

## **CANAL ZONE CODE**

CANAL ZONE CODE

## An Act

To revise and codify the general and permanent laws relating to and in force in the Canal Zone and to enact the Canal Zone Code, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the eight titles hereinafter set forth constitute the Canal Zone Code, embracing all the permanent laws relating to and applying in the Canal Zone other than the general laws of the United States that relate to or apply in the Canal Zone:

### CANAL ZONE CODE

#### TITLE

1. GENERAL PROVISIONS.
2. ADMINISTRATION AND REGULATION.
3. JUDICIARY.
4. CIVIL LAWS.
5. CIVIL PROCEDURE GENERALLY.
6. CRIMES AND CRIMINAL PROCEDURE.
7. DECEDENTS ESTATES AND FIDUCIARY RELATIONS.
8. DOMESTIC RELATIONS.

### TITLE 1—GENERAL PROVISIONS

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### CHAPTER 1—THE CODE

#### Sec.

1. Scope and citation of Code.
2. Territorial application of Code.
3. Edition with ancillaries; revisions; supplements.

#### § 1. Scope and citation of Code

(a) The laws embraced in this Code constitute the "Canal Zone Code". This Code, and the then current supplement, certified by the Governor, establish the permanent laws relating to or in force in the Canal Zone, other than the general and permanent laws of the United States that relate to or apply in the Canal Zone, on the day preceding the commencement of the session following the last session the legislation of which is included; and they are legal evidence of those laws in all the courts of the United States, the District of Columbia, the Canal Zone, the several States, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

(b) This Code may be cited by the abbreviation "C.Z.C.", preceded by the number of the title and followed by the number of the section, chapter, or part, of the title.

#### § 2. Territorial application of Code

This Code applies throughout the Canal Zone, and throughout the corridor over which the United States of America exercises jurisdiction pursuant to the provisions of article IX of the General Treaty of Friendship and Cooperation between the United States of America and the Republic of Panama, signed March 2, 1936, to the extent that its application to that corridor is consistent with the nature of the rights of the United States therein.

**§ 3. Edition with ancillaries; revisions; supplements**

(a) The Governor shall cause the Canal Zone Code to be printed and published, with appropriate ancillary materials, and from time to time may cause revisions of the Code to be prepared, printed and published. For this purpose and for the supplements to the Code, the Governor, in such case, may negotiate, without advertising, a contract with a qualified law book publisher.

(b) The Governor shall cause cumulative supplements to this Code to be prepared, printed and published at least every two years.

(c) The supplements shall contain all amendments to this Code, amendment notes, annotations based upon pertinent court decisions, tables, and index, and such other ancillary materials as the Governor directs.

**CHAPTER 3—PERSONAL AND CIVIL RIGHTS**

Sec.

31. Rights and guarantees.

**§ 31. Rights and guarantees**

The principles of government enumerated below, that are essential to the rule of law and the maintenance of order, have applicability and force in the Canal Zone:

- (1) Bills of attainder and ex post facto laws are void.
- (2) Laws respecting the establishment of religion or prohibiting the free exercise thereof are void.
- (3) Laws abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances are void.
- (4) The right of the people to be secure against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- (5) A person may not be:
  - (A) put twice in jeopardy for the same offense; or
  - (B) compelled in any criminal case to be a witness against himself; or
  - (C) deprived of life, liberty, or property without due process of law.
- (6) Private property may not be taken for public use, without just compensation.
- (7) In criminal prosecutions, the accused has the right to:
  - (A) a speedy and public trial;
  - (B) be informed of the nature and cause of the accusation;
  - (C) except as provided by section 3507 of Title 6, be confronted with the witnesses against him;
  - (D) produce witnesses in his behalf and have compulsory process for obtaining them; and
  - (E) have the assistance of counsel for his defense.
- (8) Excessive bail may not be required, nor excessive fine imposed, nor cruel or unusual punishments imposed.
- (9) Slavery and involuntary servitude may not exist, except as a punishment for crime.

**CHAPTER 5—RULES OF DEFINITIONS**

Sec.

- 61. Words denoting number, gender, etc.; definitions.
- 62. Words and phrases.
- 63. Words giving joint authority.
- 64. Notice
- 65. Execution of signature by mark.
- 66. Construction of Code.

**§ 61. Words denoting number, gender, etc.; definitions**

As used in this Code, unless it is otherwise provided or the context requires a different meaning:

words importing the singular include the plural, and words importing the plural include the singular;

words importing the masculine gender include all genders;

words used in the present tense include the future as well as the present;

"affinity", when applied to the marriage relation, means the connection existing in consequence of marriage between each of the married persons and the blood relatives of the other;

"agency", includes the Canal Zone Government, the Panama Canal Company, and any department, independent establishment, commission, administration, authority, board or bureau of the United States or corporation in which the United States has an interest, unless the context shows that the term is intended to be used in a more limited sense;

"aircraft" means contrivance used, capable of being used, or designed, for navigation or flight in the air;

"Canal Zone", in a geographical sense, embraces the same land, land under water, and islands that are designated as such by sections 1 and 2 of Title 2, and the corridor referred to in section 2 of this title, as far as its inclusion in the term "Canal Zone" is consistent with the General Treaty of Friendship and Cooperation between the United States of America and the Republic of Panama, signed March 2, 1936;

"department" means any one of the executive departments enumerated in section 158 of the Revised Statutes of the United States, as amended (5 U.S.C., sec. 1), unless the context shows that the term is intended to describe the executive, legislative, or judicial branch of the government of the United States.

"depose" means to make a written statement under oath;

"Government of the Canal Zone" embraces the Canal Zone Government, the agency continued under section 31 of Title 2, together with the judicial and law-enforcement offices and officers established or provided for by Title 3.

"insane person" includes every idiot, lunatic, and person non compos mentis;

"month" means a calendar month;

"oath" includes affirmation or declaration;

"officer" includes any person authorized by law to perform the duties of the office;

"person" and "whoever", respectively, include a corporation, company, association, joint stock company, firm, partnership, and society, as well as an individual;

"personal property" includes money, goods, chattels, things in action, and evidences of debt;

"President" means the President of the United States;

"process" means a writ or summons issued in the course of judicial proceedings;

"property" includes both real and personal property;

"real property" includes real estate, lands, tenements, and hereditaments, corporeal or incorporeal;

"seal" means a particular sign made to attest, in the most formal manner, the execution of an instrument; and a public seal, when the seal of a court or public officer is required by law to be affixed to any paper, means a stamp or impression of the seal, made with an instrument provided by law, upon the paper alone, or upon any substance attached to the paper capable of receiving a visible impression;

"signature" or "subscription" includes a mark of a person who can not write, as provided by section 65 of this title;

"State", when applied to different parts of the United States, includes the District of Columbia, the several territories and possessions of the United States, and the Commonwealth of Puerto Rico;

"sworn" includes "affirmed" or "declared";

"testify" includes every mode of oral statement under oath;

"United States" includes its territories and possessions, the District of Columbia, and the Commonwealth of Puerto Rico;

"vehicle" includes every description of carriage, or other artificial contrivance used, or capable of being used, as a means of transportation on land;

"vessel", when used with reference to shipping or navigation, includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"writ" means an order or precept in writing, issued in the name of the Government of the Canal Zone, or of a court or judicial officer;

"writing" includes printing and typewriting and reproduction of visual symbols by any process; and

"year" means a calendar year.

### § 62. Words and phrases

Words and phrases shall be interpreted according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, or are defined by section 61 of this title, shall be interpreted according to the peculiar and appropriate meaning or definition.

### § 63. Words giving joint authority

Words granting a joint authority to three or more persons grant the authority to a majority of them, unless otherwise provided.

### § 64. Notice

(a) Notice is:

- (1) actual, which consists in express information of a fact; or
- (2) constructive, which is imputed by law.

(b) A person who has actual notice of circumstances sufficient to put a man upon inquiry as to a particular fact has constructive notice of the fact itself in all cases in which, by prosecuting the inquiry, he might have learned the fact.

### § 65. Execution of signature by mark

When a person, who can not write, makes his signature or subscription by a mark, his name must be written near it and the mark witnessed by another person who writes his own name as a witness; but when a signature is by mark and it is desired or required that the signature be acknowledged or serve as the signature to a sworn statement, it must be witnessed by two other persons who must subscribe their own names as witnesses thereto.

### § 66. Construction of Code

(a) The provisions of this Code, as far as they are substantially the same as statutes existing on January 2, 1963, shall be construed as continuations thereof, and not as new enactments.

(b) The provisions of this Code shall be construed according to the fair construction of their terms, with a view to effect its object and to promote justice.

## CHAPTER 7—MAXIMS OF JURISPRUDENCE

Sec.

81. Enumeration and application.

### § 81. Enumeration and application

The following maxims of jurisprudence are intended not to qualify any of the provisions of this Code, but to aid in their just application:

- (1) When the reason of a rule ceases, so should the rule itself.
- (2) Where the reason is the same, the rule should be the same.
- (3) One must not change his purpose to the injury of another.
- (4) One may waive the advantage of a law intended solely for his benefit. But a law established for a public reason can not be contravened by a private agreement.
- (5) One must so use his own rights as not to infringe upon the rights of another.
- (6) One who consents to an act is not wronged by it.
- (7) Acquiescence in error takes away the right of objecting to it.
- (8) One can not take advantage of his own wrong.
- (9) One who has fraudulently dispossessed himself of a thing may be treated as if he still had possession.
- (10) One who can and does not forbid that which is done on his behalf is deemed to have bidden it.
- (11) One should not suffer by the act of another.
- (12) One who takes the benefit must bear the burden.
- (13) One who grants a thing is presumed to grant also whatever is essential to its use.
- (14) For every wrong there is a remedy.
- (15) Between those who are equally in the right or equally in the wrong, the law does not interpose.
- (16) Between rights otherwise equal, the earliest is preferred.
- (17) No man is responsible for that which no man can control.
- (18) The law helps the vigilant before those who sleep on their rights.
- (19) The law respects form less than substance.
- (20) That which ought to have been done is to be regarded as done, in favor of him to whom, and against him from whom, performance is due.
- (21) That which does not appear to exist is to be regarded as if it did not exist.
- (22) The law never requires impossibilities.
- (23) The law neither does nor requires idle acts.
- (24) The law disregards trifles.
- (25) Particular expressions qualify those which are general.
- (26) Contemporaneous exposition is in general the best.
- (27) The greater contains the less.
- (28) Superfluity does not vitiate.
- (29) That is certain which can be made certain.
- (30) Time does not confirm a void act.
- (31) The incident follows the principal, and not the principal the incident.
- (32) An interpretation which gives effect is preferred to one which makes void.
- (33) Interpretation must be reasonable.
- (34) Where one of two innocent persons must suffer by the act of a third, he, by whose negligence it happened, must be the sufferer.

CHAPTER 9—HOLIDAYS

Sec.

- 111. Legal holidays.
- 112. Business days.
- 113. Performance of acts under law or contract.

§ 111. Legal holidays

(a) The following are legal holidays:

- Every Sunday
- January 1 (New Year's Day)
- February 22 (George Washington's Birthday)
- Good Friday
- May 30 (Memorial Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- November 3 (Panamanian Independence Day)
- November 11 (Veterans Day)
- Thanksgiving Day
- December 25 (Christmas Day)

and such other days as may, pursuant to law, be declared to be holidays.

(b) As far as practicable, all public business shall be suspended on the holidays enumerated in subsection (a) of this section.

§ 112. Business days

All days other than those specified by section 111 of this title are business days for all purposes.

§ 113. Performance of acts under law or contract

An act of a secular nature, other than a work of necessity or mercy, appointed by law or contract to be performed upon a particular day, which day falls upon a holiday, may be performed upon the next business day, with the same effect as if it had been performed upon the day appointed.

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PART 1—ADMINISTRATION

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