

Side 16 of 1910

Side 16/1910

TRINIDAD AND TOBAGO.

No. 8.—1909.

1st February.

AN ORDINANCE relating to the Sale of Cocoa and other Produce.

Repealed by 27/1917

[L.S.]

S. W. KNAÛGS,

ACTING GOVERNOR.

9th March, 1909.

BE 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 Sale of Produce Ordinance 1909.

2.—(1) In this Ordinance

Interpretation.

The term "Cocoa" means cocoa 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 husked or not husked, the kernel or copra.

The term "Coffee" means coffee in pulp or cherry.

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

The term "Licensable Produce" includes cocoa, ~~coco~~ nuts, coffee, nutmegs, kola nuts, tonca beans and rubber.

repealed by 27/1917

2/1910

The term "Produce" includes licensable produce and also sugar cane, ^{coconut} and provisions.

The term "Rubber" means unmanufactured India rubber and includes the milk or gum or rubber in the crude state of any of the following species of trees:—Mimusops (Balata) Hevea, Castilloa, Funtumia, Cryptostegia, Manihot, Kicksia, Landolphia and Ficus, and of any other tree or plant that may hereafter be declared a rubber-bearing tree or plant by order of the Governor to be published in the *Royal Gazette*.

Provided that in no proceeding under this Ordinance shall it be incumbent on the prosecution to prove that any substance being apparently of the nature and description of unmanufactured India rubber is the produce of any of the plants herein enumerated, but the proof that such substance is not derived from any of such plants shall in every case be on the party accused.

The term "Provisions" means ground provisions, and includes yams of all descriptions, tannias, cassava or manioc, sweet potatoes, arrowroot, plantains, bananas, Indian corn, ripe peas and beans, and other foodstuffs cultivated in the Colony above or beneath the soil, but does not include fruit other than plantains or bananas or any green vegetable other than Indian corn.

The term "Licensed Dealer" means a dealer in licensable produce licensed under this Ordinance.

The term "Purchase" includes barter or exchange.

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.

"Licensed premises" or "premises" means the apartment, room or store specified in the license of any licensed dealer.

The term "Town" means the Towns of Port-of-Spain and Scarborough and the Boroughs of San Fernando and Arima.

The term "Village" means any collection of dwelling-houses or shops—

(a.) Not less than 20 in number, the property of different owners or occupied by different persons.

(b.) Not being more than 150 feet apart from each other.

(c.) Not more than 60 feet distant from any public road.

The term "Receiver-General" includes any Sub-Receiver or Warden.

The term "Justice" means Stipendiary Justice of the Peace.

The term "District" means the district of any Justice empowered to grant licenses hereunder.

(2.) In construing this Ordinance, cocoa that has been at any time dry shall be deemed to be cured cocoa.

*Order 4.29 16/1911
D. (2) - Jm
m.w. M.*

No person to deal in produce without license.

3. It shall not be lawful for any person to carry on the business of a dealer in any description of licensable produce without having obtained a license to deal in licensable produce under the provisions of this Ordinance, for which license a duty of Two Pounds shall be paid to the Justice issuing such license for the year or part of the year up to and including the 31st day of December next after the granting of the license.

*repealed by
S. 3. 4/16/1911
which see
In case of S.*

All moneys so received by any Justice shall be paid by him to the Receiver-General for the use of His Majesty the King.

When license may be granted.

4. Subject to the provisions of this Ordinance, licenses under this Ordinance may be granted by the Justice of the town or district within which the premises to be licensed are situated

(1.) In respect of any premises situate in a town or village.

(2.) In respect of any premises situate and being in any collection of houses or shops not being a village within the meaning of this Ordinance, but 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 situate within one mile of a Police Station or within one mile of the boundary of a town ;

Provided that each application for a license to a person or in respect of premises already licensed shall be deemed to be and be heard and determined afresh in every respect as if the same were a first application by such person or in respect of such premises, and no person shall be held to have any right or vested interest to a renewal of such license on the ground of having previously been licensed, or to object to the grant of any license to another person or in respect of premises on account of a license having been previously granted to such objector or in respect of his premises.

Provided that, except in the Town of Port-of-Spain and the Borough of San Fernando, no such license shall be granted for any premises in which any business other than that of a licensed dealer under this Ordinance is being carried on, and if any other business be carried on in any such premises, then the license granted under this Ordinance shall be deemed to have determined and be of no effect.

Provided also that, except in the Town of Port-of-Spain and the Borough of San Fernando, no license shall be granted for any premises access to which can be had otherwise than from a public road.

Provided also that no license shall be granted to the owner of any plantation in respect of any premises situate thereon or on lands within one mile thereof.

Provided also that if application be made by any person for a license in respect of any premises other than as herein authorized, it shall be lawful for the Governor in Executive Council on the report of the Justice or Warden of the district and of the Police, if he shall think fit, to authorize the Justice of the district at any time to grant such license.

5. Ordinary sessions shall be held in the months of March, June, September and December, for the purpose of granting such licenses ; and subject to the provisions of this Ordinance the Justice may at such sessions or any adjournments thereof grant licenses to such persons and in respect of

Licensing
Sessions.

such premises as in the exercise of his discretion he may deem proper.

Provided that the Governor may from time to time if he thinks fit authorize the Justice to hold special sessions for the granting of such licenses.

Notice of Sessions.

6. The Justice shall 21 days at least before any licensing session appoint the time and place at which such session is to be held and cause notice thereof to be published in the *Royal Gazette* and to be affixed in some conspicuous place or places.

Application for license.

7. 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 Justice acting for the district within which such premises are situate, and such Justice shall cause notice of such application to be given to the Officer or Non-Commissioned Officer in charge of the Constabulary district and to be published in the *Royal Gazette* and to be affixed in such place or places in the district as he may think fit.

In every such application shall be stated the name, occupation and residence of the applicant and the situation and description of the premises in respect of which a license is applied for, and such application shall be as in Form "A" in the Schedule to this Ordinance.

The Warden, and in districts where the Warden is the licensing Justice, the Ward Officer, any Officer of Constabulary or the Non-Commissioned Officer in charge of the Constabulary district and any person being the owner manager or overseer of any estate within the district or within three miles of the premises may attend such licensing session to oppose the granting or renewing of any license.

Grounds of opposition.

8. The following shall be deemed grounds for opposing the granting or renewal of any license and shall be considered by the Justice in deciding on any application, and may if the Justice think fit, empower him to refuse the application:

- (a.) that the applicant has been convicted of any offence involving dishonesty or any offence against this Ordinance or is an undischarged bankrupt or is of known bad character.

(b.) that the applicant is a person applying in his own name for the purpose of procuring a license for or to enable the dealing to be carried on by or on behalf of any such person as in Sub-section (a.) mentioned or otherwise for or on behalf of some other person.

(c.) that the premises in respect of which the license is applied for are not suitable for the purpose or are not in accordance with the provisions of this Ordinance, or not so situated as to be capable of reasonable observation by the Police.

vide D. 407 16/1916 In addition M. D. G. R.

9. Every license under this Ordinance shall be in the Form marked "B" in the Schedule to this Ordinance, shall commence on one of the following days, the 1st January, the 1st April, the 1st July or the 1st October, shall expire on the thirty-first day of December next after it is granted and shall be available only for the premises wherein the business of such dealer is to be carried on, and shall specify the premises in respect of which it is granted and shall be available for the dealing in any description of licensable produce.

Form of license.

*vide § 50
16/1916 In
addition
work*

Provided that no dealer shall have more than one place of business under the same license.

A return of all licenses granted under this Ordinance specifying the names and places of abode of the licensees, the description of the licensed premises and the terms for which the licenses are granted, shall be published in the *Royal Gazette*, and a license book shall be kept in each district to record the grant or refusal of all licenses within the district.

Return of licenses to be published.

10. It shall be lawful for the Justice in his discretion in the case of the grant or renewal of any license being objected to on any such ground as is mentioned in Sub-section (b) of Section 8 hereof, to grant any such license conditionally on a bond with a sufficient surety in a sum not exceeding £20 being executed by the applicant jointly with such surety for the proper conduct of the business to be carried on by the applicant and against the breach in respect of such business of any of the provisions hereof.

Conditional license.

Sign boards.

11. 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 cocoa 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; and every person contravening the foregoing provisions of this section shall on summary conviction be liable to a penalty not exceeding two pounds.

If any person shall put or have any such letters as aforesaid upon his premises falsely importing that he is licensed under this Ordinance, he shall be guilty of an offence, and on summary conviction shall be liable to a penalty not exceeding twenty pounds, and in default of payment may be imprisoned with or without hard labour for any term not exceeding three months.

Appeal.

12. Any person aggrieved by any decision of any Justice as to the granting refusing or cancelling of a license, may give to such Justice written notice of appeal at the time of or within two days of such decision. The appeal shall be to a Judge of the Supreme Court sitting in Chambers. Notice in writing of any such appeal shall be served by the appellant on the Officer or Non-commissioned Officer in charge of the Constabulary district or other person opposing the license or on the applicant, as the case may be, within six days of the decision appealed against, and a copy of such notice of appeal together with an affidavit of service of the same shall be lodged with the Clerk to the Justice and forwarded by him to the Registrar of the Supreme Court and laid before the Judge in Chambers, who shall appoint a time for the hearing of the appeal, and the Registrar shall forthwith cause due notice of the day appointed for such hearing of the appeal to be communicated to the appellant and the respondent and to the Justice, and the Justice shall forthwith on the receipt of such notification transmit his notes and all papers and documents relating to the application

together with a short statement of the grounds of his decision to be laid before the Judge in Chambers.

13. On conviction before any Justice of any Licensed Dealer of any offence against this Ordinance, such Justice may order the license of the offender to be forfeited and cancelled, and in such case shall cause notice of such license having been forfeited and cancelled and of the date of the order forfeiting and cancelling the same to be published in the *Royal Gazette*. Production of a copy of the *Royal Gazette* containing a notice of such forfeiture and cancellation shall in all Courts in the Colony be received as *prima facie* evidence thereof.

Forfeiture
of license.

14. It shall be lawful for a Justice to cancel a license in either of the following cases:—

Power to
cancel
license.

- (a.) If the applicant does not within seven days after the granting of the application take out his license;
- (b.) Where a license has erroneously been granted by such Justice upon insufficient or false information.

15. Upon the application of any licensee under this Ordinance it shall be lawful for a Justice to transfer his licensed trade to premises other than those specified in the applicant's license, provided that such other premises are within the provisions of Section 4 hereof.

Substitution
of Premises.

16. When a license is refused to any person on the ground of personal unfitness, he shall be disqualified for any such license for one year from the time when the license would if granted have commenced, and when a license is refused on the ground of the unfitness of the premises in respect of which application is made, no license shall be granted in respect of such premises for a like period; unless, in either such case, the Governor in Executive Council shall by order permit fresh application to be made on behalf of such person or in respect of such premises respectively.

Disqualifica-
tion where
license
refused.

Partners.

17. 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 Colony, 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 be deemed to authorise any person to carry on business by reason of his being the personal representative of the person to whom such license may have been granted beyond such time as would enable such personal representative to apply for and obtain a license under this Ordinance.

Partners.

18. 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.

Dealing in
uncured
produce.

19. Any licensed dealer or his partner, attorney or agent, who sells or who purchases, or on whose premises or in whose house or building being part of or contiguous to such premises is found any—

- (a.) Uncured Cocoa.
- (b.) Uncured Coffee.
- (c.) ~~The uncured or undried almond or kernel of~~
Cocoanuts.
- (d.) Unripe or uncured Nutmegs or Tonca beans,

shall be guilty of an offence and on summary conviction thereof shall be fined a sum not less than One Pound and not exceeding Twenty-five Pounds, and in default of immediate payment shall be imprisoned with hard labour for any

*repealed
by S 67
16/1916*

term not less than fourteen days and not exceeding six months.

Any such produce so found may be seized by any member of the Constabulary Force and conveyed to the nearest Constabulary 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 to the Receiver-General for the use of His Majesty the King.

20. It shall be lawful for any member of the Constabulary Force to enter the premises of any licensed dealer and also any house or building part of or contiguous thereto in the occupation of such licensed dealer, whether such contiguous house or building is licensed under any other Ordinance or not, and to search for uncured produce therein at any time between the hours of six in the forenoon and six in the afternoon, and to seize any uncured produce that may be found either upon the licensed premises or in such house or building part of or contiguous thereto.

Power to search for uncured produce.

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If any licensable produce be found in any house or building in the occupation of any licensed dealer other than the premises licensed under this Ordinance, such dealer shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty not exceeding £50, and in default of payment may be imprisoned with or without hard labour for any term not exceeding three months.

21. Any person who sells or offers for sale to a licensed dealer and every licensed dealer who purchases any licensable produce, or delivers or takes delivery of the same on any Sunday, Christmas Day, Good Friday, or Corpus Christi day, or at any place other than the premises in respect of which such dealer is licensed, or at any time except between the hours of six in the forenoon and six in the afternoon of any day, shall be guilty of an offence and on summary conviction thereof shall be fined in any sum not exceeding Fifty Pounds, and in default of payment shall be imprisoned with or without hard labour for any term not exceeding six months.

Restrictions as to dealing.

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Provided however that nothing in this Ordinance contained shall be construed to prevent any licensed dealer or

any other person from purchasing licensable produce from the owner and upon the lands on which the same have been actually grown, or from shipping the same directly from such lands; but entry of all such produce so purchased and shipped shall forthwith be made by such licensed dealer in manner prescribed by Section 26 of this Ordinance.

Provided also that nothing in this Ordinance contained shall be construed to prevent the sale by any person of cured cocoa or cured coffee or cured nutmegs or of ~~coconuts~~ to any person requiring the same for domestic or personal use and not trading or dealing in the same. R. 1/1/10

Purchasing
from children.

22. Any licensed dealer who purchases licensable produce from any person apparently under the age of twelve years shall be guilty of an offence and on summary conviction thereof 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.

23.—(1.) It shall be lawful for—

Power to
arrest person
conveying
produce.

- (a.) Any owner, manager, overseer or agent of any cocoa, coffee, coconut, nutmeg, rubber or sugar plantation, without warrant to apprehend and detain any person having in his possession or carrying or conveying any produce in and upon any plantation, or in or upon any road or way immediately adjoining such plantation
- (b.) Any member of the Constabulary Force, Warden, or Ward Officer without warrant to apprehend and detain any person, not being the owner of any such plantation as aforesaid, having in his possession, or who shall be found anywhere carrying or conveying any produce, and to stop and examine any horse or other beast of burden or any cart, waggon or other conveyance in order to ascertain whether any produce is being conveyed thereon or therein which such Owner, Manager, Overseer or Agent or any such member of the Constabulary Force, Warden or Ward Officer may have reasonable cause to suspect to be stolen or unlawfully obtained.

(2.) If any such person shall let fall or throw away such produce from his possession and avoid or escape arrest, it shall be lawful for any Justice of the Peace upon application to issue his warrant for the arrest of such person, and upon his arrest such person shall be deemed to be a person apprehended and detained within the meaning of Sub-section (1) hereof.

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 produce as aforesaid is not the owner of any cocoa, coconut, nutmeg, coffee, sugar, rubber or provision plantation, but the onus of proving the exemption shall be on the accused.

24. Immediately upon the apprehension or detention of any person under the powers in the last section contained, such person shall together with all produce 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 Justice to be dealt with according to law, or to the nearest Justice of the Peace or Constabulary Station, when such Justice of the Peace or the member of the Constabulary Force 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 Justice in the usual course.

Procedure on
arrest.

25. If any person so taken before a Justice 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 produce, 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 not above the age of 16 years, such Justice may in lieu of such imprisonment sentence such offender to undergo corporal punishment.

Not satisfying
Justice as to
possession.

26. Every licensed dealer shall keep on his licensed premises scales and weights or other lawful weighing machine duly verified and certified according to law capable

Scales and
Books to be
kept by
dealers.

of weighing up to 200 pounds, and a book to be called "The Receipt Book" according to Form C in the Schedule hereto, and another book to be called "The Delivery Book" in the Form marked D in the said Schedule, and he shall immediately after receipt or delivery of any produce make the proper entries in the said books according to the said forms.

Not keeping proper scales and books.

Purchase from contractor. (See Sec. 31.)

27. Every licensed dealer who shall fail or neglect to keep on his licensed premises such scales and weights or machines and such books, or who shall fail or neglect to make entry in such books of such matters and things and in such manner as prescribed by the preceding section, or in whose books there shall be found any entry false in any particular, or who purchases or receives into his possession any licensable produce offered to him for sale by a tenant or contractor in the occupation of any land, parcel of a plantation, without obtaining and producing on demand by the Police a written authority to sell the amount of licensable produce so offered by him for sale signed by the owner or manager of the estate or plantation on which the vendor of such produce is a tenant or contractor, shall be guilty of an offence against this Ordinance, and shall on summary conviction forfeit and pay:—

- (a.) For a first offence, any sum not exceeding Ten Pounds Sterling.
- (b.) For a second offence, any sum not less than Ten Pounds and not exceeding Twenty Pounds.
- (c.) For a third offence, in addition to the forfeiture of his license, the sum of Twenty Pounds.

In default of payment of any penalty imposed on any dealer, such dealer shall be imprisoned with or without hard labour for any term not exceeding six months.

Every licensed dealer whose license shall be forfeited under the provisions of Sub-section (c) of this section shall be disqualified from holding a license thereafter, and his license shall be absolutely null and void from the time of such conviction.

28. It shall be lawful for any member of the Constabulary Force to enter the premises of any licensed dealer and to call for and inspect such scales and weights or machines as aforesaid and the Certificates of justness of the same and also the Receipt book and the Delivery book, at any time between the hours of six in the forenoon and six in the afternoon, or at any time such premises are open (or if he has reasonable ground for believing that an offence has been committed against this Ordinance, at any other time during the day or night and on all days including Sundays or holidays) and to take a copy of any entries in such books and examine the licensable produce in the possession of the dealer and the place where it is stored, and to weigh and compare all such licensable produce as may be in stock with the entries in the said books. If such dealer fails to produce such scales and weights or machines and such books, or refuses to allow any such copy to be taken, or obstructs or resists any such member of the Constabulary Force in the taking of any such copy, or if any entry in such books be false in any particular, or if the quantity of licensable produce in the possession of such dealer shall not correspond with the quantity that should be found in his stock as shown by the said books, or if such dealer shall fail or neglect to give and provide such assistance as may be necessary to enable such member of the Constabulary Force to check such produce, such dealer shall be guilty of an offence and on summary conviction thereof may be fined any sum not exceeding Fifty Pounds, and in default of payment may be imprisoned with or without hard labour for any term not exceeding six months.

Power of
entry and
inspection.

29. 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 licensable produce, shall be guilty of an offence and shall on summary conviction thereof 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.

Dealing by
unlicensed
persons.

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 licensable produce, or to the purchase or sale of licensable produce by the owner of any plantation or lands for seed, or to the purchase of licensable produce taken or sold under the process of any Court, or sold by order of a Justice, or to the receiving licensable produce as a free gift, in which cases the onus of proving to the satisfaction of the Justice that such licensable produce has been lawfully purchased or received shall be upon the person so receiving the same.

*De § 84 16/19/16
cedded word*

Provided always that nothing herein contained shall prevent the sale to any person for domestic purposes of any licensable produce by a licensed dealer, or of coconuts by any huckster or hawker offering the same for sale in the public streets or by any person selling them in a duly authorised market; nor the receiving of licensable produce under any contract or for supplying the Prisons or any of the public charitable institutions of the Colony, nor any sale to or purchase by the Superintendent of the Botanic Gardens for the purposes of such Gardens.

*De § 84
16/19/14*

or law

Refusing to answer or making false answers.

30. Any person who when offering any licensable produce for sale to a licensed dealer 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 licensable produce is 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 licensable produce so offered by him for sale signed by the owner or manager of the plantation on which he is a tenant or contractor, shall be guilty of an offence and on summary conviction 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 the licensed dealer to whom such licensable produce is offered for sale, or his servant or any other person authorised by him, to apprehend forthwith the person

*and whether
he is the owner
contractor
or tenant
of any such
land or in the
possession of any
such produce
or contractor.*

*Sec 27
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offering such licensable produce for sale and take him to the Constabulary Station of the district, there to be detained unless he shall give bail to appear before the Justice; and in such case it shall further be lawful for the licensed dealer or his servant to whom such licensable produce is offered to retain the same to be dealt with as such Justice shall direct. And the Justice on the ownership of such licensable produce 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 Justice shall order the same 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 Justice considers lawfully entitled thereto.

Any person who knowingly uses or puts off or attempts to use or put off any false or forged written authority to sell licensable produce as aforesaid shall be guilty of an offence and on summary conviction shall be imprisoned with or without hard labour for any term not exceeding six months.

31. Every owner of any plantation or land, or in his absence the manager thereof, shall upon application made to him by any tenant or contractor on any such plantation or land, give to such tenant or contractor a written authority to sell all such cocoa, coffee, ~~cocoanuts~~, nutmegs, kola nuts, tonca beans or rubber as the case may be as may be alleged by such tenant or contractor to have been reaped or got on the land occupied by him.

Owner to give written authority to contractor.

Provided always that if such owner or manager as aforesaid shall reasonably suspect that such cocoa, coffee, ~~cocoanuts~~, nutmegs, kola nuts, tonca beans or rubber or any part thereof has or have been reaped or got from any land other than that occupied by such tenant or contractor, he shall be at liberty to refuse to give such authority as aforesaid.

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Provided nevertheless that if upon complaint made to a Justice by any tenant or contractor that such authority as aforesaid has been withheld by any such owner or manager without sufficient cause, and such owner or manager shall fail to satisfy the Justice that such authority was withheld for sufficient cause, the onus of proof of which shall be upon such owner or manager, the Justice 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.

Drying
produce.

32. It shall not be lawful for any licensed dealer to dry licensable produce outside the limits of towns and villages except upon notice in writing to the Officer or Non-commissioned officer of Constabulary in charge of the Constabulary district; and in view of a public road.

Any person contravening the provisions of this section shall be guilty of an offence, and on summary conviction shall be liable to a penalty not exceeding ten pounds, or in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

Corporal
punishment.

33. Any person being a male who shall be convicted of the larceny of any produce or of being accessory to the larceny thereof or being the receiver of such stolen produce knowing the same to have been stolen, may, (subject to the provisions of the Corporal Punishment Ordinances Nos. 107 and 241) in addition to any term of imprisonment to which he may be sentenced, be ordered by the Judge or Justice to undergo corporal punishment.

Provided that on conviction for the first time of any person charged with the larceny of produce, it shall be in the discretion of the Judge or Justice passing sentence to award such additional punishment or not as he shall think fit; but on a second or subsequent conviction of the same person on a charge of larceny of any such produce, the Judge or Justice passing sentence shall on proof of a previous conviction of such offender for such offence in the same or any other Court, award such additional punishment in every case.

Repeal.

34. The Sale of Produce Ordinance No. 140 is hereby repealed. Provided that this repeal shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any proceeding pending or uncompleted at the commencement of this Ordinance.

Passed in Council this First day of February, in the year of Our Lord one thousand nine hundred and nine.

ALFRED TAITT,
Acting Clerk of the Council.

THE SCHEDULE.

FORM A.

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 Produce on the premises, being (*insert description of the particular apartments rooms and places where the business is to be carried on.*)

A. B.,
Signature of Applicant.

FORM B.

LICENSE.

A. B., (*Christian and Surname and Occupation of Licensee*) residing at (*place of residence of Licensee*) is hereby licensed from the _____ day of _____ until the 31st day of December next to carry on the business of a Dealer in Cured Produce on the premises (*insert description of the particular apartment room or store where the business is to be carried on*) for which license he has paid the sum of £2.

C. D.,
Justice of the Peace.

FORM C.

THE RECEIPT BOOK.

Date of purchase receipt of Produce.	Name of person from whom purchased or received.	Proprietor or Contractor.	If Contractor, Name of Proprietor.	Name and local situation of plantation or land from which Produce purchased or received is the product.	Weight number or quantity purchased or received.	Remarks.

						<i>vide S. 97 16/19/16 In new form C</i>

FORM D.

THE DELIVERY BOOK.

Date of Sale or shipment for sale of Produce.	Weight or quantity sold or shipped.		Name and address of person or firm to whom sold locally or name of vessel by which exported.	Remarks.
	Bags.	Weight.		

*will 1.9 (2) p
Fruite "R"*