

## TRINIDAD AND TOBAGO.

No. 23.—1910.

*19th December.*

AN ORDINANCE to amend the Spirits and Spirit  
Compounds Ordinance, No. 176.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

*27th December, 1910.*

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

Short title.

1. This Ordinance may be cited as the Spirits and Spirit Compounds Ordinance, 1910. It shall be read as one with the Spirits and Spirit Compounds Ordinance, No. 176, hereinafter called the principal Ordinance, and with the Ordinance No. 10-1908.

Definitions of  
"still" and  
"wash."

2. In lieu of the definitions of the terms "still" and "wash" given in Section 2 of the principal Ordinance shall be read the following:—

"Still" means and includes any part of a still, pipes, cocks, implements, receptacles, instruments, vessels, utensils and fittings of whatever kind, used or capable of being used as a still, or with a still for the purpose of, or in connection with the distillation or rectification of spirits or spirit mixtures.

“Wash” means any liquid prepared for the distillation of spirits in which fermentation may or may not have taken place.

3. The definition of “wort” given in Section 2 of the principal Ordinance is hereby repealed. Repeal.

4. Section 5 of the principal Ordinance is hereby repealed, Repeal. and in lieu thereof shall be read the following:—

All members of the Constabulary Force shall have all such and the same powers, authorities and privileges as are given by this Ordinance and by Ordinance No. 177 to any Officer of Excise, and the words “Officer of Excise” or “Excise Officer” where used in the said Ordinances shall extend to and include all members of the Constabulary Force; and the words “Police Constable” or “Constable of Police” where used in the said Ordinances shall mean and be read as “Constable of Constabulary.” Powers of Police. §

5. The following proviso shall be read at the end and as part of Sub-section (2) of Section 80 of the principal Ordinance:— Entry by company registered abroad.

Provided that in the case of a company registered abroad, such entry may be made and signed by any two Directors of such Company for the time being in the Colony.

6. Section 121 of the principal Ordinance is hereby repealed and in lieu thereof shall be read the following:— Repeal.

In case any Officer of Excise or Customs shall know or have reasonable cause to suspect that any still is unlawfully kept or used, or that any unlawfully made wash or other materials, prepared or being prepared for distillation, or any utensils or materials used in the manufacture of spirits, is or are set up, kept, stored or lodged in any house, building, yard or place, or that any spirits are unlawfully stored, lodged or kept in any house, building, yard or place, then in such cases, it shall be lawful to and for such officer of Excise or Officer suspecting concealed st may break open house.

Customs, by day or by night (but if in the night time, then in the presence of a Police Constable, who is hereby required to be aiding and assisting therein) to break open the doors or any part of such house, building, yard or place and to enter any such house, building, yard or place where he shall know or suspect such still, wash or other materials prepared or being prepared for distillation or any utensils used in the manufacture of spirits, or any such spirits are set up, erected, stored, lodged or kept, and seize all and every such still, wash and all other materials prepared or being prepared for distillation and such spirits and all materials and utensils used in the manufacture of spirits which he shall find and discover, and either to detain and keep the same in the house or place where found or to remove the same to the Constabulary Station next to the place where the same shall be so discovered and found, and the said still, spirits, wash and all other materials and utensils so seized and discovered shall be absolutely forfeited, and the owner of such still, spirits, wash or other materials or utensils or the person in whose place or custody such still, spirits, wash, materials or utensils shall be found or the person at the time of seizure found working the still shall forfeit and pay the sum of Two Hundred Pounds, and if any person or persons shall hinder, oppose, molest or obstruct any officer of Excise or Customs or any person assisting such officer of Excise or Customs in seizing any such still, spirits, wash or other materials or utensils for distillation, or in detaining and keeping the same in the place where found or in removing the same to the nearest Constabulary Station as aforesaid, then and in every such case every person so offending shall forfeit and pay the sum of One Hundred Pounds; and it shall be lawful for such officer of Excise or Customs, and he is hereby authorised or empowered, without a warrant to arrest the owner of such still, spirits,

wash, materials or utensils or the person in whose place or custody the same were discovered or found or the person found working the said still or in the possession of the said spirits, wash or other materials or utensils for distillation, and to convey such person or persons to the Constabulary Station next to the place where the said still, spirits, wash, materials or utensils were found or discovered and to charge the person or persons so arrested with the offence committed under this Section, and he is further authorised and empowered without warrant to arrest any person who shall molest, oppose, hinder or obstruct him or any one assisting him in the execution of the powers given under this Section and convey the said person to the nearest Constabulary Station and charge him with the offence.

7. Section 138 of the principal Ordinance is hereby <sup>Repeal.</sup> repealed and in lieu thereof shall be read the following:—

- (1.) No prosecution for or in respect of any penalty <sup>Order for</sup> or forfeiture exceeding in amount or value the <sup>prosecution.</sup> sum of fifty pounds shall be commenced without the previous order in writing of the Receiver-General, and if in Tobago, of the Sub-Receiver.
- (2.) Any document purporting to bear the signature of the Receiver-General or the Sub-Receiver of Tobago shall be received in evidence in all proceedings under this or any Excise Ordinance without proof being given that the signature to such document is that of the Receiver-General or of the Sub-Receiver of Tobago.

8. No person shall have in his possession, make or repair <sup>License to</sup> or keep for sale or sell any still or part of a still without <sup>make, repair,</sup> first obtaining a license for so doing from the Receiver-General, for which an annual duty of five pounds shall be <sup>keep for sale</sup> paid. Such license shall expire on the 31st day of December <sup>or sell stills.</sup> in each year.

Books to be kept by licensee.

9.—(1.) Every person licensed as aforesaid shall keep a book in which shall be entered the following particulars:—

- (a.) The name and address of the person or persons to or for whom any still or part of a still has been sold, made or repaired by him.
- (b.) The place or places where such still or part thereof has been sold, made or repaired.
- (c.) The time at which such still or part thereof was delivered to the person to or for whom it was made or repaired.
- (d.) The capacity and description of such still.
- (e.) A counterfoil permit-book in accordance with the form in the schedule hereto to be used when removing or sending out a still or part of a still.

Such books shall be open at all times to the inspection of all officers of Excise.

(2.) Any person committing a breach of any of the provisions of this section shall be liable on summary conviction thereof to a penalty not exceeding one hundred pounds or to imprisonment with or without hard labour for any term not exceeding twelve months.

This section shall not in any way apply to a person employed by a licensed Distiller making any alterations or repairs to any still or part thereof.

Dealer in stills not to be a retailer of spirits.

10. No person to whom a license is granted under Section 8 hereof shall be a retailer of spirits or be in any way or manner interested or concerned in the trade or business of a retailer of spirits, and any person to whom such license shall be granted who shall retail or knowingly suffer or permit any servant or other person in his employ to retail spirits shall for every such offence forfeit and pay the sum of fifty pounds.

Penalties.

11. Every person applying for a license under Section 8 hereof shall before receiving such license enter into a bond with a sufficient surety or sureties to the satisfaction of the Receiver-General in the penalty of one hundred pounds conditioned for the payment by such person or his surety or sureties of any sum of money which may be imposed upon such person for any offence against this Ordinance.

12. It shall be lawful for any officer of Excise or Customs by day or by night, to stop and detain any person whom he shall reasonably suppose to be removing or carrying any still or part of a still, and to search and examine any package of whatever description which he shall reasonably suppose to contain a still or any part of a still, and to demand the production of the permit authorising the removal of the said still or part of a still, and on being satisfied that the said still or part of a still is the same as described in the permit, such officer shall endorse on such permit the day hour and place of such examination and shall sign his name thereto; and if any person who shall be found removing or carrying any still or part of a still which is by law required to be accompanied with a permit shall refuse to produce such permit immediately on being required so to do by any officer of Excise or Customs or shall be found removing or carrying a still or any part of a still without the legal permit, every such person shall for every such offence forfeit and pay the sum of Fifty Pounds and shall forfeit such still or part of a still, together with all horses, cattle, carriages and boats and any other vehicle made use of in carrying or conveying the same, and it shall be lawful for such officer and he is hereby authorized empowered and required to stop, arrest and detain any such person without warrant and to convey every such person together with the still or parts thereof so being removed or carried by him before any Stipendiary Justice of the Peace, and it shall be lawful for any such Justice to hear and determine forthwith any information against any person so stopped and arrested under the provisions of this section, and on the confession of any such person or upon proof on oath by such Officer of Excise or Customs or by one or more credible witness or witnesses to convict such person in such penalty or penalties as aforesaid, and in default of payment of such penalty or penalties such person shall be imprisoned with hard labour for any term not exceeding twelve nor less than six months.

Power to search and arrest persons conveying stills, &c.

13. All penalties and forfeitures imposed under this Ordinance shall and may be sued for, prosecuted and recovered by information in the Supreme Court in the name of the Attorney-General, or summarily by information

Recovery of penalties.

before any Stipendiary Justice of the Peace, who shall have and is hereby given full power to hear and determine in every case of such penalty or forfeiture.

Passed in Council this nineteenth day of December, in the year of Our Lord one thousand nine hundred and ten.

HARRY L. KNAGGS,  
*Clerk of the Council.*

THE SCHEDULE.

No.	No.
Certificate Book Counterfoil	This certificate must accompany every Still or part of a Still sent out.

	Certificate for removing Stills or parts of a Still from the premises of a Licensed Dealer in Stills. Trinidad 19 Certificate to remove from the premises of Licensed Dealer, &c., situate at to Mode of Conveyance Carriage within				
	Name and Address of person or persons to whom sold, for whom made or repaired.	Person, place or places to which such Still or parts of a Still have been sent.	Capacity and description of Still or parts of a Still.	Time of delivery.	How sent out.