

TRINIDAD AND TOBAGO.

Sale of Produce.

No. 75.—1893.

27th March, 1893.

AN ORDINANCE for regulating the Sale of Cacao and other Produce.

J. H. ...
Governor.
19th April 1893

WHEREAS encouragement is given to the stealing of growing Cacao and other produce by the facilities with which stolen Cacao and other produce are sold and disposed of: 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 for all purposes be cited as Short title and interpretation of terms.
“The Sale of Produce Ordinance, 1893.”

In this Ordinance the term “Cacao” means cacao beans whether in the pod or pulp, or separated from the pulp, or whether cured or uncured, ripe or unripe.

The term “Coconut” means ripe or dry coconuts in shell or peeled, the kernel or copra.

The term “Coffee” means coffee in pulp.

The term "Sugar Cane" means the *Saccharum officinarum* growing or cut.

The term "Nutmegs" means nutmegs whether in the pod or separated from the pod, whether cured or uncured, ripe or unripe.

The term "Provisions" means ground provisions, and includes all such provisions cultivated in the Island above or beneath the soil.

The term "Licensed Dealer" means a dealer in cured cacao, coconuts or nutmegs licensed under this Ordinance.

The term "Purchase" includes the taking of cured cacao, coconuts or nutmegs in exchange for any valuable consideration.

The term "Owner" includes the tenant or person in the actual possession of, and the manager of or other person having the chief authority on any plantation or lands.

The term "Police Authority" means : In the Borough of Port-of-Spain—the Inspector-General, the Inspector, the Sub-Inspector, or Senior Non-Commissioned Officer of Police ; in the Borough of San Fernando—The Inspector of Police or Senior Non-Commissioned Officer ; In the Borough of Arima, and in the several Districts of the Colony—the Chief Resident Officer of Police or Non-Commissioned Officer.

The term "Village" means any place where there are six or more contiguous dwellings or houses belonging to or occupied by different persons.

The term "Gazette" shall mean either "the *Royal Gazette* of Trinidad" or "the *Tobago Gazette*."

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2. From and after the thirtieth day of June, 1893, it shall not be lawful for any person to carry on the business of a Dealer in Cacao, Coconuts, Coffee or Nutmegs without having obtained a License for that purpose under this Ordinance.

Dealers to be licensed

3. Subject to the provisions of this Ordinance, Licenses under this Ordinance may be granted only for premises situated in a Town or Village by the Stipendiary Justice of the Peace for the Town or District.

Licenses to be granted only for Towns or Villages.

4. Every person desiring to carry on business as a Licensed Dealer on any premises shall make application to the Stipendiary Justice of the District within which the premises are situate, and such Stipendiary Justice shall cause notice of such application to be published in the Gazette for not less than one month.

Application to be made to Stipendiary Justice, and notice thereof to be given in Gazette.

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.

5. Every application shall be in writing and shall be in the form marked A in the Schedule to this Ordinance, and a counterpart thereof shall be made and signed by the applicant who shall deliver the same to the Clerk of the Peace or Police Authority of the District.

Application to be in writing.

6. Any question as to the granting or withholding of any License, or the fitness of any applicant or of any premises, shall be in the absolute discretion of the Stipendiary Justice.

Stipendiary Justice to have discretion in granting License.

7. Every License shall be available only for the premises wherein the business of such dealer is to be carried on:

License available for one place of business only.

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No dealer shall have more than one place of business under the same License.

Form of
License.

8. Every License under this Ordinance shall be according to the form marked "B" in the said Schedule, and such License shall be subscribed at the foot of or endorsed upon such application and on the counterpart thereof, and shall be delivered to the person applying for the same, and the counterpart shall be kept by the Clerk of the Peace; and the Stipendiary Justice shall cause a return of all Licenses granted under this Ordinance, specifying the names and places of abode of the Licensees, the licensed premises and the term for which the Licenses are granted, to be published in the Gazette.

It shall be the duty of the Clerk of the Peace to transmit a copy of the License to the Police Authority of the Town or District in which the Licensee is licensed to carry on his business.

Every License under this Ordinance shall be signed by the Stipendiary Justice who grants it.

Sign Boards.

9. Every person licensed under this Ordinance shall cause to be painted in letters three inches at least in length, in white upon a black ground, or in black upon a white ground, publicly visible and legible, upon a board placed over the entrance door of the licensed premises, the name or names at full length of such licensed person together with the words "licensed to deal in Cacao and other produce"; and every such person shall preserve and keep up such name or names and words so painted visible and legible during all the time that he continues licensed, under a penalty in case of default of any sum not exceeding Two Pounds.

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10. Every License under this Ordinance shall terminate on the thirty-first day of December next after its commencement. Duration of License.

11. Where at any time it is made to appear to any Stipendiary Justice of the Peace that any licensed person has been convicted of any offence against this Ordinance, such Stipendiary Justice of the Peace shall order the License of the offender to be forfeited and cancelled and shall endorse on the counterpart of such License a memorandum of such forfeiture and cancellation, and the Stipendiary Justice of the Peace shall cause notice of such License having been forfeited and cancelled and of the day of the date of the order forfeiting and cancelling the same to be published in the Gazette. Production of the Gazette containing a notice of such forfeiture and cancellation shall, in all Courts of Justice, be received as *prima facie* evidence thereof. Forfeiture of License.

12. Two or more persons carrying on business in partnership shall not be obliged to take out more than one License in respect of the same place of business—and where any person intending to carry on such business is not resident in the Island, application for a License may be made in his name by his partner, attorney or agent, and such partner, attorney or agent shall be personally liable for all offences under this Ordinance in the same manner as if such License had been granted to him. A License to two or more persons shall not be determined by the death or retirement from the business of any one or more of such partners—but no License shall be assignable or shall authorise any person to carry on business by reason of his being the executor or administrator of the person to whom such License may have been granted. One License for two or more persons carrying on business in partnership.

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Selling or
purchasing
Cacao in pods
or in the pulp,
&c.

13. From and after the thirtieth day of June, 1893, any person or his partner, attorney or agent licensed under this Ordinance who sells or who purchases, or on whose premises is found any,

- (a.) Uncured Cacao,
- (b.) Coffee in the berry uncured,
- (c.) The almond or copra of Coconuts,
- (d.) Uncured Nutmegs,

shall be guilty of an offence punishable on Summary Conviction, and on conviction thereof before a Stipendiary Justice of the Peace shall be fined a sum of not less than One Pound and not exceeding Twenty-five Pounds, and in default of immediate payment shall be imprisoned with hard labour for a term of not less than fourteen days and not exceeding six calendar months.

All such produce above specified may be seized by any Police Officer or Constable and conveyed to the nearest Police Station and be produced in evidence at the trial, and on conviction of the offender the same shall be forfeited and sold and the proceeds shall be paid into the Colonial Treasury for the use of Her Majesty the Queen.

Person not a
Licensed Dealer
receiving or
purchasing
Cacao, &c.

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 upon summary conviction, and shall be fined a sum not exceeding Twenty Pounds, and in default of immediate 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

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from any tenant or contractor in the occupation of any land parcel of such plantation, the produce of such land, 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 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.

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, 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 less than one month, and in any such case it shall be lawful for such licensed dealer to whom such cacao, coffee, coconuts or

Examination of
person offering
Cacao, &c., for
sale.

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.

Persons selling
Cacao, &c.

16. Any person who sells or offers for sale, and every dealer who purchases, any cacao, coffee, coconuts or nutmegs, or who delivers or takes delivery of any such cacao, coffee, coconuts or nutmegs on any Sunday, or at any place other than the premises in respect of which he is licensed, or at any time except between the hours of six in the forenoon and six in the afternoon of any day other than such Sunday, shall be guilty of an offence punishable on summary conviction, and on conviction thereof before a Stipendiary Justice of the Peace shall be fined in any sum not exceeding Fifty Pounds, and in default of immediate payment shall be imprisoned with or without hard labour for any term not exceeding six months.

Provided that nothing in this Ordinance contained shall be construed to prevent any licensed dealer or any other person from purchasing cacao or other produce dealt with by this Ordinance from the owner and upon the lands on which the same have been actually grown, and from shipping the same directly from such lands; but entry of all cacao or other produce so purchased and shipped shall forthwith be made by such licensed dealer in manner prescribed by the twenty-first Section of this Ordinance.

17. It shall be lawful for—

- (1.) Any owner, manager, overseer, or his agent, of any cacao, coffee, coconut, nutmeg or sugar plantation, without warrant to apprehend and detain any person having in his possession or carrying or conveying any cacao, coffee, coconuts, nutmegs, whether cured or uncured or in the pulp, or any sugar canes or provisions in and upon any plantation, or in or upon any road or way, immediately adjoining such plantation,
- (2.) And for any Police Constable, Warden, Ward Officer or Ward Constable without Warrant to apprehend and detain any person, not being the owner of any such estates or plantations as aforesaid, having in his possession, or who shall be found anywhere carrying or conveying any cured or uncured cacao, or any coconuts or any nutmegs, whether green and in the pod or otherwise, or any coffee, whether cured or uncured and in the pulp, or any sugar cane or provisions and to stop and examine any

Power to arrest
without
Warrant, and
to enter licensed
premises.

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horse, mule, donkey or other beast of burden or any cart, waggon or other conveyance in order to ascertain whether any stolen cacao, coconuts, nutmegs, coffee, sugar canes, or provisions are being conveyed thereon or therein

which such Owner, Manager, Overseer, or Agent or any such Constable, Warden, Ward Officer or Ward Constable may have reasonable cause to suspect to be stolen or unlawfully obtained : Provided that on the hearing of any case under this Section it shall not be incumbent on the prosecutor to prove that the person found carrying or conveying any such cacao, coconuts, nutmegs, coffee, sugar cane or provisions as aforesaid is not the owner of any cacao, coconut, nutmeg, or coffee estate or sugar or provision plantation, but the onus of proving the exemption shall be on the accused.

Person arrested together with produce, beasts of burden and conveyances to be taken to nearest Stipendiary Justice of the Peace.

18. Immediately upon the apprehension or detention of any person under the powers in the last Section contained, such person shall together with all cacao, coconuts, nutmegs, coffee, sugar canes or provisions so suspected to be stolen or unlawfully obtained, and all beasts of burden and conveyances used in carrying and conveying the same be taken before a Stipendiary Justice of the Peace to be dealt with according to law, or to the nearest Justice of the Peace or Police Station, when such Justice of the Peace or Senior Police Officer in charge of such Station may bail or take bond for the appearance of such person, or not as may be considered desirable, and remand the case to be heard by the Stipendiary Justice of the Peace in the usual course.

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19. If any person so taken before a Justice of the Peace shall not, within such time as is fixed by such Justice, make it appear to his satisfaction what lawful means he came into the 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.

20. Any person being a male who shall be convicted of the larceny of cacao, coffee, coconuts, nutmegs, sugar cane or provisions or 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 in addition to the term of imprisonment to which he may be sentenced be ordered by the Judge or Stipendiary Justice of the Peace to be flogged or whipped. A person over sixteen years of age shall be flogged. Such flogging shall not exceed 36 lashes with the regulation cat.

Person convicted of larceny of Cacao, &c., may be flogged.

A person under sixteen 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 twelve strokes in the case of a person under fourteen years of age, nor twenty in any other case and shall be with a light cane or rod 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 discre-

tion of the Judge or Stipendiary Justice of the Peace passing sentence to award the additional punishment of whipping or not as he shall think fit.

Sales and Purchase and Sales Books to be kept by dealer.

21. Every licensed dealer shall keep on his licensed premises scales capable of weighing up to 200 pounds and a Book according to the form marked C, to be called "The Purchase Book," and another Book in the form marked D, to be called "The Sales Book," and he shall immediately after purchase and delivery at his place of business or on sale or shipment for sale by him, from his place of business, make entry in one or other of such books, according as the case may be, in manner following, that is to say :—

- (1.) The date of such purchase or sale, or shipment for sale.
- (2.) The name of the person from whom the same was purchased or to whom he shall have sold any cacao, coffee, coconuts or nutmegs.
- (3.) The name and local situation of the plantation of which any cacao, coffee, coconuts or nutmegs purchased by him is the produce—or if the same be purchased by him from any licensed dealer, the name and place of business of such licensed dealer.
- (4.) The weight or quantity, as the case may be, of any cacao, coffee, coconuts or nutmegs, purchased or sold, or shipped for sale by him.

And every such dealer shall also enter in a book to be kept for that purpose the weight of all other than purchased cacao, coffee, coconuts or nutmegs which he may have on his business premises, whether the same shall

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have been grown on land, and shall be sold by a licensed dealer or not, and shall also be entered in such book, and when the same is or are disposed of.

22. Any licensed dealer who purchases cacao, coffee, coconuts or nutmegs from any person whom he knows or has reasonable cause for concluding is under the age of twelve years shall be guilty of an offence punishable on summary conviction and shall be fined a sum not less than Five Pounds, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding three months.

Dealer purchasing Cacao, &c., from persons under age of 12 years.

23. It shall be lawful for the Police Authority or any Constable authorized in writing by such Police Authority to enter the place of business of any licensed dealer and to call for and inspect such book at any time between the hours of six in the forenoon and six in the afternoon, or at any time such place of business is open, or at any other time during the day or night and on all days including Sundays or Holidays if he has reasonable ground for believing that an offence has been committed against this Ordinance upon any licensed premises and take copy of any entries in such book and examine the cacao, coffee, coconuts or nutmegs in the possession of the dealer and the place where it is stored, to weigh and compare all such cacao, coffee, coconuts or nutmegs as may be in stock with the entries in the Purchase and Sales Books, and if such dealer fails to produce such books, or refuses to allow any such copy to be taken, or obstructs or resists any Constable so authorized in the taking of any such copy, or if any entry which ought to have been made is not made in such books, or if any entry in such books be false in any particular, such

Police Authority may enter place of business of Licensed Dealer and inspect books, &c.

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dealer shall be guilty of an offence punishable on Summary Conviction, and on conviction thereof before a Stipendiary Justice of the Peace may be fined any sum not exceeding fifty Pounds, and in default of immediate payment may be imprisoned with or without hard labour for any term not exceeding six months.

Amended to two or more persons.

24. Where a License is granted under this Ordinance to two or more persons, every such person shall be liable under this Ordinance for the acts or omissions of the other or others of them ; and on the hearing of any information against such persons for any offence against this Ordinance evidence of any act done or omitted to be done by any one of them shall be evidence against the other or others of them.

Repeal.

25. The Ordinance No. 1 of 1885 is hereby repealed.

S. W. Krapp

Passed in Council this Twenty-seventh day of ^{March} ~~June~~, in the year of Our Lord one thousand eight hundred and ninety-three.

S. W. Krapp

Clerk of the Council.

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SCHEDULE 1.

SECTION 5.

FORM OF APPLICATION FOR LICENSE.

I, A. B., (*Christian and Surname of Applicant and Occupation*) residing at (*place of residence of Applicant*) do hereby make application for a License to carry on the business of a Dealer in cured Cacao, Coffee, Coconuts and Nutmegs on the premises, being (*insert number and name of the Street and Town or other local description of the place where the business is to be carried on*).

A. B.,
Signature of Applicant.

SCHEDULE B.

SECTION 8.

FORM OF LICENSE

(*To be subscribed at foot of application.*)

A. B., (*Christian and Surname and Occupation of Licensee*) residing at (*place of residence of Licensee*) is hereby licensed to carry on the business of a Dealer in cured Cacao, Coffee, Coconuts and Nutmegs on the premises (*insert number and name of Street and Town or other local description of the place where the business is to be carried on*).

C. D. { *Signature of the Stipendiary*
 { *Justice granting the License.*

SCHEDULE C.

SECTION 21.

THE PURCHASE BOOK.

Date of purchase of and delivery of Cacao, Coffee, Coconuts or Nutmegs (as the case may be).	Name of person from whom purchased.	Name and local situation of Plantation or land of which Cacao, Coffee, Coconuts or Nutmegs purchased is the produce.	Weight or quantity (as the case may be) purchased.	Remarks.

SCHEDULE D.

SECTION 21.

THE SALES' BOOK.

Date of sale or shipment for sale of Cacao, Coffee, Coconuts or Nutmegs.	Weight or quantity (as the case may be) sold or shipped for sale.	Name and local situation of Plantation from which Cacao, Coffee, Coconuts or Nutmegs grown and purchased thereon have been shipped.