

THE  
LAW S OF JAMAICA: *Statutes*

COMPREHENDING  
ALL THE ACTS IN FORCE,

Passed between the THIRTY-SECOND Year of the Reign of  
KING CHARLES THE SECOND,  
And the THIRTY-THIRD Year of the Reign of  
KING GEORGE THE THIRD.

TO WHICH IS PREFIXED,  
A TABLE of the TITLES of the PUBLIC and PRIVATE ACTS  
passed during that Time.

CAREFULLY REVISED AND CORRECTED FROM THE ORIGINAL RECORDS;  
And published under the Direction of Commissioners appointed for that purpose by  
30 Geo. III. cap. xx. and 32 Geo. III. cap. xxix.

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T H E S E C O N D E D I T I O N .

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VOLUME THE FIRST.

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ST. JAGO DE LA VEGA, JAMAICA:  
PRINTED BY ALEXANDER AIKMAN,  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY:

M. DCCC. II

liged to do: And all persons who shall obtain grants, and record the same, pursuant to such rules and regulations, shall and hereby have a good and sure title to the lands so to be re-granted, in case of forfeiture, against all other and former patentees, as fully in every respect as if the lands so granted had been found forfeited by any inquest of office, returned into the supreme court of judicature of this island, and judgment thereon given for the king, or any otherwise howsoever: *Provided always*, That such new grantee, his or her heirs or devisees, do settle the lands, so to him or her granted, pursuant to the true intent and meaning of this and the said recited acts: And, in order to keep up the number of commissioners, it shall and may be lawful for the governor, or commander in chief of this island, to nominate and appoint such person and persons to be commissioners as he shall think fit, upon the death, departure, or other incapacity, of any of the said persons appointed by this act.

Grants re-  
corded, to be  
valid,

if lands duly  
settled.

Governor to  
supply vacan-  
cies of com-  
missioners.

## C A P. XVI.

*An act for the assaying of gold and silver wares, and  
bullion.—[2d July, 1747.]*

**W**H *HEREAS* by an act of the governor, council, and assembly of this island, entitled, *An act ascertaining the value of foreign coins, and establishing interest*, it is, amongst other things, thereby enacted and ordained, That no goldsmith, or worker in gold and silver, within this island, from and after the first day of August, one thousand six hundred and eighty-one, should work, sell, exchange, or cause to be wrought, sold, or exchanged, any plate, or other goldsmiths wares of gold, less in fineness than twenty-two carats; and that, from the time aforesaid, no goldsmith, or worker in gold or silver, should make, sell, or exchange, in any place within this island, any plate, or goldsmiths wares of silver, less in fineness than that of eleven ounces two pennyweight; and that no goldsmith, or worker in gold and silver, should presume to put to sale, exchange, or sell, any plate of goldsmiths work of gold or silver, before he hath set his own mark to so much thereof as may conveniently bear the same, upon pain of forfeiting the value of the thing so sold or exchanged; that whatsoever goldsmith, or worker in gold or silver, as aforesaid, from and after the said first day of August, should presume to sell or exchange any gold or silver wares of less fineness than aforesaid, for every such first offence should forfeit treble the value of the said wares so sold or exchanged; one half whereof to our sovereign lord the king, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof; and the other half to the party aggrieved, to be recovered in manner and form aforesaid; and that whosoever should offend the second time, and thereof be convicted, should stand in the pillory for the space of one hour, and lose his ears, for the same: *And whereas*, notwithstanding the said in part recited act, it is notorious that most, if not all, the

Preamble.

33 Car. II.  
cap. 19.

gold and silver wares made and sold in this island are composed of base metals, and are greatly inferior to the quality and goodness directed and required by the said recited law, to the great wrong and injury of the buyer; In order, therefore, to put an end to so notorious an imposition on your majesty's subjects in this island, and to compel and oblige the several workers of gold and silver wares in this island to comply with the said in part recited act, in working up such gold and silver of such fineness and quality as is directed by the said recited act, May it please your majesty that it may be enacted, and be it enacted by the governor, council, and assembly, of this your majesty's island of Jamaica, and it is hereby enacted by the authority of the same, That, from and after the first day of September, in the year of our Lord one thousand seven hundred and forty-seven, it shall and may be lawful for the governor and commander in chief of this your majesty's island of Jamaica. and the governor and commander in chief for the time being, by warrant under his hand and seal, from time to time, to nominate and appoint one or more assay-masters for the trying and assaying all gold and silver wares made in this island, in all or any, or either, of the three towns of St. Jago de la Vega, Kingston, and Port-Royal; or in such other places as, from time to time, the governor or commander in chief of this island for the time being shall think necessary and convenient.

Governor to  
appoint assay-  
masters, at  
his discretion.

Workers in  
gold and sil-  
ver to enter  
their names  
in the assay-  
office,  
and carry  
their wares to  
be assayed.

If they are  
below stand-  
ard, they are  
to be broke;

but if stand-  
ard, to be  
stamped.

Stamp to be  
used.

Assay-mas-  
ter's fees.

II. And be it further enacted by the authority aforesaid, That every goldsmith, or worker in gold and silver, before he or they shall be allowed to sell, expose to sale, or exchange, any gold or silver wares whatsoever, except as herein after is excepted, shall enter his and their name and place of abode, and mark, in the assay-office nearest to his and their habitation, under the penalty of ten pounds; and shall be, and they are hereby, obliged to carry all such gold and silver wares to one of the aforesaid assay-masters, to be tried in the like manner as gold and silver wares are tried and assayed in Great-Britain: And if, upon such assay, the said gold or silver wares shall be found worse than the standard aforesaid; it shall be lawful for the said assay-master, and he is hereby directed and required, to break and deface the said gold and silver wares, so that they may be not disposed of; but if, upon such assay, the said gold and silver wares shall appear to be of the fineness and quality above-mentioned, the said assay-master shall, and he is hereby obliged to, mark the said gold and silver wares with the stamp or mark of an alligator's head, and the initial letters of his own name, to so much thereof of the said wares as will conveniently bear the same.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said assay-master and assay-masters to ask, demand, and receive, of and from every goldsmith, or worker in gold and silver, or any other person for whom any assay shall be made, for every gold assay twelve shillings and six pence, and for every silver assay seven shillings and

and six pence : *Prohibited assays*, That from the several small silver wares and trinkets following, brought at one and the same time to be assayed, *viz.* From every twelve table-spoons, one assay only shall be made ; from every twenty-four tea-spoons, four strainers, and four pair of tongs, one assay only ; from every twelve pair of buckles, one assay only ; from every twenty-four pair of sleeve-buttons, one assay only ; from twenty-four coat and other buttons, one assay only ; from every twenty-four finger-rings or ear-rings, one assay only ; and from every parcel of other trinkets, or small pieces of silver wares, or plate of any sort, the whole parcel not exceeding six ounces, one assay only ; and from every parcel of gold trinkets, or small wares in gold of any sort, the whole parcel not exceeding two ounces, one assay only : All which said assays to be made by scraping a proportion from every piece, to make up the weight to be assayed.

Regulation  
for number  
of articles in  
an assay.

How assays  
to be made.

IV. And be it enacted by the authority aforesaid, That the gold or silver that shall be made use of for such assays, had or made by virtue of this act, shall be returned to the proprietor of the gold or silver from whence the same was taken : And if any goldsmith, or other worker in gold and silver, or any other person so carrying any gold or silver wares to be assayed, shall not be satisfied with any assay thereof, to be made as aforesaid, but shall still insist that such wares so assayed are of the standard above mentioned, the said gold and silver wares shall not be broken or defaced, but be immediately deposited in the hands of some magistrate of the precinct where the said assay shall be made ; and shall, in order to determine the said dispute, be re-assayed before all or any other the assay-masters then in this island, who are hereby obliged to attend, on notice given by the party requiring the said re-assay, and also before one of his majesty's justices of the peace, and any disinterested master goldsmiths or silversmiths that will be present at the said re-assay, and in the presence of the party, if he will be present at the same, at a particular time to be appointed by the said justice of the peace, against a piece of old sterling plate with the goldsmiths hall mark upon it, then also to be assayed at the same time ; from which re-assay there shall be no appeal.

Scrapings to  
be returned.

Disputes a-  
bout assays,  
how to be de-  
cided.

V. And be it further enacted by the authority aforesaid, That, upon every such re-assay so to be made as aforesaid, the said assay-master or assay-masters so to be called in as aforesaid, and the said gold or silversmiths present at the said re-assay, shall, on their affidavits in writing, to be sworn to before the said justice, declare the quality and fineness of the said gold or silver wares re-assayed as aforesaid ; and thereupon the said justice shall certify under his hand and seal whether the same be of standard or not, and deliver such certificate to the party who is intitled to the benefit of the same : And if it shall be certified, that the said gold or silver wares are of the standard aforesaid, or of equal fineness with the said old sterling plate, at the same time to be assayed as aforesaid, the said assay-master, by whom

Certificates  
to be given  
of the quality  
of plate re-  
assayed.

Charges of re-assays, whom to fall upon.

Goods purchased with the mark may be re-assayed.

Penalty on the first assayer, if not standard.

the first assay had been made, shall forthwith mark the said gold or silver wares with the said mark of an alligator's head, and shall not be allowed any fee or reward for the said assay or re-assay, or for marking the said gold or silver wares, but shall bear the charge of the said assay and re-assay, and also pay one pound three shillings and nine pence to each assay-master that shall be present, and shall have travelled out of the parish where he or they reside, for his and their travelling charges and expences on that occasion; all which said charges shall be likewise paid by the party requiring the said re-assay, in case the said wares shall be found to be worse than standard, and shall, in either case, be levied by warrant under the hand and seal of any one justice of the peace, by distress and sale, on the goods and chattels of the said party refusing to pay the same: And in case any person, who shall purchase any gold or silver wares from any goldsmith or silversmith with the mark aforesaid, shall be doubtful whether the same is of the standard aforesaid or not, such purchaser shall be at liberty to demand a re-assay thereof, to be made in manner aforesaid; and in case any fraud or imposition shall appear to have been made by the assay-master by whom the first assay was made, such assay-master shall, for every offence, forfeit the sum of twenty pounds to the party aggrieved; to be recovered in the supreme court of judicature of this island, by action of debt, bill, plaint, or information.

Assay-masters to qualify.

VI. And be it enacted by the authority aforesaid, That the said assay-masters, and each and every of them, shall, under the penalty of twenty pounds, take the following oath before the chief justice of this island, before he or they presume to make any assay of the said gold and silver wares; viz.

Their oath.

*I, A. B. do swear, that I will, to the best of my skill and judgment, faithfully perform the office of assay-master, and make true assay of all gold and silver brought to me to be assayed, and give a true report of the fineness thereof; and that I will not break or deface any gold and silver which shall be by me assayed, in case the same shall be of the quality and goodness equal to the standard appointed by an act of the governor, council, and assembly of this island, entitled, "An act for ascertaining the value of foreign coin, and establishing interest;" and that I will not make any undue profit or advantage of or by my said office, nor take any greater or other fees than what are appointed by law. So help me God;*

which oath the chief justice of this island for the time being is hereby directed and required to administer, and to give a certificate under his hand, that such assay-master, so appointed as aforesaid, hath appeared before him, and taken the said oath.

VII. And be it enacted by the authority aforesaid, That if any goldsmith, or worker in gold and silver, or any other person whatsoever, from  
and

and after the said first day of September, in the year of our Lord one thousand seven hundred and forty-seven, shall sell, expose to sale, or exchange, any gold or silver wares in this island (jewellers wares, and such small trinkets as cannot bear the touch, only excepted) before the same hath been assayed, and hath received the marks aforesaid, by one of the said assay-masters duly appointed as aforesaid, such person or persons so offending shall, for every such offence, forfeit the sum of twenty pounds.

Penalty on selling unassayed articles.

VIII. And be it enacted by the authority aforesaid, That each of the said assay-masters, so appointed as aforesaid, shall keep a public work-house in the town or parish for which they shall be appointed expressly by their said warrant, and in no other town or place; and provide themselves with proper furnaces, tools, and utensils, for the assaying and marking all gold and silver brought to him or them to be assayed; and give due attendance at the said work-house every Tuesday and Friday in every week, and faithfully enter all and every the several pieces of gold and silver they shall assay, with the weight and fineness of the same, in a fair book, to be open to the inspection of all persons requiring the same, without fee or reward: And it shall and may be lawful to and for the governor and commander in chief of this island, at his and their will and pleasure, to supersede any warrant or warrants, appointment or appointments, by him or them given, or to be given or made, of or to any or either of the assay-masters; and, upon every such *supersedeas*, such assay-master shall forthwith destroy, or deliver over to some other assay-master, all and every the standard marks herein before mentioned, which he shall have or be possessed of, under the penalty of fifty pounds; and shall be, and he is hereby rendered from thenceforth, incapable of acting as an assay-master, unless he shall receive another warrant for that purpose.

Assay-masters to keep a public work-house.

and attend Tuesdays and Fridays.

Governor may supersede them.

IX. And be it enacted by the authority aforesaid, That it shall be lawful for the said assay-master or assay-masters, to make assay of all gold and silver in bullion that shall be brought him or them to be assayed, and to demand and receive the aforesaid rates for each assay thereof; and the said assay-master or assay-masters shall, and he and they is and are hereby directed and required, under the penalty of ten pounds, to put the initial letters of his or their own name and names, and a plain mark, upon the said bullion, signifying the true quality and fineness of the same, before he or they shall suffer it to go out of his or their custody or possession, in order that the value of such bullion may appear to all persons unto whom it may be offered for sale: *Provided always*, That nothing in this act mentioned shall extend, or be construed to extend, to debar or restrain any person or persons whatsoever from selling, and exposing to sale, any plate, or goldsmiths wares of gold or silver, that has the standard mark of Great-Britain or Ireland, in like manner as if this act had not been made; any thing herein before contained to the contrary in anywise notwithstanding.

Assay-masters may assay bullion;

putting the initial letters of their names thereon.

This act not to affect plate, &c. having the standard mark of Great-Britain or Ireland.

Counterfeit-  
ing the marks  
of sterling  
plate declared  
felony.

X. And be it further enacted by the authority aforesaid, That if any person or persons, other than the said assay-masters, shall presume to mark any gold or silver wares with the alligator's head, or shall counterfeit the marks of sterling plate, such person or persons, and his and their accomplices, being thereof convicted, shall be adjudged guilty of felony, without the benefit of the clergy.

Recovery and  
application of  
penalties.

XI. And be it further enacted by the authority aforesaid, That all and every the fines, forfeitures, and penalties, mentioned in this act, and not directed how to be recovered and applied, shall be recovered in the supreme court of judicature of this island; one moiety whereof shall be to our sovereign lord the king, his heirs and successors, for and towards the support of the government of this island, and the contingent charges thereof, and the other moiety to the informer, or him or them that shall sue for the same.

Continuance  
of this act;  
which, in  
1755, was  
revised, or  
amended, and  
made perpe-  
tual.

In force only  
when an as-  
say-master is  
appointed.

XII. And be it further enacted by the authority aforesaid, That this act shall continue and be in force for the term of three years from the passing thereof, and from thence to the end of the next session of assembly, and no longer: Provided always, That nothing in this act herein before mentioned shall be in force until such time as one assay-master, at least, shall be appointed; and shall continue in full force and effect no longer than one such assay-master, at the least, shall continue in the actual exercise of the said office; and, for such part of the said term of three years as there shall be no assay-master, this act, and every thing therein contained, shall be suspended; and, upon the appointment of any other assay-master within the said term of three years, every thing herein contained shall be revived.

#### C A P. XVII.

EXPIRED.

*An act for laying out a road from Pepper Plantation, over May-Day Hills, in the parish of St. Elizabeth, to St. Jago Savanna, in the parish of Clarendon.—[2d July, 1747.]*

### *Anno regni Georgii secundi vicesimo primo.*

#### C A P. I.

EXPIRED.

*An act for laying a duty on all wines, rum, and other spirituous liquors, retailed within this island, and applying the same to several uses.—[30th April, 1748.]*

#### C A P. II.

EXPIRED.

*An act for raising several sums of money, and applying the same to several uses; for satisfying for twelve months the officers and soldiers of the regiment*

giment of foot, of which his excellency Edward Trelawny, esquire, is colonel; and preventing the exportation of several commodities into the French, Dutch, and Spanish islands; and for preventing several frauds committed by persons trading to and from the northern colonies.

## C A P. III.

An act for raising a certain number of negroes, to be employed in his majesty's service, for a time therein limited. EXPIRED.

## C A P. IV.

An act to oblige the several inhabitants of this island to provide themselves with a sufficient number of white men, capable of bearing arms, or white women or children, or pay certain sums of money in case they shall be deficient, and applying the same to several uses; and to enlarge the time for the several parishes of this island to return the accounts of quit-rents, given-in in such parishes, to the receiver-general; and for authorizing and empowering the commissioners for erecting a house or edifice for the use of the council and assembly, and for the better preserving the public records, and for the reception of the small arms, to purchase lands and tenements adjoining to the parade in St. Jago de la Vega, for the use of the said house or edifice. EXPIRED.

## C A P. V.

An act for appropriating the sum of six thousand eight hundred and six pounds two shillings and eleven pence to the use of the forts and fortifications, and other uses; and for laying a duty on the tonnage of shipping for the use thereof; and for appointing commissioners for ordering and inspecting the works to be performed in and about the same. EXPIRED.

## C A P. VI.

An act for regulating and settling the livings of the clergy, and ascertaining the same; and giving the bishop of London ecclesiastical jurisdiction over them.

**W**H **H** **E** **R** **E** **A** **S** the provision made for the maintenance of the clergy, incumbents of the greatest part of the several parishes of this island, is too scanty for a proper and suitable maintenance, and there is a necessity for augmenting the same; and part thereof being precarious, depending on the pleasure of the justices and vestry of the several parishes, the clergy are thereby thrown into an improper state of dependence: **A** **n** **d** **w** **h** **e** **r** **e** **a** **s** the bishop of London, who claims to be diocesan of this island, and to have coercion over the clergy here, hath never been admitted. Preamble.