

TRINIDAD AND TOBAGO.

No. 16—1916.

I ASSENT,

[L.S.]

S. W. KNAGGS,
Acting Governor.

20th May, 1916.

AN ORDINANCE to amend the Sale of Produce Ordinance, 1909. (No. 8—1909.)

[On Proclamation.]

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.—(1.) This Ordinance may be cited as the Sale of Produce Ordinance, 1916.

Construction. (2.) In this Ordinance "Principal Ordinance" means the Sale of Produce Ordinance, 1909.

Amendment of Section 2 of Principal Ordinance. 2.—(1.) The definitions of "licensable produce" and "produce" in Section 2 (1) of the principal Ordinance are hereby repealed, and the following definitions shall be inserted in lieu thereof:—

The term "licensable produce" includes cocoa, coconuts, coffee, limes, nutmegs, kola nuts, tonca beans and rubber, and such other article

*Repealed
by 47 of 1917*

of produce as the Governor in Executive Council by Proclamation in the *Royal Gazette* may from time to time direct to be included in such term. A copy of the *Royal Gazette* purporting to contain any such Proclamation shall be *prima facie* evidence of the due making and tenor of such Proclamation.

The term "produce" includes licensable produce and also sugar cane and provisions.

(2.) Sub-section 2 of Section 2 of the principal Ordinance is hereby repealed and the following shall be inserted in lieu thereof:—

(2.) In construing this Ordinance, cocoa that has been at any time dry or which, upon the bean being opened, shows no apparent trace of moisture, shall be deemed to be cured cocoa, and all other cocoa shall be deemed to be uncured cocoa.

3. Section 3 of the Principal Ordinance is hereby repealed and the following section shall be inserted in lieu thereof:—

Amendment of
Section 3 of
the principal
Ordinance.

(1.) 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 in the manner and subject to the conditions in this Ordinance set forth.

(2.) Before such license as aforesaid is issued, the applicant shall

(a) Pay to the Justice issuing the same a license duty of £5 for the year or part of the year up to and including the 31st day of December next after the granting of the license,

(b) Enter into a bond with a surety in the form E set forth in the Schedule: Provided always that nothing in the Registration of Deeds Ordinance (No. 57) contained shall require that any such bond shall bear the signature of a barrister or certificated conveyancer as having prepared such bond before it is subscribed by a qualified functionary as defined in Section 8 of the said Ordinance.

(3.) Every such surety shall be an individual and not a company or association, and such Justice shall have an absolute discretion as to accepting or refusing any person offered by an applicant for a licence as his surety.

(4.) It shall be unlawful for any applicant for a licence or any licensed dealer or any person acting on behalf of such applicant or licensed dealer to indemnify or to agree to indemnify, whether directly or indirectly, any person offered as surety to any such bond as aforesaid, whether by deposit of the amount or any part thereof secured by the bond or in any other way whatsoever, against loss by reason of the forfeiture of such bond, and every person acting in contravention, or by any means assisting in the contravention, of this sub-section shall be liable to a penalty not exceeding £50.

(5.) All license duties received by a Justice shall be paid by him to the Receiver-General for the use of His Majesty the King.

(6.) In the event of a licensed dealer being convicted of any offence under this Ordinance, the amount mentioned in such bond as aforesaid shall become immediately payable and may, if the Attorney-General, in his discretion, thinks fit, be sued for and recovered in the manner set forth in the Crown Suits Ordinance, 1913.

(7.) A copy of the order of any summary court convicting a licensed dealer of any offence under this Ordinance, certified by the Clerk of such Court, shall, upon proof of the identity of the defendant, be deemed sufficient evidence of conviction for the purposes of the preceding Sub-section.

Amendment
of Section 8 of
Principal
Ordinance.

4. Section 8 of the principal Ordinance is amended by inserting at the end thereof the following sub-clauses:—

- (d) that the applicant is below the age of twenty-one years;
- (e) that the premises in respect of which the license is applied for are situated within an area which, in the opinion of the Justice, already has a sufficient number of licensed premises.

5. Section 9 of the principal Ordinance is amended by inserting after the word "is" in line seven the words "subject to the exception as to coconuts hereinafter appearing."

Amendment
of Section 9 of
Principal
Ordinance.

6. Sections 19, 21, 26, 30 and 31 of the principal Ordinance are hereby repealed, and the following sections shall be inserted respectively in lieu thereof:—

Repeal and
re-enactment
of Sections 19
21, 26, 30 and
31 of Principal
Ordinance.

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

Dealing in
uncured pro-
duce.

(a) uncured cocoa

(b) uncured coffee

(c) 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 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.

Restrictions as
to dealing.

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, subject to the provisions hereinafter appearing, 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.

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

(a) licensable produce other than coconuts, from the owner and upon the lands on which the same have been actually grown or from shipping the same directly from such lands; or

(b) coconuts in any place;

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.

Scales and books to be kept by dealers.

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 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 licensable produce, whether his property or not, make the proper entries in the said books according to the said forms.

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, and whether he is the owner, tenant or contractor in occupation of any such lands, or the servant or agent of any such owner, tenant or contractor, 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 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.—(1.) 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, limes, coconuts, 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 autho-
rity to con-
tractor.

Provided always that if such owner or manager as aforesaid shall reasonably suspect that such cocoa, coffee, limes, coconuts, 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.

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.

(2.) Any tenant or contractor who sells or attempts to sell either by himself or through any agent or servant, any cocoa, coffee, limes, coconuts, nutmegs, kola nuts, tonca beans or rubber without such written authority as in the preceding sub-section mentioned shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a penalty not exceeding £5 and in default of payment to imprisonment, with or without hard labour, for any period not exceeding one month.

(3.)—(a.) Every tenant or contractor who takes or causes or directs to be taken any such produce as aforesaid to a licensed dealer for sale shall deliver or cause to be delivered to such dealer the written authority to sell the produce.

(b.) Every licensed dealer to whom any such produce as aforesaid is offered for sale and knowing or having reason to know that the person selling or attempting to sell the same is a tenant or contractor or the agent or servant of a tenant or contractor shall before purchasing the same demand the delivery up to such licensed dealer of such written authority.

(c.) A licensed dealer shall retain in his possession every written authority delivered to him as aforesaid for the space of six months from the date of the delivery thereof and shall produce it for inspection if and when requested

to do so by the owner of the plantation or land occupied by such tenant or contractor as aforesaid, or by a member of the Constabulary force.

(d.) Any person committing any breach of the provisions of this sub-section shall be guilty of an offence against this Ordinance and shall be liable on summary conviction to a penalty not exceeding £25 and in default of payment to imprisonment, with or without hard labour, for any period not exceeding three months.

7. Section 20 of the Principal Ordinance shall not apply to coconuts.

Section 20 of Principal Ordinance not to apply to coconuts.

8. Section 29 of the Principal Ordinance is amended:—

Amendment of Section 29 of the Principal Ordinance.

(a.) By inserting after the word "Justice" in line 18 the words "or to the purchase of limes or coconuts by any huckster or hawker for the purpose of offering the same for sale in the public roads or to the purchase of limes or coconuts by any person for the purpose of selling them in a duly authorised market."

(b.) By inserting after the word "coconuts" in line 25, the words "or limes."

(c.) By striking out the word "streets" in line 27 and inserting in lieu thereof the word "roads."

9.—(1.) Form C in the Schedule to the Principal Ordinance is hereby struck out and Form C in the Schedule hereto shall be inserted in lieu thereof.

Amendment of Form C in Schedule to Principal Ordinance.

(2.) There shall be inserted in the Schedule to the Principal Ordinance Form E as the same appears in the Schedule to this Ordinance.

Form E.

10. Any licensed dealer on whose premises or in whose house or building, being part of or contiguous to such premises, any red clay is found, shall be guilty of an offence, and on summary conviction shall be fined a sum not exceeding £20.

Red clay on licensed premises.

11. Nothing in this Ordinance contained shall invalidate, during the currency thereof, any license to deal in

Saving existing licenses.

licensable produce issued before the commencement of this Ordinance under the provisions of the Principal Ordinance.

Repeal.

12. The Sale of Produce Ordinance, 1910, and the Sale of Produce (Amendment) Ordinance, 1912, are hereby repealed.

Commencement.

13. This Ordinance shall commence on a day to be fixed by the Governor by Proclamation in the *Royal Gazette*.

1-7-16
P/O. 46/1916

Passed in Council this Fifth day of May, in the year of Our Lord one thousand nine hundred and sixteen.

J. M. FARFAN,
Acting Clerk of the Council.

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SCHEDULE.

FORM C. THE RECEIPT BOOK.

Date of purchase or receipt of produce.	Name of person from whom actually purchased or received.	Name of proprietor or contractor of plantation or land of which produce purchased or received is the product.	If contractor, name of proprietor.	Name and local situation of plantation or land of which produce purchased or received is the product.	Weight, number or quantity purchased or received.	REMARKS.
 						

FORM E.

Bond to be signed by Licensed dealer.

TRINIDAD AND TOBAGO.

KNOW ALL MEN BY THESE PRESENTS that we of in the Colony of Trinidad and Tobago and in the said Colony are held and firmly bound unto His Majesty the King in the sum of £50 to be paid to His Majesty the King His Heirs and Successors for which payment well and truly to be made we bind ourselves and every of us, jointly and severally for and in the whole our heirs executors and administrators and every of them by these presents.

Dated this day of 19 .

Whereas the said was on the day of 19 . granted by Esquire, S.J.P., in and for the district of a license under the provisions of the Sale of Produce Ordinances ;

Now the condition of this obligation is such that if the said complies with the provisions of the said Ordinances during the existence of the said license and is not convicted of any offence under the said Ordinances or any Ordinance amending the same, then this obligation shall be void, but otherwise shall be and remain in full force.