

## No. 25.—1860.

21st December.

AN ORDINANCE for amending and consolidating the laws with regard to the distillation of Rum and other Spirits.

JAS. WALKER.

Preamble re-  
cites Ordi-  
nances of 16th  
Sept., 1847,  
24th Oct,  
1849, 6th  
Nov., 1852.  
7th Nov.,  
1-53, 1st May,  
1855, 22nd  
March, 1859,  
and 25th  
Sept., 1860.

WHEREAS an Ordinance was passed in Council on the sixteenth day of September in the Year of Our Lord one thousand eight hundred and forty-seven, entitled "An Ordinance to raise a duty on rum and other spirits manufactured in the Colony:" And whereas another Ordinance was passed in Council on the twenty-fourth day of October, in the year of Our Lord one thousand eight hundred and forty-nine, entitled "An Ordinance to amend in certain particulars an Ordinance entitled "An Ordinance to raise a duty on rum and other spirits manufactured in the Colony:" And whereas another Ordinance was passed in Council on the sixth day of November, in the year of Our Lord one thousand eight hundred and fifty-two, entitled "An Ordinance to further amend, in certain particulars, an Ordinance entitled "An Ordinance to raise a duty on rum and other spirits manufactured in the Colony:" And whereas an Ordinance was passed in Council on the seventh day of November in the year of Our Lord one thousand eight hundred and fifty-three, entitled "An Ordinance to alter the duty on rum and other spirits:" And whereas another Ordinance was passed in Council on the first day of May, in the year of Our Lord one thousand eight hundred and fifty-five, entitled "An Ordinance for the better prevention of the illicit dealing in rum and other spirits:" And whereas an Ordinance was passed in Council on the twenty-second day of March, in the year of Our Lord one thousand eight hundred and fifty-nine, entitled "An Ordinance to increase the duty on rum and other spirits:" And whereas another Ordinance was passed in Council on the twenty-fifth day of September, in the year of Our Lord one thousand eight hundred and sixty, entitled "An Ordinance for increasing the duties on rum and other spirits manufactured in the Colony, and the

Duties of Customs on spirituous liquors imported into the Colony:" And whereas it is expedient to repeal the said several Ordinances, and to amend and consolidate the provisions thereof in one Ordinance: Be it enacted by His Excellency the Governor by and with the advice and consent of the Council of Government, as follows:

1. The said several Ordinances entitled respectively "An Ordinance to raise a duty on rum and other spirits manufactured in the Colony:" "An Ordinance to amend in certain particulars an Ordinance entitled an Ordinance to raise a duty on rum and other spirits manufactured in the Colony:" An Ordinance to further amend, in certain particulars, an Ordinance entitled "An Ordinance to raise a duty on rum and other spirits manufactured in the Colony:" "An Ordinance to alter the duty on rum and other spirits:" "An Ordinance for the better prevention of the illicit dealing in rum and other spirits:" "An Ordinance to increase the duty on rum and other spirits:" And the said Ordinance entitled "An Ordinance for increasing the duties on rum and other spirits manufactured in the Colony and the Duties of Customs on spirituous liquors imported into the Colony, "so far only as regards the duties imposed by such last mentioned Ordinance on rum or other spirits made and distilled in the Colony shall be and the same are hereby repealed, save only and except so far as regards all offences against, and all penalties and forfeitures incurred under the said Ordinances or any or either of the same, all which offences may be prosecuted, and all which penalties and forfeitures may be sued for, enforced and recovered in the same manner as if this Ordinance had not been passed, and save also and except so far as regards all appointments of Supervisors or other Officers already made under the authority of the said Ordinances or any of the same.

Repeals aforesaid Ordinances to a certain extent.

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*The duties imposed by this Section are repealed by Ordinance 16 of 1881.*

3. The collection of the duties imposed by this Ordinance shall be under the management of the Receiver General, and for the better carrying this Ordinance into

Collection of duties to be under the management

of the Receiver General. effect, it shall be lawful for the Governor from time to time to appoint such persons as he shall see fit to be Supervisors, and to assign to each a particular circuit or district of the Colony for the performance of his duties, with such remuneration by way of salary as the Governor and Council may from time to time see fit to allow.

Supervisors appointed by the Governor.

Constables of police to have same powers as officers of customs under this Ordinance.

4. The Constables of Police shall be aiding and assisting in the execution of this Ordinance, and every Police Constable shall have all such and the same powers, authorities and privileges as are given by this Ordinance to any Officer of Customs; and the words "Officer of Customs," whenever used in this Ordinance shall extend to and include all Police Constables.

No person to use a still without a license signed by the Receiver General.

5. From and after the commencement of this Ordinance, it shall not be lawful for any person to use any still whatever for the purpose of making or distilling rum or other spirits without having obtained a license for that purpose under the provisions of this Ordinance, signed by the Receiver General and every such license shall specify the name or names of the person or persons to whom and the local situation, description and name, if any, of the plantation, building or premises, and the particular local situation and capacity of the still in respect whereof such license shall be granted; and every such license shall commence and take effect upon and from a day to be named in such license and shall continue in force until and upon the thirty-first day of December next after the day of the commencement of such license and no longer; provided always that the co-owners of any plantation, buildings or premises, or persons in partnership, carrying on any one trade or business as distillers of spirits, in one house or place, shall not be obliged to take out more than one such license in any one year; and no one license which shall be granted under the authority of this Ordinance, shall empower any person or persons to whom the same shall be granted, to make use of any still or to make or distil any rum or other spirits in or upon any still, plantation, building or premises other than the still, plantation, building or premises mentioned in such license.

Co-owners not to take out more than one license.

No license to be granted unless the person shall be

6. No license shall be granted to or be held by any person or persons to have, keep, or make use of any still for making or distilling rum or other spirits on any plantation, nor shall any person or persons be permitted

to make entry of any plantation or of any still upon any plantation for making or distilling rum or other spirits unless such person shall be in the actual possession as owner, trustee, or lessee of the plantation on which such still shall be situate, and no such license shall be granted to or held by any person or persons to have, keep, or make use of any still not being upon a plantation, nor shall any person or persons be permitted to make entry of any still not being upon a plantation unless such person shall be a householder of the Borough or Ward within which such still shall be situate, occupying a tenement or tenements within such Borough or Ward assessed to the Borough rate or the rate on lands and houses within such Ward on an annual value of fifty pounds or upwards, and shall be in the actual possession as trustee or lessee of the building in which such still shall be situate.

in possession as owner, trustee, or lessee of the plantation on which, or a householder of the borough or ward within which such still is situate.

7. Where the owner, trustee, or lessee of any plantation shall be absent from this Colony, the license to keep or make use of a still on such plantation may, on the application of any attorney or known agent of such owner, trustee or lessee, be granted to and in the name of such attorney or known agent; and in such case the person to whom such license shall be granted shall be deemed and taken to be the owner of such plantation within the meaning and for the purposes of this Ordinance, and shall be subject to all regulations, penalties and forfeitures enacted or imposed by this Ordinance.

License to be granted in the name of attorney or known agent of absentee owner of a plantation.

8. No license shall be granted to any person whomsoever to have, keep, or make use of a still in or upon any building or premises within the limits of the Town of Port of Spain or the suburbs thereof, or within the limits of the Town of San Fernando, not being a building or premises in respect whereof a license shall have been already granted at some time during the year one thousand eight hundred and sixty.

No license to be granted to use a still on premises within Port of Spain and San Fernando not being premises already licensed in 1860.

9. No license shall be granted to any person whomsoever to have, keep, or make use of any still in respect whereof a license shall not have been granted at some time during the present year one thousand eight hundred and sixty, unless the body of such still without the head thereof shall be of the capacity or content of four hundred gallons or upwards.

No license to be granted to use a still in respect whereof a license shall not have been granted in 1860, unless of a certain capacity.

No license under this Ordinance to be assignable. License may be surrendered to Receiver General.

10. No license granted under this Ordinance shall be assignable or transferable in any manner whatever.

11. It shall be lawful for any person to whom a license shall have been granted under this Ordinance to surrender the same to the Receiver General.

Not lawful after expiration of license to continue to use still until a new license is obtained.

Penalty.

12. It shall not be lawful for any person at any time after the expiration of the time for which any such license for using a still shall be granted under this Ordinance to continue to work or use any still, or to brew or make any wort or wash, or to distil any rum or other spirits until such person shall have obtained a new license for that purpose, and if any person shall continue to keep or work or shall use any still or shall make or brew any wort or wash or shall distil any rum or other spirits contrary to this Ordinance, every such person shall in every such case forfeit the sum of two hundred pounds, and all such wort, wash and spirits, and every such still with the head and worm thereof, and all other vessels and utensils therewith used or containing such wort, wash, rum or other spirits shall be forfeited, and may be seized by any Supervisor or Officer of Customs.

Distiller not to be a retailer of spirits.

13. No person to whom a license to use a still shall be granted under this Ordinance shall be a retailer of spirits or be in any manner interested or concerned in the trade or business of a retailer of spirits, and every person to whom a license to use a still shall be granted under this Ordinance 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 one hundred pounds.

A licensed distiller not to permit another person to keep a shop for selling spirits within a quarter of a mile from still.

14. No person to whom a license to use a still shall be granted under this Ordinance shall knowingly suffer or permit any other person being his servant or tenant to keep or use for the sale of rum or other spirits any shop, house or building being within one quarter of a mile in a direct line from the still in respect of which such license shall have been granted on pain of forfeiting in each and every case the sum of fifty pounds, together with the further sum of five pounds for every day that any such shop, house or building shall be so kept used contrary to such prohibition as aforesaid.

15. There shall be kept in some public and open part in and upon every building in respect whereof any license to use a still may be granted under the provisions of this Ordinance a book in such form as may be approved of from time to time by the Receiver General, which book shall be open at all times to the inspection of the Supervisor of the district, and of all Officers of Customs, and every person to whom any such license shall have been granted under the provisions of this Ordinance shall keep or cause to be kept in such book an account by way of debtor and creditor of the stock of rum or other spirits in the distillery of such person, and immediately after any rum or other spirits shall be drawn or conveyed from the still or receiver in the distillery into such stock enter in such book, in the proper columns prepared for such purposes respectively, a true and particular account of the quantity of rum or other spirits drawn or conveyed from the still or receiver in such distillery into such stock, and shall on the same day on which any rum or other spirits shall be removed or otherwise disposed of, enter in such book as aforesaid, and in the proper columns prepared for such purposes respectively, a true and particular account of the quantity of rum or other spirits drawn or conveyed from the still or receiver in such distillery into such stock, and shall, on the same day on which any rum or other spirits shall be removed or otherwise disposed of enter in such book as aforesaid, and in the proper columns prepared for such purposes respectively, a true and particular account of the quantity of gallons so removed or otherwise disposed of, and shall specify whether the same have been removed for the purpose of being warehoused under this Ordinance or not, and the name and place of residence of the person to whom any such rum or other spirits shall have been delivered, removed, or otherwise disposed of, and if any person to whom any license to use a still shall be granted under the provisions of this Ordinance shall not keep or cause to be kept such book as aforesaid or shall omit to make or cause to be made any such entry as aforesaid, or if any such person to whom any such license shall be granted or any person in his employ shall convey away or conceal such book, or shall destroy or tear out any leaf

In every licensed distillery a book to be kept and an account to be entered of all rum and other spirits drawn into or removed from the stock of such distillery.

thereof, or cancel, obliterate, destroy, or alter any entry therein, or make any false entry therein, or shall refuse to permit any Supervisor or Officer of Customs to inspect such book or to make any minute therein, or copy or extract therefrom as to such Supervisor or Officer shall seem meet, or to remove or take away such book, leaving a new book for the like purpose as aforesaid in lieu thereof, the person to whom such license shall have been granted shall for every such offence forfeit and pay the sum of one hundred pounds.

16. Every person to whom a license to use a still shall be granted under this Ordinance shall, on the third day of each month, make or cause to be made a true return in writing to the proper Supervisor of the district of all rum and other spirits made or distilled within the calendar month next immediately preceding in or upon the plantation, building or premises in respect whereof such license shall have been granted, and of the strength or proof of such rum and other spirits, and such return shall be signed by the person to whom such license shall have been granted, or some person as his agent and on his behalf, being the manager of the estate, or other person having the charge and superintendence of the still upon or at which such rum or other spirits shall have been made or distilled, and the Supervisor shall cause all such returns to be forthwith delivered to the Receiver General, and if any person to whom any such license shall be granted shall neglect to make or cause to be made such return as aforesaid, or if any return so made by such person, or by any other person as his agent and on his behalf, shall be false in any respect, the person to whom such license shall have been granted shall for every such offence forfeit and pay the sum of fifty pounds.

Returns to be made to the supervisor of the district on the third day of each month of all rum and other spirits made within the preceding month.

Supervisors to deliver such returns to Receiver General.

The Receiver General to enter in a book under the name of each licensed distiller, the quantities of spirits, and the amount of duties on the same.

17. The Receiver General shall enter in a book to be provided for the purpose, and to be called the Book of Duties on Spirits, to a separate account to be opened in the name of each person to whom any license shall be granted under this Ordinance, distinguishing the plantation, building or premises in respect whereof such license shall be granted, the several quantities of rum or other spirits which shall appear from time to time to be made and manufactured in or upon such

plantation, building or premises, and the amount of the duties payable in respect thereof under this Ordinance.

18. No rum or other spirits shall be removed from the distillery, still-house, building or other place wherein the same was or were made in any cask or vessel of less capacity than eighty gallons, and every cask in which any rum or other spirits shall be put up for removal shall be marked and numbered on the outside and on the end thereof in letters or figures legibly cut, branded or painted thereon, with the name of the plantation on which, or of the licensed distiller by whom, and with the year in which such rum or other spirits shall have been made or distilled, and with the number of such cask according to its order in the whole series of such casks for the year, beginning with the number one and proceeding therefrom in an ascending scale by regular arithmetical progression, the difference whereof shall in all cases be one, and with the quantity and strength of the spirits contained in such cask, and if any such rum or other spirits shall be removed from the distillery, still-house, building or other place wherein the same was made in any cask or vessel of less capacity than eighty gallons, or in any cask which shall not be so marked or numbered as hereinbefore directed, such rum or other spirits and the cask or vessel containing the same shall be forfeited and may be seized by any Supervisor or Officer of Customs, and the person to whom the license in respect of such distillery, still-house, building or other place shall have been granted shall for every such offence forfeit and pay the sum of one hundred pounds, and any person in whose possession shall be found any cask containing rum or other spirits, which cask shall not be so marked and numbered, shall for every such offence forfeit and pay the sum of one hundred pounds.

No spirits to be removed from the distillery in any vessel of less capacity than eighty gallons, and such vessel is to be marked and numbered.

19. No spirits whatever shall be sent out of the stock, custody or possession of any distiller or dealer in spirits, nor shall be removed from the distillery, still-house, building, or other place wherein the same were made or manufactured, or rectified, compounded or kept by any distiller or dealer in rum or other spirits without a permit first granted and signed by the Receiver General or the Supervisor of the district or circuit within which such distillery, still-house, building or other place shall be situated,

No spirits to be sent out of the stock of any distiller or dealer, or removed from the house where manufactured without a permit from the Receiver General or Supervisor of the district, to

be granted on  
a request note  
from the  
party.

upon a request note subscribed by such distiller or dealer respectively, or by some person on his or her behalf, and delivered to such Receiver General or Supervisor, and specifying therein the quantity, quality, sort or kind, and strength of such spirits, and also specifying the casks or other vessels containing the same, the person from whom and place from which, and the person to whom and the place to which such spirits are to be sent, and by what mode of conveyance the same are intended to be sent, whether by land or by water, or partly by land and partly by water, which permit shall be made to correspond in respect of all the particulars aforesaid with such request note, and a reasonable time shall be limited and specified in every such permit within which such permit is to be in force; and no permit shall be valid or of any effect if the same shall be granted on any request note not made conformably to the directions of this Ordinance, and all rum or other spirits which shall be sent out, removed or carried without such permit as aforesaid, together with the casks, vessels and other packages containing the same, and also the boats and other vessels, and the horses and other cattle and carriages made use of in the removal or conveyance thereof, shall and may be seized by any Supervisor or Officer of Customs; and if any distiller or dealer shall send out, deliver or carry, or knowingly permit or suffer to be sent out, delivered or carried, any spirits whatsoever, from or out of the stock, custody or possession of such distiller or dealer respectively, or from or out of any house, building or other place wherein such spirits were made, manufactured or kept by any such distiller or dealer in spirits, without such permit as aforesaid, or with any permit not corresponding with such spirits in quantity, quality, sort or kind and strength, every such distiller or dealer shall, over and above the forfeiture of the said spirits, if seized, forfeit the sum of two hundred pounds: Provided always that no such permit shall be granted to a distiller for any smaller quantity of spirits than eighty gallons, or to any dealer in spirits for any smaller quantity than eighty gallons of rum or two gallons of any other spirits.

What shall be  
expressed in  
the permit.

20. In every permit shall be expressed and limited as well the time during which such permit shall be in force for removing the rum or other spirits for which

the permit shall be obtained from and out of the stock of the person taking out such permit, as also the time within which the same shall be delivered to and actually received by the person to whom the same shall be so permitted to be sent; and every permit which shall not be actually used as directed by this Ordinance within the time expressed and limited in such permit shall, within the said time, be returned and re-delivered by the person who shall have obtained the same to the Receiver General or Supervisor by whom the same shall have been granted, and if any permit shall not be so returned as aforesaid, and upon taking an account by any Supervisor of the stock remaining in the hands or custody of the person or persons from or out of whose stock the rum or other spirits mentioned in such permit were thereby authorized to be removed, there shall not appear a sufficient decrease to answer the removal mentioned in such permit, then the person or persons from or out of whose stock the rum or other spirits mentioned in such permit were thereby authorized to be removed shall forfeit the like quantity of rum or other spirits so permitted to be removed and not removed according to such permission, and the same may be seized by any Supervisor; and in case any rum or other spirits specified in any permit shall be removed from the stock of the person taking out such permit, and the same shall not within the time expressed and limited in such permit be actually delivered and received by or into the stock of the person or persons to whom the same are mentioned in such permit to be sent, then and in every such case all such rum or other spirits so removed as aforesaid shall be deemed to be removed without permit, and shall be forfeited and seized accordingly.

21. In case any rum or other spirits shall, by any unavoidable accident or necessity, be delayed, and thereby be prevented from being delivered to, or into the stock of the person to whom the same shall be sent, within the time limited and expressed in the permit, then and in every such case, the Court, where any information shall be brought for the condemnation of any such rum or other spirits, shall, upon proof of any such unavoidable accident or necessity, direct the same to be restored to the owner or claimant thereof, anything hereinbefore contained to the contrary notwithstanding.

In case any spirits shall by accident be delayed from being delivered into stock within the time limited in permit, the same may be restored to owner.

Penalty on  
not sending  
out the spirits  
described in  
permit or on  
not returning  
the permit.

22. Every distiller or dealer in spirits, who, having obtained a permit for the removal of any rum or other spirits shall not send out therewith the rum or other spirits therein described, or return and re-deliver the permit to the proper Supervisor within the time limited and expressed in such permit for the delivery of the rum or other spirits therein described, shall for every such offence forfeit the sum of one hundred pounds.

Where a per-  
mit shall not  
have been  
given, the  
jury in an  
action shall  
find for the  
defendant.

23. In any action, on any bond, bill, note, or other security, contract, agreement, promise or undertaking, where the whole or any part of the consideration thereof shall be for the value or price of any rum or other spirits, for the removal of which a permit is required, and for and with which a proper permit shall not have been given, the defendant in such action or suit may plead and give in evidence, that such rum or other spirits was or were delivered without a permit accompanying the same; and if the Jury shall find that such rum or other spirits was or were delivered without a true and lawful permit having been obtained for the removal thereof, they shall find a verdict for the defendant in respect thereof.

Every distiller  
to pay on or  
before the  
15th of each  
month all  
duties up to  
the first day  
of the month  
immediately  
preceding.

24. Every person to whom a license to use a still shall be granted under this Ordinance shall, on or before the fifteenth day of each month, unless the same be a Sunday, and in such case on the Saturday next preceding, pay or cause to be paid to the Receiver General all the duties up to the first day of the calendar month immediately preceding, which shall appear by the return of the Supervisor, or which shall be chargeable upon and have become due and payable from such person under this Ordinance, and which shall remain unpaid, or shall for every default forfeit the sum of twenty pounds, together with a sum equal to double the amount of such duties, and it shall not be lawful for the Receiver General or any Supervisor to grant to such person any permit for the removal of any spirits until all duties in respect of which such default shall have been made shall be paid to the Receiver General.

No permit to  
be granted for  
the removal  
of any spirits  
until the  
duties are  
paid.

25. No permit shall be granted for the removal of any rum or other spirits, made or manufactured in this Colony, from the distillery, still-house, building or other place wherein the same may have been made or manu-

factured, until the duties chargeable on such rum or other spirits shall have been actually paid to the Receiver General, or to the Supervisor granting the permit for the removal of such rum or other spirits.

26. Provided always that it shall be lawful for any person to whom a license to use a still shall have been granted under this Ordinance, to warehouse in any public warehouse, to be named for that purpose by the Receiver General, and subject to such rules and regulations, and to the payment of such charges as the Receiver General shall from time to time direct, and which shall be allowed by the Governor any rum or other spirits made or manufactured in or upon the plantation, buildings, or premises in respect whereof such license shall be granted without payment of the duties imposed by this Ordinance: But no such rum or other spirits shall be removed for the purpose of being warehoused, without a permit being first granted to accompany the same.

Spirits may be warehoused without payment of duties, but not without a permit.

27. It shall not be lawful to warehouse any spirits under this Ordinance, unless the same shall be contained in iron bound casks of not less than eighty gallons content each, and there shall be marked on each end of every cask, in letters or figures legibly cut, branded, or painted thereon, the name of the plantation on which, or of the licensed distiller by whom, and with the year in which such rum or other spirits shall have been made or distilled, and with the number of such cask according to its order in the whole series of such casks for the year, the full capacity thereof in gallons, and the quantity and strength of the spirits, and the number of gallons contained therein.

Spirits not to be warehoused except in iron bound casks marked and numbered.

28. Immediately on the arrival of any rum or other spirits, which may be warehoused under the provisions of this Ordinance, the proper officer having the charge of such warehouse shall take an account of the contents of every cask by gauge, and the strength of the spirits contained therein, and shall enter an account thereof, with the marks and number of each such cask, in a book to be by him kept for that purpose, and such officer, after taking such account as aforesaid, shall deliver to the party warehousing such rum or other spirits, or any person requiring the same on his behalf, a certificate specifying the marks and number of each

Warehouse keeper to take an account of all spirits, and the number and marks of casks, and the particulars of the permit under which the same shall have been received.

of the several casks, and the several particulars so found by him as aforesaid, with the day of the month and year when such rum or other spirits were warehoused as aforesaid, and the name of the officer granting the permit, and the date and number of the permit, under which such rum or other spirits shall have been received.

All spirits in warehouse to be at the risk of the party warehousing,

No spirits to be delivered out of warehouse without payment of duties on the quantity removed.

29. All rum and other spirits so warehoused shall, while in such warehouse, be and continue at the sole risk of the party warehousing the same.

30. No rum or other spirits, which shall have been warehoused under the provisions of this Ordinance, shall be delivered out of any such warehouse for consumption in this Colony, until the owner intending to remove the same shall pay to the Receiver General the full duties payable under this Ordinance in respect of all such rum or other spirits intended to be so removed, according to the quantity of the same at the time of such removal, and the Receiver General shall upon request, sign and give to such owner a certificate of such payment of duty, specifying in such certificate the number and marks of the casks, in respect whereof such duty shall be paid, and the officer having the charge of such licensed warehouse, shall, upon the owner of such rum or other spirits, or some person on behalf of such owner producing such certificate and a permit for the removal of the same from the Receiver General, or the Supervisor of the district, and on payment of the charges for warehousing and keeping the same, deliver up such rum or other spirits as shall be mentioned in such certificate.

Spirits may be cleared for exportation on permission of Receiver General.

31. Provided always, that where the owner of any rum or other spirits shall be desirous of exporting the same from this Colony, it shall be lawful for the Receiver General, on the application of such owner, to grant his permission in writing, to be signed by such Receiver General, for the removal from the distillery, still-house, or other place where the same may have been made or manufactured, in case the same shall not have been warehoused, or for the removal from the warehouse in case the same shall be warehoused, and for the exportation of such rum or other spirits from the Colony without payment of the duties imposed by this Ordinance in casks of not less than twenty-four gallons

content each, and on board of such vessel and to such Port as shall be named in such permission, and such permission shall specify the numbers, marks, and contents of the casks, and the strength of the rum or other spirits in the casks in respect whereof such permission shall be granted, and the officer having the charge of the warehouse, if any, in which such rum or other spirits shall be warehoused, shall, on production of such permission and on payment of the charges for the warehousing and keeping of such rum or other spirits, deliver such rum or other spirits as shall be mentioned in such permission for exportation: Provided always that where such permission shall be applied for in respect of any rum or other spirits to be exported to any Port on the Continent of South America, or in the West Indies, the owner shall with one or more sufficient surety or sureties enter into a bond to the satisfaction of such Receiver General conditioned for the exportation of such rum or other spirits, and the production of the certificate of the same having been duly landed within such time as to the Receiver General shall seem fit.

Bond to be given in case of exportation to any portion of the Continent of South America or in the West Indies.

32. If any rum or other spirits shipped on board of any ship or vessel for exportation from this Colony shall be unshipped in order to be relanded, all such rum and other spirits, together with the casks or other packages, and also the boats or vessels, horses, cattle and carriages, made use of in the unshipping or relanding or removal thereof shall be forfeited, and may be seized by any Supervisor or Officer of Customs, and every person who shall so unship or cause to be so unshipped any such rum or other spirits, or shall be assisting or concerned in such unshipping, or to whose hands the same shall knowingly come after such unshipping, shall forfeit treble the value thereof, and if any master of such ship or vessel or other person on board of the same shall assist in or connive at such unshipping or relanding, such person shall over and above all other penalties imposed by this Ordinance forfeit and pay the sum of one hundred pounds.

If any spirits shipped for exportation shall be unshipped to be relanded, the same with the casks, vessels, &c., to be forfeited.

33. If the contents of any cask of rum or other spirits which shall have been shipped on board of any ship or vessel for exportation shall be drawn off, or the

If the contents of any cask of spirits shipped for exportation-

tion shall be drawn off, the cask and rum to be forfeited.

rum or other spirits contained in such cask shall be used or altered either in quantity or quality before such ship or vessel shall have sailed upon her intended voyage, such cask and the rum or other spirits contained therein or drawn off shall be forfeited and may be seized by any Supervisor or Officer of Customs, and the Master of the ship shall in addition forfeit and pay the sum of fifty pounds.

Drawback to be allowed in case spirits on which duty has been paid shall be afterwards shipped for exportation.

34. Where any rum or other spirits on which the duties shall have been actually paid shall be afterwards shipped for exportation from the Colony, at any time within six months next after such duties shall have been payable, and the same shall be made to appear to the satisfaction of the Receiver General by the production of the bill of lading of such rum or other spirits, signed by the Master of the ship or vessel on board of which the same shall have been shipped, and the certificate of the Supervisor or Officer of Customs who shall have superintended the shipment of the same certifying the number and the strength of such rum or other spirits, and the marks and contents of the casks in which the same shall have been shipped for exportation, it shall be lawful for the Receiver General to grant his certificate to that effect, and thereupon the person shipping such rum or other spirits shall be allowed a drawback of such sum as shall be equal to the duties actually paid on such rum or other spirits, such drawback to be paid to such person by the Receiver General on the warrant of the Governor.

Permission to remove warehoused spirits to a canteen without payment of duties.

35. It shall be lawful for the Receiver General, on the application of any person holding any Canteen under proper authority to grant his permission in writing for the removal of any rum or other spirits warehoused under this Ordinance from such warehouse to such Canteen without payment of duties, and such permission shall specify the number, marks and contents of the casks in respect whereof and the name of the person to whom such permission shall be granted, and shall limit the time within which such casks shall be removed to such Canteen, and the officer having the charge of the warehouse in which such rum or other spirits shall be warehoused, shall, on production of such permission,

and on payment of the charges for the warehousing and keeping of such rum or other spirits, deliver such rum or other spirits as shall be mentioned in such permission for removal.

36. Every person to whom any such permission for the removal of any rum or other spirits to any Canteen shall be granted under this Ordinance shall within such time as may be limited by the Receiver General in the permission for such removal, deliver to the Receiver General a certificate under the hand of the officer in command at the Station or Barracks where such Canteen shall be, setting forth the number, marks and contents of the cask or casks in which such rum or other spirits shall be contained, and the time when the same shall have been received at such Canteen; and if any such rum or other spirits, in respect of which such permission shall be given, shall not be delivered at such Canteen within such time as shall be limited in such permission, or shall be used, or altered, either in quantity or quality, before the same shall be received at such Canteen, or if such certificate shall not be delivered to the Receiver General within the time hereinbefore appointed in that behalf the person to whom such permission shall be granted shall forfeit and pay the sum of one hundred pounds.

Penalty in the event of the spirits being otherwise disposed of.

37. In case any Supervisor shall know or have reasonable cause to suspect that any private or concealed still, or any privately made wash or other materials preparing for distillation is or are set up or kept in any house or place, or that any rum or other spirits is or are stored, lodged, or kept in any house, building, yard or place not duly entered as hereinbefore or hereinafter directed, then and in such case, it shall be lawful to and for such Supervisor, 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 or place where he shall know or suspect such private or concealed still, wash, or other materials for distillation to be so set up and kept, or such rum or other spirits to be so lodged, stored, and kept, and to enter into such house or place and to seize all and every such still, wash, and

If any Supervisor shall suspect any private still, &c., to be kept in any house, &c., he may break open such house and seize.

other materials preparing for distillation, and such rum or other 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 Police Station next to the place where the same shall be so discovered and found, and in case the same shall not within ten days next after such seizure be claimed by the true and lawful owner thereof, then the said still, wash and other materials for distillation, rum and other spirits, and all the casks and vessels containing the same shall be absolutely forfeited, and the owner of any such private or concealed still, or the person in whose custody such still, wash, or other materials, rum or other spirits, shall be found, whether such seizure be claimed or not, shall forfeit for every place in which every such private still, wash and other materials, rum or other spirits shall be so found, the sum of one hundred pounds, and if any person shall obstruct, oppose, molest, or hinder any Supervisor, or any person in assistance of such Supervisor seizing any such private or concealed still, spirits, wash, or other materials for distillation, rum or other spirits, or in detaining and keeping the same in the place where found, or in removing the same or any of them after seizure to the next Police Station as aforesaid, then and in every such case every person so offending shall forfeit the sum of one hundred pounds.

Supervisors,  
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38. It shall and may be lawful for any Supervisor or Officer of Customs at all times by night or by day to enter into every house, distillery, still-house, out-house and place whatsoever of or belonging to or made use of by any distiller, and to gauge, measure and take an account of every still or other vessel or utensil of any kind of or belonging to or kept therein by any such distiller, and to gauge and take an account of the quantity of all rum and other spirits which shall be from time to time made or distilled or which shall be in such distillery or in the possession of such distiller, and if any Supervisor or Officer of Customs or any person acting in his aid or assistance shall be hindered, obstructed or prevented by any distiller, or by any servant or person acting for or in the employment of such distiller from entering, or shall not be permitted to enter into any distillery or any house, out-house, or other place whatsoever of or belonging to

or made use of by such distiller, or having entered shall be hindered, obstructed or prevented from doing or executing any part of his duty in the execution of this Ordinance, such distiller shall for every such offence respectively forfeit the sum of one hundred pounds.

39. In case any Supervisor or Officer of Customs after having demanded admittance into any distillery, and having declared his name and business at the gate or entrance door, or at any window of such distillery shall not be immediately and without delay admitted into such distillery, the distiller shall for every such offence forfeit the sum of two hundred pounds; and if such Supervisor or Officer of Customs shall not be immediately and without delay admitted into such distillery after having so demanded such admittance, it shall and may be lawful for such Supervisor or Officer of Customs or any person or persons acting in his aid or assistance at all times as well by night (if in the presence of a constable or other peace officer) as by day to break open by force any of the doors or windows or break through any of the walls of such distillery as shall be necessary to enter such distillery.

In case a Supervisor is refused admittance into a distillery, he is authorised to enter by force.

40. If on demand of any Supervisor or Officer of Customs made in the distillery of any distiller safe and convenient ladders shall not be provided, and conveniently and firmly placed, and of length sufficient to enable the surveying officer to ascend to and examine and descend from any vessel or utensil in any such distillery or compounding house or to gauge or ascertain the content or capacity of any vessel or utensil therein, or if any such ladder shall not be fixed at or in any part of such vessel or utensil where such Supervisor or Officer of Customs shall require; or if on any visit made by any Supervisor or Officer of Customs, on demand of any such Supervisor or Officer of Customs sufficient lights and sufficient aid or assistance shall not be supplied for the purposes of his gauging or ascertaining the content or capacity of any vessel or utensil or of searching for or gauging and taking an account of all wort, wash, bub, lowwines, feints and spirits and of all materials fit or proper for distillation in such distillery, or in the possession of such distiller, as well as by day as by night, every

Penalty on distillers not providing proper assistance to Supervisors.

distiller so offending, or on whose entered premises such neglect or offence shall take place, shall in any of the cases aforesaid for each and every such offence forfeit the sum of one hundred pounds.

Supervisors and officers may break up ground in distilleries and search for pipes.

41. It shall and may be lawful to and for any Supervisor or Officer of Customs and any person acting in his aid or assistance by day or by night to break up any ground in any part of the distillery, or entered premises of any distiller, or near or adjoining to such distillery or premises, or any wall or partition thereof or belonging thereto, or other place, to search for any pipe or cock, or any private conveyance or utensil, and upon finding any such pipe or conveyance leading therefrom or thereto to break open the ground, house, wall or other place through or into which such pipe or other conveyance shall lead, and to break up or cut away any such pipe, cock or other conveyance, and to turn any cock or cocks, and to examine whether such pipe or other conveyance may or can convey or conceal any wort, wash or other liquor fit for distillation, or low wines, feints or spirits from the sight or view of the officer, so as to hinder or prevent him from taking or keeping a true account thereof, and every Distiller on whose premises any such pipe, cock or other conveyance may be found shall for every such offence forfeit the sum of two hundred pounds.

Distillers, dealers, and retailers to keep a gallon measure and a gauging rod in his premises.

42. Every distiller of and dealer in and retailer of rum or other spirits shall keep a one-gallon measure and a gauging rod in his entered premises, and shall also maintain the same conveniently placed and ready for use, and shall permit and suffer any Supervisor or Officer of Customs to use the same for the purpose of measuring and taking an account of the spirits and casks and other vessels or packages used or fit for conveying or removing spirits, which shall at any time be in the possession of such distiller, dealer or retailer, and if any such distiller, dealer or retailer shall not keep and maintain such measures, or shall not permit or suffer any Supervisor or any Officer of Customs to use the same as aforesaid, or shall in the measuring of any such rum or other spirits, casks, vessels, or other packages, use or cause, or procure or suffer to be used any false, unjust or insufficient

measure, or shall practise any art, device or contrivance by which any such Supervisor or Officer may be hindered or prevented from taking the just and true measure of any such rum or other spirits, casks or vessels or other packages, then and in every such case such distiller, dealer or retailer shall for each and every such offence forfeit the sum of Fifty pounds, and all such false, unjust and insufficient measures respectively shall likewise be forfeited, and shall and may be seized by any Supervisor or Officer of Customs.

43. Every distiller of or dealer in or retailer of rum or other spirits shall, when and so often as he shall be thereunto required by any supervisor or officer of Customs, and with a sufficient number of his servants, aid and assist to the utmost of his power such supervisor or officer in measuring and taking an account of all rum and other spirits, and casks, vessels, and other packages for keeping, conveying or removing spirits in his possession, on pain of forfeiting for every neglect or refusal thereof the sum of Twenty-five pounds.

Distillers, dealers, and retailers to assist officers in taking account of spirits.

44. The supervisor of the district shall as often and at such times as he shall see fit, take and shall keep an account by way of debtor and creditor of the stock of rum and other spirits in the distillery of every distiller, and shall in such account credit such stock, with the full quantity of rum and other spirits computed at hydrometer proof, which shall be from time to time duly conveyed into such stock, and shall debit such stock with the full quantity of rum and other spirits computed at hydrometer proof, which shall be from time to time sent out of such stock under legal permit, and if at any time the quantity of such rum and other spirits which shall be found in the stock or possession of any such distiller shall be greater than the quantity of rum and other spirits which by the stock account so kept by such distiller ought to be in the stock or possession of such distiller, all such quantity in excess of rum and other spirits shall be forfeited, and may be seized by such supervisor, and every such distiller shall forfeit the sum of ten shillings for each and every gallon of such excess of quantity of rum and other spirits, and if at any time the quantity of rum and other spirits in

Supervisor to take an account of distiller's stock of spirits as often as he shall see fit.

Limitation as to excess.

Penalty for increase or decrease of stock.

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the stock or possession of any distiller shall be less than the quantity of rum and other spirits, which by the stock account kept by such distiller ought to be in the stock or possession of such distiller, every such distiller shall forfeit the sum of twenty shillings for every gallon of rum and other spirits which shall be so deficient: Provided always that no such distiller shall be liable to such last mentioned penalty in any case where such decrease shall not exceed four gallons of proof spirits per centum on the quantity of spirits formed by the balance left on the last stocking, and the quantity since duly brought into stock by the spirit receiver, if such last stocking be no further distant than seven days, or six gallons of proof spirits per centum if more than seven days, or if such distiller shall prove to the satisfaction of the supervisor that such decrease did not result from any fraud practised or intended.

Dealers and retailers to make entry in writing of their premises and not considered licensed till such entry is made.

45. Every dealer in and retailer of rum or other spirits shall make true and particular entry in writing of his name and place of abode, and of every building, yard, or place by such dealer or retailer intended to be used for the selling, retailing, storing, or keeping of rum or other spirits with the supervisor of the district or circuit within which such building, yard, or place may be situated, and if any such dealer or retailer shall sell, store, keep, or have in any building, place, or yard any rum or other spirits without having made such true and particular entry in writing of such building, place, or yard, every such dealer or retailer so offending shall forfeit the sum of fifty pounds for every such building, yard, or other place, and all the rum or other spirits, and the casks and vessels containing the same, which may be found in such building, yard, or place, shall be forfeited, and may be seized by any supervisor or officer of Customs, and for the purposes of this Ordinance every person who shall have duly made such entry as aforesaid, and no other person whosoever shall be taken to be a licensed dealer in spirits, or licensed retailer of spirits, as the case may be.

Every person not licensed and having more than

46. Every person who, not being duly licensed to use a still, shall have in his custody any rum or other spirits exceeding the quantity of five gallons, shall be deemed

and taken to be a dealer in spirits within the meaning of this Ordinance, and every such dealer shall be subject to the survey of the supervisors to be appointed under this Ordinance, and of the officers of customs, and to all regulations, penalties, and forfeitures enacted or imposed by this Ordinance.

five gallons of spirits to be subject to the survey of the supervisor.

47. Any dealer in or retailer of rum or other spirits, or any person in the employment of such dealer or retailer, or any other person who shall receive, or buy, or shall procure or employ any person to receive or buy any spirits from any person or persons whomsoever, except from some person licensed to use a still under this Ordinance, or from some licensed dealer in or retailer of spirits, or at some public sale of spirits, condemned and sold under the directions of the Receiver General; and any person who shall receive or buy from any distiller any quantity of rum or other spirits less than eighty gallons, or from any dealer any quantity of rum less than eighty gallons contained in one cask, or any other spirits less than two gallons, shall for every such offence forfeit the sum of one hundred pounds: Provided always nevertheless that no person shall be liable to such last-mentioned penalty for, or by reason of the receipt of, any British, or Colonial, or Foreign spirits legally imported into this Colony, and in respect whereof the duties of import shall have been duly paid, but in every case where any question shall arise whether such spirits have been legally imported into this Colony, or whether the duties of import on the same have been duly paid and satisfied, the burthen of proving the same shall be on the person in whose possession such spirits shall be found.

Penalty on any person receiving or buying or employing any other person to receive or buy any spirits except from a licensed distiller, dealer, or retailer.

Proviso as to spirits legally imported, &c.,

48. It shall and may be lawful for every supervisor within his district or circuit, and every officer of customs from time to time, and at all times in the day time, after request to enter into any house, warehouse, storehouse, room, shop, cellar, vault or other place made use of by any dealer in or retailer of spirits for the laying or keeping of any spirits, and by tasting, gauging, or otherwise to take an account of the quantity and quality and strength respectively of all or any such spirits which shall be in the custody or possession of such dealer or

Officers to enter shop, &c., of any dealer, &c., and taste and take samples, paying for the same.

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retailer, and to take at any time or times a sample or samples of any such spirits, paying for the same the usual price thereof if demanded.

Officers to take an account of stock of dealers and retailers.

Excess of spirits to be seized, and dealer, &c., to forfeit 20s. for every gallon of excess.

Penalty on selling, sending out, or receiving any spirits in a greater quantity than one gallon without a permit.

49. Every supervisor and officer of customs shall and may, as often and at such times as he may think fit, take an accurate and true account of the quantity and strength of all rum and other spirits in the stock, custody, or possession of every dealer in or retailer of spirits, and shall compute the same at the strength of hydrometer proof, and if after making allowance for the rum and other spirits for which permits shall have been granted since the last account taken of the stock of such dealer or retailer, computing the same at the strength aforesaid, it shall be found that the quantity of spirits remaining in the stock, custody, or possession of such dealer or retailer shall exceed the quantity which such dealer or retailer ought to have on hand according to the books or account of the supervisor of the circuit or district, whether such credit shall have arisen from what was on hand at the last preceding account taken, or from what may have been legally received subsequent thereto, such excess shall be deemed and taken to be spirits illegally received, and a quantity of spirits of the like kind equal to such excess shall and may be seized out of any part of the stock of such retailer or dealer by any supervisor or officer of customs, and the dealer or retailer in whose stock, custody, or possession such excess shall be found shall forfeit the sum of twenty shillings for every gallon of such excess.

50. If any dealer in or retailer of spirits or any other person sell, send out, deliver, or remove from or shall receive into his stock, custody or possession, any rum or other spirits without the same being accompanied with a permit, or if any carrier, boatman, or other person shall knowingly carry, remove, or transport or by means of his horse, cattle, cart, vessel, boat or other conveyance shall knowingly suffer to be carried, removed or transported, or shall be aiding or assisting in carrying, removing, or transporting from any part of this Colony to any other part thereof any rum or other spirits which by law ought and are required to be accompanied with a permit, without being accompanied with such

permit in that behalf, every such dealer, retailer, carrier, boatman, or other person whosoever shall for each and every such offence forfeit and pay the sum of one hundred pounds over and above every other penalty and forfeiture to which he is or may be liable by virtue of this Ordinance, and all such rum or other spirits, and the packages or vessels in which the same shall be contained, and every such horse, cart, vessel, boat and other conveyance, and all such cattle shall be forfeited, and may be seized by any Supervisor or Officer of Customs. Provided always that any rum or other spirits not exceeding the quantity of one gallon may be removed from the stock, custody or possession of any licensed retailer without a permit; But in every such case the burthen of proof that the person from whose stock, custody, or possession any rum or other spirits so sent out or removed was a licensed retailer shall be on the party proceeded against.

51. No dealer in or retailer of spirits shall have credit in stock for any greater quantity of spirits received or found in his stock than for the quantity computed at proof brought in by and expressed in the permit or permits accompanying such spirits and delivered to the proper officer.

No dealer or retailer to have credit in stock for any quantity, except the quantity expressed in permits.

52. It shall and may be lawful for any Supervisor or Officer of Customs to stop and detain any person whom he shall reasonably suppose to be removing or carrying any spirits of any kind, and to search and examine any package of whatever description which he shall reasonably suppose to contain any spirits and to demand the production of the permit or permits accompanying such spirits and, on being satisfied that the spirits are the same in quantity, quality, sort or kind and strength as expressed in such permit or permits, such Supervisor or 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 such spirits which are by law required to be accompanied with a permit shall refuse to produce such permit immediately on being required so to do by any Supervisor or Officer of Customs, or shall be found removing or carrying any such spirits without a lawful

Officers authorized to stop every person whom he may suppose to be carrying spirits, and demand permits, &c.,

permit, every such person shall for every such offence forfeit the sum of fifty pounds, and it shall be lawful for such Supervisor or Officer, and he is hereby authorised, empowered and required to stop, arrest, and detain every such person, and to convey every such person, together with the spirits so being removed or carried by or with him, to the nearest police station, and it shall be lawful for any Justice of the Peace having jurisdiction in the place where any such person shall be so stopped or arrested, and he is hereby required and shall have full power and authority to hear and determine forthwith any information against any such person so stopped or arrested under the provisions of this Ordinance, and on the confession of any such person, or upon proof on oath by one or more credible witness or witnesses, to convict such person in such penalty as aforesaid, and no such penalty shall be mitigated by any Justice below one-fourth part thereof, and every such person so convicted as aforesaid shall immediately on such conviction pay down into the hands of such Justice the said penalty in which he shall be so convicted, and if any such person so convicted shall not forthwith pay down the said penalty the said Justice shall and he is hereby authorised and required by warrant under his hand to adjudge the person so convicted as aforesaid to be imprisoned in the Royal Gaol with or without hard labour, for any time not exceeding six nor less than three calendar months, unless such penalty be sooner paid.

If permit not delivered, such spirits to be forfeited to the buyer, and the seller to forfeit double the value.

53. If any permit granted for spirits shall not be sent and delivered with such spirits unto the buyer thereof, such spirits shall, if the same be not seized in the transit for want of a lawful permit accompanying the same, be forfeited to the buyer thereof, and the seller shall be rendered incapable of recovering the same, or the value or price thereof in any Court of Justice; and the seller, in such case, shall, over and besides the loss of the said spirits, forfeit double the value of the price agreed to be paid for the same including the duties.

All standing or fixed casks used by

54. And for enabling the Supervisors and Officers of Customs the more readily to take account of the

stock of spirits of dealers and retailers, Be it further enacted, That all standing or fixed casks used by any dealer in or retailer of spirits for the keeping in stock of any spirits, shall before the same shall be made use of be duly entered by such dealers and retailers respectively with the Supervisor of the district, upon pain of forfeiture by the person or persons in whose stock the same shall be found, of the sum of fifty pounds sterling for every such cask which shall have been so used without having been duly entered as aforesaid, and also of every such cask with the liquor contained therein; and upon every such cask used by any such dealer or retailer for holding or keeping any spirits in stock, such distinguishing number as shall be directed by the Supervisor of the district, its full measure in gallons, or the quantity of liquor it is capable of containing, and also the name of the quality, sort, or kind of spirits kept or contained therein, shall be legibly painted, cut or branded on some conspicuous part thereof, upon pain that the dealer or retailer in whose custody or possession any cask so used shall be found not having such full measure thereof, and such particulars as aforesaid painted, cut, or branded thereon as aforesaid, or containing a different quality, sort, or kind of spirits from what shall be painted, cut, or branded thereon as aforesaid, shall forfeit the sum of twenty-five pounds for every such default, omission or offence, as aforesaid.

dealers and retailers to be entered and the capacity and liquor to be cut, painted or branded thereon.

55. For every cask of rum or other spirits removed, delivered, or received from the stock of any distiller or dealer in spirits to the stock of any retailer of spirits a separate and distinct permit shall be granted, which permit shall, before the removal of such cask be pasted or glued upon one of the ends of such casks, in such manner that the number and marks mentioned in such permit may be read and compared with the number and marks marked, painted or branded on such cask; and if any rum or other spirits shall be removed from the stock of any distiller or dealer for the purpose of being received into the stock of any retailer of spirits, or shall be received into the stock of any retailer of spirits without having such permit pasted or glued upon such cask in the manner hereinbefore directed, such rum or

A separate permit to be granted for every cask of spirits removed from the stock of a distiller to the stock of a retailer.

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other spirits shall be forfeited and may be seized by any Supervisor or Officer of Customs, and every such distiller, dealer or retailer so offending shall for every such offence forfeit the sum of one hundred pounds.

Penalty on dealer or retailer delivering or receiving spirits without permit, or of a greater quantity or different kind or strength expressed in the permit, or not retaining the permit, or using any permit for a different purpose than that for which granted

56. If any dealer or retailer shall deliver, remove or receive any rum or other spirits, for the removal of which a permit is by law required, without such permit, or any greater quantity of rum or other spirits, or rum or other spirits of a different kind or quality, or of a greater or higher strength than shall be expressed in such permit, or if any distiller or other person shall omit to return any permit to the proper officer forthwith after the spirits mentioned in such permit shall have been removed by virtue of and in the manner mentioned in such permit, except in those cases where the permit shall have been pasted or glued upon the cask, or shall request, obtain, sell, lend, deliver, employ, or make use of any such permit, or shall cause or suffer any such permit to be requested, obtained, sold, lent, delivered, employed or made use of to or for any other use or purpose whatsoever than to accompany the actual removal and delivery of the rum or other spirits therein mentioned, or shall produce, or cause or suffer any such permit to be produced to any officer or other person as having been received with any rum or other spirits other than those mentioned in such permit, or shall in any manner use or employ, or cause or suffer to be used or employed any permit so as that any account of spirits kept or checked or to be kept or checked by the Supervisor or Officer of Customs by such permit shall or may be frustrated or evaded, then, and in every such case, every such distiller or other person shall for every such offence severally forfeit the sum of two hundred pounds over and above every other penalty and forfeiture whatever, and every permit used for any purpose whatever other than to accompany the removal and delivery of the rum or other spirits for which such permit was obtained and granted, and as therein expressed or described, shall be deemed and taken to be a false permit; and every person having any license to use a still or to sell spirits by retail shall, upon being convicted of any such offence as aforesaid, forfeit every such license, and no new license shall be granted to

such person so convicted for the remainder of the current year of any license so forfeited.

57. No retailer of spirits shall be a distiller of spirits, or have any part or share in any distillery of spirits, or be in any manner interested or concerned in the trade or business of a distiller of spirits, and if any such retailer shall be a distiller of spirits, or shall have any part or share in any distillery or be in any manner interested or concerned in the trade or business of a distiller of spirits, such retailer shall for every such offence forfeit and lose the sum of one hundred pounds.

Retailer not to be a distiller or have any interest in a distillery.

58. If any person shall knowingly sell or deliver, or cause to be sold or delivered, directly or indirectly, any quantity of rum or other spirits to any other person to the end that the same may be unlawfully retailed in any part of this Colony, such person so offending shall for every such offence forfeit over and above all other penalties the sum of fifty pounds.

Persons not to sell spirits to be unlawfully retailed or consumed.

59. It shall be lawful for the Stipendiary Justice of any District, in case of the sickness or absence of the Supervisor of the Circuit or District, to grant a permit for the removal of any rum or other spirits for the purpose of being warehoused, or shipped for exportation; and in every such case such permit shall be as good to all intents and purposes as if the same had been granted by such Supervisor.

In absence of Supervisor of District, Stipendiary Justice to grant a permit for warehousing spirits.

60. If any person shall knowingly receive, buy, or have in his custody or possession any rum or other spirits removed from the place where the same ought to have been charged with the duty payable in respect thereof, before the duty to which the same shall be liable has been charged, or before such rum or other spirits have been lawfully condemned as forfeited the person offending therein, whether he had or had not, or do or do not claim or pretend to have any property or interest therein, shall for every such offence forfeit the sum of fifty pounds sterling and also the spirits so received, bought or had in his custody or possession.

Penalty on persons having in possession any spirits before the duties shall have been charged, or before the same shall have been condemned.

61. No person shall hawk or sell or expose to sale any rum or other spirits by whatever name or names they are or may be called or distinguished in or about the

Persons hawking spirits to forfeit them

and fifty  
pounds for  
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offence.

streets, highways or other places, or in or from any boat or other vessel upon the water, or in any other manner or place whatsoever, except in some place duly entered as hereinbefore directed, upon pain of forfeiting all such rum or other spirits and the sum of fifty pounds for every such offence; and it shall and may be lawful to and for any Justice of the Peace for the district or place wherein such offence shall be committed, on his own view, or on the confession of the party, or by the proof on oath of one or more credible witness or witnesses made of such offence to convict any person so offending as aforesaid, and such person so offending and convicted shall immediately on such conviction pay the said sum of fifty pounds, or some mitigated amount not being less than one-fourth part thereof, and on such offender refusing or neglecting to pay the said sum, the Justice so convicting as aforesaid shall and may by warrant under his hand commit the offender to be imprisoned in the Royal Gaol, with or without hard labour, for any time not exceeding three calendar months.

Justice may  
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hending such  
offender.

62. It shall and may be lawful for any Justice of the Peace on information upon oath made before him against any person for hawking or selling or exposing to sale any rum or other spirits contrary to this Ordinance, to issue his warrant under his hand to be directed to any police constable for the apprehending and bringing such offender before such Justice in order to such offender being by such Justice dealt with according to law.

Any person  
may keep and  
detain haw-  
kers of spirits  
and take them  
before a  
Justice.

63. It shall and may be lawful for any person whomsoever to seize and detain any person who shall hawk or sell or expose to sale in manner aforesaid any rum or other spirits by whatever name or names they are or may be called or distinguished, and to carry any such person so seized and detained before some Justice of the Peace for the district or place where such offence may be committed, which said Justice of the Peace is hereby required to proceed to the examination of such person so seized and brought before him for such offence, in the same manner as if such person so seized had been apprehended and brought before him by a police constable under such warrant as aforesaid.

64. Provided always, that nothing in this Ordinance contained shall extend to prohibit any retailer of spirits duly licensed under this Ordinance, or any other person licensed in writing by two or more of the Stewards of any races to be held in the Queen's park, or at any other place under the authority of the Governor, from selling any spirits in Booths, Tents, or other places within the Queen's park, or within any other place where such races shall be held, during such races.

Retailers of spirits or others licensed not prohibited from selling spirits at authorised races.

65. The several entries, notices, declarations, books, accounts, returns, request notes, and permits required or directed by this Ordinance, shall and may be in such respective forms as the Receiver General may from time to time direct, and it shall not be necessary to prove on the trial of any complaint or information, or in any other proceeding for any offence against this Ordinance the particular order or direction of the Receiver General in that behalf.

Entries, permits, &c., to be in the form approved by the Receiver-General.

66. On the commission of any offence under this Ordinance, either of the offending parties who shall first discover and inform against the other or others of such offending parties before any information has been lodged against such informing party for such offence, shall, upon conviction of the person or persons against whom such information shall be given, be discharged and acquitted from all penalties to which at the time of such information given such informing party might have been liable for or by reason of any such offence committed by such informing party, and the evidence of such informing party shall on any trial at law touching such offence, be admitted to prove the facts thereof or relating thereto.

Either of the offending parties informing against the other shall be acquitted of his penalty.

67. If any person shall, armed with a gun, pistol, sword or pike, or in any violent manner with staves or stones or any other instrument, rescue any offender arrested, or any goods or chattels seized under this Ordinance, or shall prevent such arrest or seizure, or shall assault, beat, or wound any supervisor or officer of customs or other person acting in his aid or assistance, or any person who shall have given or be about to give any information against, or shall have discovered or given evidence against or be about to discover or give

Armed persons opposing the law or assaulting officers or informers to be guilty of felony.

evidence against, or shall seize or bring to justice any person offending against this Ordinance, or who shall have seized or be about to seize or examine any goods or chattels forfeited under this Ordinance, or shall forcibly oppose the execution of any of the powers given by this Ordinance, or who being armed or with such violence as aforesaid shall offer or threaten so to do, then every person so offending, and his aiders and abettors thereof lawfully convicted, shall be and be adjudged to be guilty of felony, and shall be imprisoned with hard labour, for such term not exceeding four years, as to the Court by and before whom they shall be convicted shall seem fit.

Constables,  
&c., not exe-  
cuting this  
Ordinance to  
forfeit twenty  
pounds.

68. If any constable or other ministerial officer of the peace shall refuse or neglect, upon due notice or request, or on his own view, to be aiding and assisting, or to proceed as aforesaid in the execution of this Ordinance, such constable or other ministerial officer of the peace being thereof convicted by the oath of one or more credible witness or witnesses, before any Justice of the Peace for the district or place where such offence shall be committed, shall forfeit for every such offence the sum of twenty pounds, and in default of immediate payment thereof, shall be committed to imprisonment in the Royal Gaol, with or without hard labour, for any term not exceeding three calendar months as to the Justice shall seem fit.

Officers tak-  
ing any  
reward or en-  
tering into  
any collusive  
agreement to  
do any act  
contrary to  
their duty,  
and persons  
offering such  
reward or pro-  
posing such  
agreement to  
forfeit five  
hundred  
pounds and be  
incapacitated  
from serving  
Her Majesty  
in the Colony.

69. If any supervisor or officer of customs, or other person employed in the execution of this Ordinance, shall directly or indirectly, ask or demand, or take or receive any sum of money or other recompense or reward whatsoever, or any security for any sum of money or other recompense or reward, or acquiesce in or make or enter into any collusive agreement with any person to do, conceal or connive at any act or thing whereby any of the provisions of this Ordinance shall or may be evaded or broken, or Her Majesty's revenue defrauded, or to do or perform or permit or suffer to be done or performed any act or thing whatsoever contrary to the duty of such supervisor, officer or person so employed as aforesaid, every such supervisor, officer or person so employed offending as aforesaid, shall for each and every such offence forfeit the sum of five hundred pounds, and being thereof duly convicted,

shall be incapable of thereafter serving Her Majesty in any office or employment whatsoever in this Colony; and every person who shall directly or indirectly give or offer or promise to give to any supervisor, or officer or person so employed as aforesaid, any sum of money or other recompense or reward whatsoever, or shall propose, make or enter into any collusive agreement with any supervisor, officer or person so employed as aforesaid, in order to corrupt and prevail upon such supervisor, officer or person as last aforesaid, to do, conceal or connive at any act or thing, whereby any of the provisions of this Ordinance shall or may be evaded or broken, or Her Majesty's revenue defrauded, or to do or perform any act or thing whatsoever contrary to the duty of such supervisor, officer or person so employed as aforesaid, or to neglect or omit to do or perform any act or thing whatsoever, belonging or appertaining to the business or duty of such officer or person so employed as aforesaid, shall for each and every such offence, whether such sum of money or other reward or promise of or security for the same, or such agreement be received, accepted, entered into or performed or not, forfeit the sum of five hundred pounds: Provided always, that in case any such supervisor, officer or person so employed as aforesaid, who shall have directly or indirectly asked or demanded, or taken or received any such sum of money or other recompense or reward or any promise of or security for the same, or acquiesced or made or entered into any such collusive agreement shall, before any complaint shall have been made or any proceedings had against him for having committed any such offence as aforesaid, give information of the gift, offer or promise to give such sum of money or other recompense or reward or security for the same, or of such collusive agreement proposed or made or entered into, and proceedings shall thereon be thought fit to be instituted so that such penalty as aforesaid, shall be recovered against the person who shall have directly or indirectly given, or offered or promised to give any such sum of money or other recompense or reward, or security for the same, or in case the person who shall have directly or indirectly given or offered or promised, to give any such sum of money, or

other recompense or reward or security for the same or shall have proposed or made or entered into any such collusive agreement shall, before any complaint shall have been made, or any proceedings had against him for having committed any such offence, give information of the asking or demanding, or of the taking or receiving any such sum of money or other recompense or reward or promise of, or security for the same, or of such collusive agreement acquiesced in or entered into by any supervisor, officer or person so employed as aforesaid, and proceedings shall thereon be thought fit to be instituted, so that such penalty as aforesaid, shall be recovered against such supervisor, officer or person so employed and offending as aforesaid, then and in either of the said cases either of the said parties so first giving such information, shall be exempted from and indemnified against the penalties and disabilities imposed on such party for such offence by this Ordinance.

Penalty for obstructing officers.

70. If any distiller or any dealer in or retailer of rum or other spirits, or any workman or servant belonging to or employed or authorized by such distiller, dealer or retailer, or if any other person shall molest, hinder, oppose or obstruct any supervisor or officer of customs, or any person acting in his aid or assistance in the due execution of the powers and authorities by this Ordinance granted, or any of them, every such distiller, dealer, or retailer, or other person so offending shall for every such offence forfeit the sum of one hundred pounds.

Acts required to be done by Receiver General may be done by any other officer of Customs appointed by him.

71. Every Act, matter or thing required by this Ordinance, to be done or performed by the Receiver General, being done or performed by any Sub-Receiver within any district or place for which such Sub-Receiver shall be authorized to act, or by any other officer of customs appointed by the Receiver General for such purpose, shall be deemed to be done or performed by the Receiver General.

When any question shall arise as to a person being a licensed distiller.

72. Where on any proceeding or information for the recovery of any penalty or forfeiture under this Ordinance any question shall arise, whether any person was or was not a duly licensed distiller at the time of the committing of the offence mentioned in such information, a certificate purporting to be signed by the

Receiver General, that such person was or was not so duly licensed as aforesaid shall be, and the same shall be sufficient proof of the fact stated in such certificate.

73. In any prosecution for any penalty incurred under or by virtue of this Ordinance, the costs and expenses of such prosecution, where a conviction shall not have been obtained, or when the money which shall be recovered or received from the defendant or defendants either by way of penalty or compromise, shall not be sufficient to satisfy and discharge such costs and expenses, shall be paid out of the public revenue of the Colony.

Where a conviction is not obtained or sum recovered is insufficient costs to be paid out of the Public Revenue.

74. All costs and expenses attending the seizure, detention, custody, removal, prosecution, condemnation, and sale of any rum or other spirits whatsoever, forfeited under or by virtue of this Ordinance shall be paid out of the gross proceeds arising from the sale thereof respectively, whenever the same shall be sold, and in case the same shall not be sold, but shall be destroyed or otherwise disposed of, all such costs and expenses shall be paid out of the public revenue of the Colony.

Costs attending the seizure, &c., of spirits, by whom paid.

75. In any prosecution for the condemnation of any rum or other spirits seized or forfeited under or by virtue of this Ordinance the costs and expenses attending the seizure, detention, custody, removal or prosecution of any such rum or other spirits, whether the same be condemned or not, and also the costs and expenses attending the condemnation thereof, if the same be condemned, and of the sale thereof, if sold, whether the produce arising from the sale thereof shall be sufficient to answer the said costs and expenses or not shall be paid out of the public revenue of the Colony.

In any prosecution for condemnation, costs to be paid out of the Revenue of the Colony.

76. All penalties and forfeitures incurred and recovered under or by virtue of this Ordinance shall be distributed, one moiety thereof to the use of Her Majesty, her heirs and successors, and the other moiety to the supervisor, or officer of customs, or other the person or persons who shall discover, inform or sue for the same.

Application of penalties.

77. Where any person shall be lawfully convicted of any offence against any of the provisions of this Ordinance, and the pecuniary penalty imposed for such

Governor may reward informing officer if the

penalty can-  
not be levied.

offence shall not be paid and cannot be levied, or the person incurring any such penalty is not able to pay the same, but in lieu thereof is sent to prison, it shall and may be lawful for the Governor to cause such reward as he shall think fit, not exceeding fifty pounds in each case, to be paid out of the Colonial Treasury to the supervisor or officer of customs who shall have informed and prosecuted for such offence.

78. All penalties and forfeitures under this Ordinance shall or may be sued for, recovered, levied or enforced according to the provisions of the Ordinance passed in Council on the eleventh day of December, one thousand eight hundred and forty-eight, entitled "an Ordinance to regulate the mode of proceeding for the recovery of penalties and forfeitures under an Ordinance, entitled 'an Ordinance to raise a duty on rum and other spirits manufactured in the Colony.'"

Interpreta-  
tion clause.

79. In this Ordinance the word Supervisor shall extend to and include all Assistant Supervisors, the words Police Constable shall extend to and include all Ward Constables, and every word importing the singular number shall extend and be applied to several persons or things as well as one person or thing and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

Passed in Council this twenty-first day of December, in the year of Our Lord, one thousand eight hundred and sixty.

W. P. CLARKE,

*Acting Clerk of Council.*

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No. 9.—1861.

*20th March.*

AN ORDINANCE to revive and make perpetual a certain Ordinance entitled "An Ordinance to amend an Ordinance entitled 'An Ordinance for the Estab-