

THE OBEAH ACT

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THE OBEAH ACT

Cap. 266.

[2nd June, 1898.]

1. This Act may be cited as the Obeah Act.

Short title.

2. In this Act—

Interpretation.

“obeah” shall be deemed to be of one and the same meaning as “myalism”;

“a person practising obeah” means any person who, to effect any fraudulent or unlawful purpose, or for gain, or for the purpose of frightening any person, uses, or pretends to use any occult means, or pretends to possess any supernatural power or knowledge; and

“instrument of obeah” means anything used, or intended to be used by a person, and pretended by such person to be possessed of any occult or supernatural power.

3. Every person practising obeah shall be liable to imprisonment, with or without hard labour, for a period not exceeding twelve months, and in addition thereto, or in lieu thereof, to whipping:

Punishment for practising obeah.

Provided always, that such whipping shall be carried out subject to the provisions of the Flogging Regulation Act.

4. Whoever, for any fraudulent or unlawful purpose, consults any person practising obeah or any person reputed to be a person practising obeah, or reputed to be an obeah-man, or any person who has been convicted of any offence under any enactment relating to obeah, or any person pretending to possess supernatural power, shall be liable to imprisonment, with or without hard labour, for a period not

Punishment for consulting for fraudulent purpose person practising obeah.

exceeding six months; and, in addition thereto, or in lieu thereof, to whipping, subject as regards such whipping to the proviso contained in section 3:

Provided, that nothing in this Act shall be deemed to authorize the infliction of a sentence of whipping on a female.

Penalty for consulting person practising obeah.

5. Whoever, for the purpose of effecting any object, or of bringing about any event, by the use of occult means or any supernatural power or knowledge, consults any person practising obeah, or any person reputed to be a person practising obeah, or reputed to be an obeah-man, or any person who has been convicted of any offence under any enactment relating to obeah, or any person pretending to possess supernatural powers, and agrees to reward the person so consulted for such consultation, shall be liable to a fine not exceeding one hundred dollars, or to imprisonment, with or without hard labour, for a period not exceeding twelve months.

Power to search for instrument of obeah.

6. Whenever it is made to appear upon oath that there is reasonable cause to suspect that any person is in possession of any instrument of obeah, it shall be lawful for any Justice by warrant to authorize any constable to enter and search any place, either in the day or in the night, and if any instrument of obeah is found in any place so searched, to seize and bring it before him to be secured for the purpose of being produced in evidence in any proceeding before any court of justice in which it may be required.

Presumption.

7. Whenever upon any such search as aforesaid, any instrument of obeah is found, the person in whose possession it is found shall be deemed, unless and until the contrary is proved, to be a person practising obeah within the meaning of this Act, at the time at which the instrument of obeah was so found.

8. In charging any person with being a person practising obeah, it shall be sufficient in the charge to state that he is a person practising obeah, and if any one of the acts mentioned in the definition of a person practising obeah in section 2, is proved against him, he shall be liable to conviction on such charge, and to the punishment provided by section 3.

Charge of being a person practising obeah.

9. It shall be lawful for any constable to arrest without warrant any person practising obeah.

Power to arrest.

10. If any person shall compose, print, sell, or distribute any pamphlet, or printed matter calculated to promote the superstition of obeah, he shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding forty dollars, or in default, to imprisonment, with or without hard labour, for a term not exceeding six months.

Obeah literature suppressed.

11. All offences under this Act shall be tried in a summary manner before the Resident Magistrate for the parish in which the same shall be committed.

Jurisdiction.

12. When any person is convicted of an offence against this Act, the Resident Magistrate may, in his discretion, direct that such person shall be subject to the supervision of the police. For the purpose of such direction the Resident Magistrate shall have the same authority as is given by the Criminal Justice (Administration) Act to the court in the case of a second conviction, and the person placed under police supervision by the Resident Magistrate under the authority of this Act, shall be subject to the duties, obligations and punishments affecting persons so placed by virtue of the said Criminal Justice (Administration) Act.

Persons convicted under this Act may be subjected to police supervision.