certified copies of the minutes after every meeting.

#### APPOINTMENT OF OFFICERS AND ACCOUNTS.

Town Clerk.

33. (1) The President shall from time to time appoint a fit person not a member of the Council to be Town Clerk who shall hold office during pleasure.

(2) The Town Clerk shall have the charge and custody of and be responsible for all books, deeds, records and other documents committed to his care.

(3) The President may also appoint a Deputy Town Clerk to act during the illness, absence or other incapacity of the Town Clerk and to hold office during pleasure.

34. The President may from time to time appoint inspectors of nuisances, who shall have the powers and perform the duties allotted to those officers under the Towns Ordinance, and such other officers as he may deem necessary, and may at any time in his discretion discontinue such appointments. (*As amended by 5 of 1911, s. 9.*)

Officers may be appointed.  
Chapter 65.

35. The Council may require every officer appointed by the President to give such security as they think proper for the due execution of the duties of his office, and shall allow him such remuneration as they think reasonable.

Officers to give security.

36. Every officer appointed by the President shall at all times during the continuance of his office or within three months after his ceasing to hold it and in such manner as the Council direct, deliver to the Council or as they direct, a true account in writing of all matters committed to his charge and of his receipts and payments with vouchers and a list of persons from whom money is due in connection with his office showing the amount due from each person, and every such officer shall pay all money due from him to the Treasurer or as the Council may direct.

Officers to render accounts when directed.

37. The Council shall cause a true account to be kept of all money received and paid. Such account with all vouchers and papers relating thereto together with a balance-sheet shall be laid not later than the 31st January in each year before an auditor to be for that purpose appointed by the Governor, to be examined and audited by him. The auditor shall make and sign a report on such account and balance-sheet, and a duplicate of such report shall be sent to the Colonial Secretary who shall cause copies of the balance-sheet and report to be published in the Gazette. The original balance-sheet and the accounts in full and the auditor's report shall be open to the inspection of any voter at the office of the Town Clerk at all reasonable times on payment of a fee of one shilling. The auditor shall receive out of the revenue of the Council such remuneration as the Governor shall direct.

Audit of accounts.

#### POWERS OF COUNCIL.

38. (1) In every town to which this Ordinance is extended, the Council shall, subject to the provisions of this Ordinance (to the exclusion of any other authority which may previously have exercised the same), be the authority for carrying out and executing the provisions of the Sales by Auction Ordinance, the Spirit Licence Ordinance, and the Towns Ordinance, and of section 124 (subsections 1 and 2) of the Criminal Code, and shall have and exercise all the powers, rights, duties, capacities, liabilities and obligations

Powers and duties of Council.

Chapter 159.  
Chapter 137.  
Chapter 65.  
Chapter 16.



within such town exercisable by the Governor and officers therein mentioned under and by virtue of the provisions thereof.

Provided always—

Chapter 65.

Chapter 65.

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Chapter 65.

(a) That this subsection shall not apply to the powers vested in the Governor in Council by subsection (2) of section 3, section 17, and subsection (3) of section 18 of the Towns Ordinance, but shall apply to the powers vested in the Governor in Council by section 26, subsection (1) (a), (b) and (c) of section 35, and section 60 of the Towns Ordinance, provided that any rules made under such last mentioned section shall be subject to the approval of the Governor in Council; (16 of 1916, ss. 2 and 3.)

(b) That all rules made by the Governor in Council under section 26 of the Towns Ordinance prior to the 31st August, 1916, with respect to a town to which this Ordinance has been extended, shall be deemed as good and valid as if such rules had been made by the Council of such town and shall continue in force unless and until altered or revoked by rules made by such Council. (16 of 1916, s. 6.)

(c) That rules made by a town council under section 28 of the Sales by Auction Ordinance, and under section 32 of the Spirit Licence Ordinance, shall notwithstanding anything in the said sections contained be subject to the approval of the Legislative Council but shall not be deemed invalid by reason of the fact that the advice and consent of the Legislative Council have not been obtained as in such sections provided. (16 of 1916, s. 4.)

(d) That the President of the Council shall be the Treasurer under the Sales by Auction Ordinance, the Spirit Licence Ordinance and section 124 (subsections 1 and 2) of the Criminal Code, and the Director of Public Works and Treasurer under the Towns Ordinance, anything in those Ordinances or in the Criminal Code notwithstanding.

(2) In any town to which this Ordinance is extended the Council shall have power—

(a) To provide for the removal of night soil and refuse from every house;

(b) To provide public latrines and bathing places, and to regulate bathing on the seashore or in any lagoon, pond, or river in the town;

- (c) To make wells and otherwise to provide a good and sufficient supply of water for the use of persons in the town and to keep in good repair all public drains, aqueducts and tanks and to preserve the same from contamination;
- (d) To perform any duties for the time being lawfully performed by any officer of the Colonial Government which the Governor may from time to time declare by notice in the Gazette to be transferred to the Council;
- (e) To provide for the identification of licensed vehicles;
- (f) Generally to do such acts as may be necessary for the conservancy of the town and the preservation of the public health therein.

And the Council shall have authority from time to time to make and to alter or revoke bye-laws for the carrying into effect any of such powers, and to impose a fine not exceeding two pounds for breach of any bye-law so made; provided that no such bye-laws and no alterations or revocations thereof shall come into force until they shall have been approved by the Governor in Council and published in the Gazette. (*As amended by 26 of 1903, s. 3, and 7 of 1906 s. 5.*)

Bye-laws.

39. The Council shall have power to acquire moveable and immoveable property for the purpose of carrying into effect the provisions of this Ordinance, but the Council shall not sell, mortgage, alienate or lease any immoveable property without the consent of the Governor in writing.

Council may acquire property.

40. The Council may by resolution levy, in addition to the duties imposed by the Spirit Licence Ordinance, a duty not exceeding five pounds for every half-yearly and ten pounds for every yearly licence to sell spirits in any store where such spirits are to be consumed on the premises, and a duty not exceeding ten pounds for any half-yearly and twenty pounds for every yearly licence to sell spirits in any store where spirits are to be sold not to be consumed on the premises in quantities exceeding one gallon. Every person selling spirits without paying such additional duty after such resolution shall have come into force shall incur a penalty which shall not be less than five pounds nor more than fifty pounds. (*As amended by 5 of 1911, s. 10.*)

Council may increase spirit licence duties.  
Chapter 137.

#### HOUSE AND LAND RATE.

41. For the purpose of raising the means of carrying out the provisions of this Ordinance, the Council may impose and levy an annual rate on every house and plot of land of which the annual value as assessed in the house and land list is not less than two

Rate may be levied.



pounds, and such rate shall be in proportion to such annual value, but shall in no case exceed five pounds per cent. thereon. (*As amended by 5 of 1911, s. 11 and 16 of 1911, s. 5.*)

Rate prior to  
other claims.

42. All such houses and plots of land shall be liable for every such rate, and the claim for the amount of every such rate due by or claimable against such house or land shall be prior to all other claims, whether such claims be against such house or land or the owner thereof, save and except claims due to the Crown or the Colony, but no house or land the property of the Crown or the Colony shall be liable or subject to any such rate. (*As amended by 5 of 1911, s. 12.*)

Payment of  
rate.

43. All persons whom it may concern shall pay every such rate to the Town Clerk in such proportions or instalments as the Council may by public notice direct, and the Town Clerk is hereby authorised and empowered to receive the same. If the rate is not paid within ten days from the date of such public notice, the owner of the house or land, when there is a male occupier of full age other than the owner, may pay the rate, and upon making such payment shall be entitled to sue for and recover the amount so paid as a debt from such occupier, or, if there are more such occupiers of the house or land than one, then a proportionate part of the amount from each of such occupiers. (*As amended by 5 of 1911, s. 13.*)

Notice where  
rate not paid.

44. If the rate for which any house or land is liable is not paid within ten days from the date of such public notice, the Town Clerk shall cause to be affixed on some conspicuous part of such house or land a notice which may be according to the Form D in the Schedule hereto, to the effect that if the money for which such house or land is liable is not paid within twenty-one days proceedings will be taken for the sale of such house or land for the purpose of defraying such rate. Provided that when any person having a registered mortgage upon any house or land liable for the payment of house or land rate gives to the Town Clerk notice in writing of his mortgage (which notice shall contain such particulars of the mortgaged house or land as are necessary for identification thereof, the date and place of registration, the volume and page of the register book in which the mortgage is registered and the postal address of the mortgagee), no notice as aforesaid shall be affixed on such mortgaged house or land until a demand in writing for payment of the rate due thereon shall have been sent by registered letter by the Town Clerk to the mortgagee, and default shall have been made for one month after the time when a reply would be received in the ordinary course of post. (*As amended by 26 of 1903, s. 4, 7 of 1906, s. 6., and 5 of 1911, s. 14.*)

Notice may  
be given of  
mortgages.

45. If such rate is not paid within the twenty-one days, the Town Clerk may apply to the District Commissioner for an order for the sale of such house or land. If the District Commissioner after hearing the town clerk and any evidence that he may produce, and also any other persons as the District Commissioner may think fit, is satisfied that such house or land is liable in respect of any rate, he shall order it to be sold to defray such rate.

Proceedings  
in case of  
non-payment  
of rate.

Any house or land ordered to be sold to defray any rate shall be sold under the direction of the sheriff in the same way and under the same conditions as if such house or land were being sold in execution of a decree under Order 45 of the Second Schedule to the Supreme Court Ordinance; provided that if at any time during the proceedings before the sale of such house or land payment of the rate due and of all expenses properly incurred is made, all further proceedings shall cease; but if no such payment shall be made and the house or land be actually sold and the sale become absolute within the meaning of the said Order 45 the Court shall grant a certificate to the person who may have been declared the purchaser at such sale to the effect that he has purchased the house or land under the provisions of this Ordinance, which said certificate shall confer on the said purchaser an absolute and indefeasible right to the house or land comprised therein against all persons, and free from all adverse or competing rights, titles, interests, trusts, claims and demands whatsoever. (*As amended by 26 of 1903, s. 5, 7 of 1906, s. 7, and 5 of 1911, s. 15.*)

Chapter 7.

46. Any person liable under this Ordinance to pay rates, may, with the consent of the Council or the committee thereof charged with the collection of rates, apply to the District Commissioner, or, in the event of such District Commissioner being the President of the Council, some other officer nominated by the Governor for the purpose, to be relieved from payment of the same on the ground of his inability through poverty to pay the rate and on proof on oath thereof such District Commissioner or other officer appointed for that purpose, whose decision shall be final, may order that such person shall be relieved from payment and that his name shall be struck out of the voters' list. (*4 of 1900, s. 2.*)

District  
Commissioner  
with consent  
of Council  
may grant  
relief from the  
payment of  
rates.

#### WHEEL LICENCES.

47. Every person who uses, or being the owner thereof permits to be used, within the limits to which this Ordinance extends or may hereafter be extended, any of the vehicles hereinafter mentioned

Licences for  
vehicles.



shall for every such vehicle take out a licence in the Form E in the Schedule hereto, and pay the following rate per annum:—

|                                                   | £ | s. | d. |
|---------------------------------------------------|---|----|----|
| For each cycle (not being a motor cycle)...       | 0 | 5  | 0  |
| For each hand-cart or barrow ...                  | 0 | 5  | 0  |
| For each bath-chair, go-cart or perambulator ...  | 0 | 10 | 0  |
| For each two wheeled cart or two wheeled truck    | 0 | 15 | 0  |
| For each four wheeled cart, hearse or trolley ... | 1 | 0  | 0  |
| For each two wheeled carriage ...                 | 1 | 10 | 0  |
| For each four wheeled carriage ...                | 2 | 0  | 0  |

Provided that this section shall not apply to wagons, trucks, carriages of all kinds, and locomotive engines, used on a Government railway. (*As amended by 26 of 1903, s. 6, 7 of 1906, s. 8, and 17 of 1907, s. 24.*)

Application  
for licence.

48. (1) Any application for a licence shall be made to the town clerk and every person applying for a licence shall at the same time pay to the town clerk the amount fixed by this Ordinance in respect of such licence. (11 of 1901, s. 6.)

Term of  
licence.

(2) Every half yearly licence shall continue in force from the date of the granting thereof until the 30th June then next or 31st December then next, whichever shall first happen, and every yearly licence shall continue in force from the date of the granting thereof until the 31st December then next. (*As substituted by 26 of 1903, s. 7.*)

Penalty.

(3) Any person failing to take out a licence as hereinbefore provided for shall be liable to a penalty not exceeding five pounds, in addition to the duty payable in respect of any such licence. (11 of 1901, s. 8.)

REVENUE OF COUNCIL.

Revenue of  
Council.

49. In every town to which this Ordinance is extended:

- (a) All rates levied under its provisions;
- (b) All fees received by the Town Clerk for the inspection of any lists, books, accounts or documents in his custody;
- (c) All sums paid on account of licences issued under the Sales by Auction Ordinance or the Spirit Licence Ordinance, or on account of duties authorised to be levied under section 40;
- (d) All sums paid on account of dog licences issued under the Towns Ordinance;
- (e) All fines and penalties recovered in any prosecution for any offence under this Ordinance unless herein directed to be otherwise disposed of;

Chapter 159.  
Chapter 137.

Chapter 65.

- (f) All fines and penalties recovered in any prosecution instituted under the Sales by Auction Ordinance, the Spirit Licence Ordinance (exclusive of any portion awarded to an informer under section 31 thereof), the Towns Ordinance and any Ordinance amending the same, or under any rules made by the authority of such Ordinances; Chapter 159. Chapter 137. Chapter 65.
- (g) All fines and penalties recovered in any prosecution instituted under section 139 of the Criminal Code or any Ordinance amending the same; Chapter 16.
- (h) Any rents, profits, receipts or proceeds derived by the Council from any other source whatever not herein specifically mentioned;

shall be paid to the Treasurer and shall form the revenue of the Council.\* (*As amended by 8 of 1907, s. 23.*)

50. The revenue shall be applied towards the payment of the salaries of the Town Clerk and such other officers as may be appointed and the procuring of suitable offices for such officers, and also towards the expenses incurred in preparing the voters' list and house and land list and in collecting rates and in matters relating to the election of members of the Council and the assessment and collection of rates, and towards the expenses of prosecutions of offenders and the carrying into effect the powers and authorities vested in the Council by this Ordinance, and towards the payment of all other expenses not herein otherwise specified which may be necessarily incurred in carrying into effect the provisions of this Ordinance. (*As amended by 5 of 1911, s. 16.*)

Application of municipal revenue.

#### MISCELLANEOUS.

51. (1) The Council may grant leave of absence from the Colony to any unofficial member of the Council, and may from time to time renew such leave. Leave of absence.
- (2) Any member of the Council may with the consent of the Governor resign his seat. Resignations.
- (3) If any unofficial member of the Council shall absent himself from the Colony after the expiration of the leave granted to him or without having obtained such leave, or shall cease to possess the necessary property qualification of a voter, or shall be convicted of any criminal offence and sentenced to any term of imprisonment, or if any unofficial member of the Council not having obtained leave Loss of seat in Council.

\* As to revenue from fees and penalties under the Wine and Beer Licence Ordinance, see Chapter 138.



of absence as above provided shall be absent from all meetings of the Council for three consecutive months, his seat may be declared by the Council to be vacant, and he shall thereupon cease to be a member of the Council, and no person who shall have been convicted and sentenced as aforesaid shall whilst he is undergoing the sentence be eligible to be nominated as a candidate or elected as a member of the Council.

Member  
exempt from  
being juror.

52. Every member of the Council shall so long as he continues to be a member of the Council be exempt from serving upon any jury except with his own consent.

Suits by and  
against  
Council.

53. The Council may enter an appearance and defend any suit and may sue and be sued by and in the name of the Town Clerk.

Description of  
property of  
Council.

54. Whenever in any criminal process or proceeding it may be necessary to refer to the ownership or description of property belonging to or under the management or superintendence of the Council, such property may be described as the property of the Council.

Offences to be  
summarily  
tried.

55. All offences against this Ordinance shall be heard and determined upon summary trial.

Powers of  
Judge and  
Commissioner  
in certain  
proceedings.

56. For the purpose of hearing appeals from the decision of the District Commissioner as to the placing or refusing to place names on the voters' list, a Judge shall have the same powers of summoning and examining witnesses as in a suit, and may make any order as to costs as to him may seem just, and the District Commissioner shall have like powers and may make similar orders in appeals from assessments of the appraiser in settling the voters' list and in proceedings for the sale of houses or lands for non-payment of rates.  
(As amended by 16 of 1911, s. 7.)

SCHEDULE.

FORM A.—(See s. 6 (1).)

(As substituted by 5 of 1911, s. 17.)

Declaration as to Yearly Rent of House or Land.

I, A. B. of do hereby declare that the rent payable  
by (or to) me in respect of the house No. (or land as the case may  
be) in street (or square or other description as the case  
may be) in the town of rented by me from (or let by me to  
or as the case may be) C. D. is at the rate of per year  
(or per month).

Declared this day of 1

Before me,

E. F.  
Appraiser.

A. B.  
Signature or mark of Declarant.





FORM D.—(See s. 44).

(As substituted by 5 of 1911, s. 17.)

Notice in case of Non-payment.

|                       |     |     |     |                                                                                       |
|-----------------------|-----|-----|-----|---------------------------------------------------------------------------------------|
| House                 | ... | ... | ... | No. 22, Ablan Street (or plot of land situated between Nos. 22 and 23, Ablan Street). |
| Owner                 | ... | ... | ... | John Smith.                                                                           |
| Assessed annual value | ... | ... | ... | £2 5s. 0d. (or as the amount may be).                                                 |
| Rate due              | ... | ... | ... | 2s. 3d. (or as the amount may be).                                                    |

To John Smith.

Take notice that if the rate above specified be not paid to me on or before the                    day of                    1                    , proceedings will be taken for the sale of the house (or land as the case may be) above referred to for the purpose of defraying such rate.

Dated this                    day of                    1                    .

A. B.,  
Town Clerk.

FORM E.—(See s. 47.)

Licence is hereby granted to [name and residence of person licensed] to keep and use [insert here bicycle, tricycle, or as the case may be] until the                    day of                    , 1                    .

Dated this                    day of                    1                    .

Town Clerk.

Duty paid £

NOTE.—This Licence expires on the                    day of                    , 1                    .

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\* See sect. 38 of Town Councils Ordinance, Chapter 60, p. 215.

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