

TRINIDAD AND TOBAGO.

No. 39.—1895.

21st October.

AN ORDINANCE to amend "The Sale of Produce Ordinance, 1893"—(13-1893.)

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR.

29th October, 1895.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as "The Sale of Short title. Produce Ordinance, 1895."

This Ordinance shall be construed as one with "The Construction. Sale of Produce Ordinances, 1893," and "The Sale of Produce Ordinance, 1894."

"The Sale of Produce Ordinances, 1893," "The Sale of Produce Ordinance, 1894," and this Ordinance may together be cited as "The Sale of Produce Ordinances, 1893-5."

No person to deal in Cocoa without a license.

2. It shall not be lawful for any person to carry on the business of a dealer in cocoa or coconuts without having obtained a license for that purpose under the provisions of "The Sale of Produce Ordinances, 1893-5;" for which license a fee of Two pounds shall be paid to the Stipendiary Justice of the Peace issuing such license.

All monies so received by any Stipendiary Justice of the Peace shall be paid by him to the Receiver-General or Sub-Receiver for the use of Her Majesty the Queen.

Repeal.

3. Section 3 of "The Sale of Produce Ordinance, 1893," (13 of 1893) is hereby repealed, and in lieu thereof shall be read the following:—

When licenses may be granted.

Subject to the provisions of this Ordinance, licenses under this Ordinance may be granted by the Stipendiary Justice of the Peace of the Town or District within which the premises to be licensed are situated.

- (1.) In respect of any premises situated in a town or village.
- (2.) In respect of any house or shop situate and being in any collection of houses or shops not being a village within the meaning of Section 2 of the Sale of Produce Ordinance, 1893, (amendment) and which may be declared by Proclamation of the Governor to be a village for the purposes of this Ordinance.
- (3.) In respect of any premises situated within one mile of the boundary of a

Borough or of a Police Station, provided such premises are not more than 150 feet from any Public Road.

Provided always that if application be made by any person for a license under this Ordinance in respect of any premises not being in a village or not being premises in respect of which a license may be granted under Sub-sections 2 and 3 of this Section, it shall be lawful for the Governor in Executive Council on the report of the Stipendiary Justice of the Peace or Warden of the District, if he shall think fit to order that a license be granted for any such premises.

4. Special sessions of the Stipendiary Justices shall be held in the months of March, June, September and December, for the purposes of granting such licenses; and subject to the provisions of this Ordinance such Justices may at such sessions or any adjournments thereof grant licenses for the purposes aforesaid to such persons and in respect of such premises as such Justices in the exercise of their discretion deem proper. Licensing Sessions.

5. A Stipendiary Justice of the Peace shall 21 days at least before such general licensing session appoint the time and place at which such session is to be held and cause notice thereof to be inserted in the *Royal Gazette* and be affixed in some conspicuous place or places. Notice of Sessions.

6. Every person desiring to obtain a license in respect of any premises shall 15 days at least before the day appointed for the licensing session make application to the Stipendiary Justice of the Peace acting for the district with which such premises are situate and such Stipendiary Justice of the Peace shall cause notice of Application for license.

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such application to be published in the *Royal Gazette*, and be affixed in some place or places.

In every such application shall be stated the name, occupation and residence of the applicant and the situation of the premises in respect of which a license is applied for and such application shall be in the Form marked A in the Schedule to the principal Ordinance (13 of 1893).

Return of
licenses to be
published.

7. A return of all licenses granted under this Ordinance specifying the names and places of abode of the licensees, the licensed premises and the terms for which the licenses are granted, shall be published in the *Royal Gazette*.

Form of
license.

8. Every license under this Ordinance shall be in the Form marked B in the Schedule to the Principal Ordinance (13 of 1893) and shall commence on one of the following days, the 1st of January, the 1st April, the 1st July and the 1st October.

Disqualifica-
tion where
license refused.

9. Where a license is refused to any person or in respect of any premises by any Stipendiary Justice of the Peace at any licensing session, such person or premises shall be disqualified for any such license for one year from the time when the license refused would, if granted, have commenced.

Repeal.

10. Section 14 of "The Sale of Produce Ordinance, 1893," (13 of 1893) is hereby repealed, and in lieu thereof shall be read the following:—

Offences by
unlicensed
persons.

14. Any person not being a licensed dealer who purchases or receives into his possession or custody except as a ship's agent or consignee

or a carrier for hire, any Cacao, Coffee, Coconuts or Nutmegs shall be guilty of an offence punishable on Summary Conviction, and shall be fined a sum not exceeding Twenty Pounds, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding three months.

Provided always that this Section shall not extend to the purchase or receiving by the owner of any plantation from any tenant or contractor in the occupation of any land parcel of such plantation, the produce of such land, or to the purchase by the owner of any factory for the purposes of manufacture of any cacao, coffee, coconuts or nutmegs or to the purchase or sale of cacao, coffee, coconuts or nutmegs by the owner of any plantation or lands for seed, or to the purchase of cacao, coffee, coconuts or nutmegs taken or sold under the process of any Court, or sold by order of a Stipendiary Justice of the Peace, or to the receiving cacao, coffee, coconuts or nutmegs as a free gift, in which case the onus of proving to the satisfaction of the Stipendiary Justice of the Peace that it was a free gift shall be upon the person so receiving such cacao, coffee, coconuts or nutmegs.

Provided always that nothing herein contained shall prevent the purchase of cacao, coffee, coconuts or nutmegs from a licensed dealer, or of coconuts from any

huckster or hawker offering the same for sale in the Public streets or from any person selling them in a duly authorised market by any person for domestic purposes; nor the receiving of cacao, coffee, coconuts or nutmegs from any contract or for supplying the Prisons or any of the Public charitable institutions of the Colony or for export.

Repeal.

11. Section 15 of "The Sale of Produce Ordinance, 1893," (13 of 1893) is hereby repealed, and in lieu thereof shall be read the following:—

15. Any person not being a licensed dealer who when offering any cacao, coffee, coconuts or nutmegs for sale refuses to answer or makes any false answer to any question which may be put to him by any licensed dealer or his servant for the purpose of ascertaining his name and place of abode, and the name or other description, and the particular situation of the lands of which such cacao, coffee, coconuts or nutmegs is or are the produce, or who being a tenant or contractor in the occupation of any land parcel of a plantation shall not produce a written authority to sell the amount of cacao, coffee, coconuts or nutmegs so offered by him for sale signed by the owner or manager of the plantation on which he is a contractor shall be guilty of an offence punishable on summary conviction and shall be fined a sum not exceeding Five Pounds, and in

default of payment shall be imprisoned with or without hard labour for any term not exceeding one month, and in any such case it shall be lawful for such licensed dealer to whom such cacao, coffee, coconuts or nutmegs is or are offered for sale, or his servant, or any other person authorized by him, to apprehend forthwith the person offering such cacao, coffee, coconuts or nutmegs for sale and take him to the Police station of the district there to be detained unless he shall give bail to appear before the Stipendiary Justice of the Peace ; and in such case it shall further be lawful for the licensed dealer or his servant to whom such cacao, coffee, coconuts or nutmegs is or are offered to retain the same to be dealt with as such Stipendiary Justice of the Peace shall direct. And the Stipendiary Justice of the Peace, on the ownership of such cacao, coffee, coconuts or nutmegs being proved to his satisfaction, shall order it to be delivered to the person so proving ownership, or in default of such proof being given the Stipendiary Justice of the Peace shall order such cacao, coffee, coconuts or nutmegs to be sold at the expiration of seven days thereafter and the moneys arising from such sale shall be paid to the person whom the Stipendiary Justice of the Peace considers lawfully entitled thereto.

12. Every owner of any plantation or land or in his absence the manager thereof shall upon application

Owner to give written authority to contractor.

made to him by any contractor on any such plantation or land give to such contractor a written authority to sell all such cacao, coffee, coconuts or nutmegs as may be alleged by such contractor to have been reaped on the land occupied by him as such contractor.

Provided always that if such owner or manager as aforesaid shall reasonably suspect that such cacao, coffee, coconuts or nutmegs or any part thereof has or have been reaped from any land other than that occupied by such contractor he shall be at liberty to refuse to give such authority as aforesaid.

Provided nevertheless that if upon complaint made to a Stipendiary Justice of the Peace by any contractor that such authority as aforesaid has been unreasonably withheld by any such owner or manager and such owner or manager shall fail to satisfy the Stipendiary Justice of the Peace that such authority was fairly and reasonably withheld, the onus of proof of which shall be upon such owner or manager, the Stipendiary Justice of the Peace may order such owner or manager to pay to the complainant a reasonable sum as compensation for the loss, trouble and expense to which such complainant may have been put by reason of the withholding of such authority as aforesaid.

Repeal.

13. Section 19 of "The Sale of Produce Ordinance 1893," (13 of 1893) is hereby repealed and in lieu thereof shall be read the following:—

19. If any person so taken before a Stipendiary Justice of the Peace shall not within such time as may be fixed by such Justice make

it appear to his satisfaction by what lawful means he came into possession of any such cacao, coconuts, nutmegs, coffee, sugar-cane or provisions, he shall be deemed to have feloniously stolen the same and shall be convicted accordingly and in the same manner as on an information for larceny against him, and shall be imprisoned with or without hard labour for any term not exceeding six months; or if the offender be a male under the age of 16 years such Stipendiary Justice of the Peace may in lieu of such imprisonment sentence such offender to be privately whipped.

14. Section 20 of the "Sale of Produce Ordinance 1893"—(13 of 1893) is hereby repealed and in lieu thereof shall be read the following:—^{Repeal.}

20. Any person being a male who shall be convicted of the larceny of cacao, coffee, coconuts, nutmegs, sugar-cane or provisions or of being accessory to the larceny thereof or being the receiver of such stolen cacao, coffee, coconuts, nutmegs, sugar-cane or provisions knowing the same to have been stolen, shall subject to the provisions hereinafter mentioned, in addition to the term of imprisonment to which he may be sentenced be ordered by the Stipendiary Justice of the Peace to be flogged or whipped.

A person over 16 years of age shall be flogged. Such flogging shall not exceed 36 lashes with the regulation cat.

A person under 16 years of age shall be whipped once or twice as the Judge or Stipendiary Justice of the Peace thinks fit. Such whipping shall not exceed 12 Strokes in the case of a person under 14 years of age nor 20 in any other case and shall be with a light cane or birch of tamarind or other twigs.

Provided that on the conviction for the first time of any person charged with the larceny of cacao, coffee, coconuts, nutmegs, sugar-cane or provisions it shall be in the discretion of the Judge or Stipendiary Justice of the Peace passing sentence to award the additional punishment of flogging or whipping or not as he shall think fit.

Repeal.

15. Section 4 of the Sale of Produce Ordinance, 1893 (33 of 1893) is hereby repealed and in lieu thereof shall be read the following:—

4. No sentence of flogging under the Principal Ordinance shall be inflicted until the said sentence shall have been approved by the Governor.

Repeal.

16. Sections 2, 3, 4, 5, 6 and 8 of the Principal Ordinance (13 of 1893) are hereby repealed.

Saving.

17. The repeals by this Ordinance shall not affect the validity or invalidity of any thing done or suffered, or any right accrued or liability incurred before the commencement of this Ordinance, or any proceeding pending at the commencement of this Ordinance.

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Passed in Council this Twenty-first day of October,
in the year of Our Lord one thousand eight hundred
and ninety-five.

ALFRED TAITT,
Acting Clerk of the Council.
