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 20-61, 12-63

CHAPTER 23. No. 18.

SALE OF PRODUCE.

Ordinances AN ORDINANCE RELATING TO THE SALE OF COCOA AND
 Ch.23. No.17 OTHER PRODUCE.
 —1940.
 No. 17—1942.
 „ 30—1947.

Commence-
 ment.

[3rd December, 1921.]

Short title. 1. This Ordinance may be cited as the Sale of Produce Ordinance.

Interpreta-
 tion.
 Ord.17—1942,
 s. 2.

2. (1). In this Ordinance—

“ citrus fruit ” includes oranges, lemons, limes and grape-fruit;

“ cocoa ” means cocoa beans; whether in the pod or pulp or separated from the pulp, or whether cured or uncured, ripe or unripe;

“ coconuts ” means ripe or dry coconuts, whether husked or not husked, and includes the dry kernels of coconuts;

“ coffee ” means coffee in pulp or cherry and raw coffee in the parchment, but not raw cleaned coffee;

“ district ” means magisterial district;

“ licensable produce ” includes cocoa, coffee, nutmegs, kola nuts, tonca beans, and rubber, and such other article of produce as the Governor in Council, by proclamation, may from time to time direct to be included in such term;

“ licensed dealer ” means a dealer in licensable produce licensed under this Ordinance;

“ licensed premises ” or “ premises ” means the apartment, room, or store specified in the licence of any licensed dealer;

“nutmegs” means nutmegs whether in the pod or separated from the pod, whether cured or uncured, ripe or unripe;

“owner” includes the tenant or person in the actual possession of, and the manager of or other person having the chief authority on, any plantation or lands;

“produce” includes licensable produce and also sugar-cane, coconuts, citrus fruits, and provisions;

“provisions” means ground provisions, and includes yams of all descriptions, tania, dasheen, cassava or manioc, sweet potatoes, arrowroot, plantains, bananas, indian corn, ripe peas and beans, and other foodstuffs cultivated in the Colony above or beneath the soil, but does not include fruit, other than plantains or bananas, or any green vegetable other than indian corn;

“purchase” includes barter or exchange;

“rubber” means unmanufactured india rubber, and includes the milk or gum or rubber in the crude state of any of the following species of trees:—*Mimusops* (Balata), *Hevea*, *Castilloa*, *Funtumia*, *Cryptostegia*, *Manihot*, *Landolphia*, and *Ficus*, and of any other tree or plant that may from time to time be declared a rubber-bearing tree or plant by proclamation of the Governor in Council: Provided that in no proceeding under this Ordinance shall it be incumbent on the prosecution to prove that any substance, being apparently of the nature and description of unmanufactured india rubber, is the produce of any of the plants herein enumerated, but the proof that such substance is not derived from any of such plants shall in every case be on the party accused;

“town” means the City of Port-of-Spain, and the Boroughs of San Fernando and Arima, and the Town of Scarborough;

“village” means any collection of separate and detached dwelling-houses or shops—

(a) not less than twenty in number, the property of different owners or occupied by different persons;

(b) not being more than one hundred and fifty feet apart from one another;

(c) not more than sixty feet distant from any public road.

"Cured cocoa."

(2) In construing this Ordinance, cocoa which 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.

Licences to deal in licensable produce.

No person to deal in licensable produce without licence.

3. It shall not be lawful for any person to carry on the business of a dealer in any description of licensable produce without having obtained a licence to deal in licensable produce in the form and manner and subject to the conditions in this Ordinance set forth.

Form, duration, and effect of licence.

4. (1) A licence to deal in licensable produce shall be in the form B in the Schedule hereto.

(2) Such licence shall commence on one of the following days, namely, the 1st of January, the 1st of April, the 1st of July, or the 1st of October, and shall expire on the 31st of December next after it is granted.

(3) Subject to the exceptions as to licensable produce mentioned in subsection (2) of section 24, a licence shall be available only for the premises in which the business of the licensed dealer is carried on, and must specify the premises in respect of which it is granted.

(4) A licence shall extend to only one set of premises.

Partners, agents, etc.

5. (1) Two or more persons carrying on business in partnership shall not be obliged to take out more than one licence in respect of the same business.

(2) If any person resident outside the Colony desires to carry on the business of a licensed dealer, application for a licence may be made in his name by his partner, agent, or attorney.

(3) A licence to two or more partners shall not be determined by the death or retirement of any one or more of them.

6. No licence shall be assignable or shall be deemed to authorise any person to carry on the business of a licensed dealer by reason of his being the personal representative of the person to whom a licence has been granted beyond such time as would enable the personal representative to apply for and obtain a licence.

Licences not assignable.

7. Subject to the requirements of section 9, a Magistrate may authorise a licensed dealer to transfer his licensed trade to premises other than those specified in his licence, but situated within the district of such Magistrate. A fee of \$4.80 shall be payable on every application for a transfer under this section.

Substitution of premises.

8. (1) No licence to deal in licensable produce shall be issued to an applicant unless—

Conditions precedent to issue of licence.

(a) the applicant shall pay to the Magistrate issuing the same a licence duty of \$24 for the year or part of the year up to and including the 31st of December next after the granting of the licence;

Licence duty.

(b) a bond in the form E in the Schedule hereto shall have been entered into by a surety on behalf of the applicant: Provided that nothing in the Registration of Deeds Ordinance 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 by that Ordinance.

Bond.

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

Surety to be individual.

(3) 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 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 no action shall lie against an applicant by a surety to recover any money paid by him in

Surety not to be indemnified.

respect of his liability under such bond, nor shall such applicant be under any liability whatsoever to repay to the surety any money paid by him or on his account in respect of such liability, nor shall such surety be entitled to set off the amount so paid against any claim against him by the applicant.

Appropriation.

(4) All licence duties received by a Magistrate shall be paid by him into the Treasury for the use of the Colony.

Liability under bond.

(5) 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.

Evidence of conviction.

(6) A copy of the order of any Magistrate convicting a licensed dealer of any offence under this Ordinance, certified by the clerk of the court, shall, upon proof of the identity of the defendant, be deemed sufficient evidence of conviction for the purposes of the last preceding subsection.

Substitution of surety in certain cases.

(7) In the event of a surety paying any money due under his bond, or becoming bankrupt, or dying, or of an action being commenced by the Attorney General on any bond, the licensed dealer shall, within seven days of such payment, bankruptcy, or death, or of such action being commenced, procure another surety to enter into a bond in the form and subject to the conditions in this section set forth. If any dealer fails to comply with the requirement of this subsection, his licence shall be forfeited and become absolutely null and void.

Applications for Licences.

When licence may be granted.

9. (1) Subject to the provisions of this Ordinance, licences to deal in licensable produce may be granted by the Magistrate of the district within which the premises to be licensed are situated—

(a) in respect of any premises situate in a town or village;

(b) in respect of any premises situate and being in any collection of houses or shops, not being a village within the meaning of this Ordinance, but which may

from time to time be declared by the Governor, by proclamation, to be a village for the purposes of this Ordinance;

(c) in respect of any premises situate within one mile of a Police Station, or within one mile of the boundary of a town:

Provided that no place shall be deemed a village within the meaning of this section unless it has been in existence for at least three years prior to an application for a licence in respect of premises situated within such alleged village.

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

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

(4) Except in the City of Port-of-Spain and the Borough of San Fernando, no licence shall be granted for any premises access to which can be had otherwise than from a public road.

(5) No licence shall be granted to the owner of any cocoa plantation in respect of any premises situate thereon or within one mile thereof.

(6) If application be made by any person for a licence in respect of any premises other than as in this section authorised, and not prohibited under subsections (3), (4), and (5) hereof, it shall be lawful for the Governor in Council, on the report of the Magistrate or Warden of the district

and of the Commissioner of Police, if he shall think fit, to authorise the Magistrate of the district at any time to hear and determine such application.

Licensing sessions.

10. (1) Ordinary sessions shall be held in the months of March, June, September, and December for the purpose of granting licences, and, subject to the provisions of this Ordinance, the Magistrate may, at such sessions or any adjournments thereof, grant licences to such persons and in respect of such premises as in the exercise of his discretion he may deem proper.

Special sessions.

(2) The Governor may, if he thinks fit, authorise the Magistrate to hold special sessions for the granting of such licences. A fee of \$14.40 shall be payable in respect of each application considered at any such special sessions.

Notice of sessions.

11. The Magistrate shall, twenty-one days at least before any licensing session, appoint the time and place at which such session is to be held, and cause notice thereof to be published in the *Royal Gazette* and to be affixed in some conspicuous place or places.

Application for licence.

12. (1) Every person desiring to obtain a licence in respect of any premises shall, fifteen days at least before the day appointed for the licensing session, make application to the Magistrate of the district within which such premises are situate.

(2) The Magistrate shall cause notice of such application to be given to the gazetted police officer or subordinate police officer in charge of the Police district, and to be published in the *Royal Gazette*, and to be affixed in such place or places in the district as he may think fit.

(3) In every such application shall be stated the name, occupation, and residence of the applicant and the situation and description of the premises in respect of which a licence is applied for, and such application shall be in the form A in the Schedule hereto.

Opposition to grant of licence.

13. (1) The Warden, an Assistant Warden, a Ward Officer, any Police officer, or the subordinate police officer

in charge of the Police district, and any person being the owner, manager, or overseer of any estate, or being a licensed dealer within the district or within three miles of the premises, may, at such licensing session, oppose the granting or renewing of any licence.

(2) The following shall be deemed grounds for opposing the granting or renewal of any licence and shall be considered by the Magistrate when giving his decision on any such application—

Grounds of opposition.

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

(b) that the applicant is a person applying in his own name for the purpose of procuring a licence for or to enable the dealing to be carried on by or on behalf of any such person as in paragraph (a) mentioned, or otherwise for or on behalf of some other person;

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

(d) that the applicant is below the age of twenty-one years;

(e) that the premises in respect of which the licence is applied for are situated within an area which already has a sufficient number of licensed premises.

14. (1) When a licence is refused to any person on the ground of personal unfitness, he shall be disqualified for any such licence for one year from the time when the licence would, if granted, have commenced.

Disqualification where licence refused.

(2) When a licence is refused on the ground of the unfitness of the premises in respect of which application is made, no licence shall be granted in respect of such premises for a like period.

(3) In either such case, the Governor in Council may, by order, permit fresh application to be made on behalf of such person or in respect of such premises before the expiration of such period.

Return of
licences to be
published.

15. A return of all licences granted under this Ordinance specifying the names and places of abode of the licensees, the description of the licensed premises, and the terms for which the licences are granted, shall be published in the *Royal Gazette*; and a book shall be kept by each Magistrate in which shall be recorded the grant or refusal of all such licences.

Power to cancel licence.

Power to
cancel
licence.

16. It shall be lawful for a Magistrate to cancel a licence in any of the following cases:—

- (a) if the applicant does not, within seven days after the granting of the application, take out his licence;
- (b) where a licence has erroneously been granted by such Magistrate upon insufficient or false information;
- (c) if application is made by a licensed dealer for the cancellation of his licence.

Appeal.

Right of
appeal.

17. (1) Any person aggrieved by any decision of a Magistrate as to the granting, refusing, or cancelling of a licence, may give to such Magistrate written notice of appeal at the time of, or within two days of, such decision.

To Judge in
Chambers.

(2) The appeal shall be to a Judge of the Supreme Court sitting in Chambers.

Notice of
appeal.

(3) Notice in writing of any such appeal shall be served by the appellant on the person or persons opposing the licence or on the applicant for the licence, as the case may be, within six days of the decision appealed against.

Copy of
notice to
be sent to
clerk.

(4) A copy of every such notice of appeal, together with an affidavit of service of the same, shall be lodged with the clerk to the Magistrate and forwarded by him to the Registrar of the Supreme Court and laid before the Judge in Chambers, who shall appoint a time for the hearing of the appeal.

Notice of
hearing.

(5) The Registrar shall forthwith cause due notice of the day appointed for such hearing of the appeal to be communicated to the appellant, the respondent, and the Magistrate, and the Magistrate shall, on the receipt of such

notification, transmit his notes and all papers and documents relating to the application, together with a short statement of the grounds of his decision, to the Registrar to be laid before the Judge in Chambers.

(6) The costs of the appeal shall be in the discretion of the Judge. Costs.

Conduct of business: Offences.

18. (1) Every licensed dealer shall cause to be painted in letters three inches at least in length, in white upon a black ground, or in black upon a white ground, publicly visible and legible upon a board placed over the entrance door of the licensed premises, the name or names at full length of such licensed person together with the words "Licensed to deal in cocoa and other licensable produce." Sign boards.

(2) Every such person shall preserve and keep up such name or names and words so painted visible and legible during all the time that he continues licensed.

(3) Any person contravening any of the foregoing provisions of this section shall be liable to a fine of ten dollars.

(4) Any person who puts or has any such letters as aforesaid upon his premises falsely importing that he is licensed under this Ordinance shall be liable to a fine of ninety-six dollars.

19. (1) Every licensed dealer shall keep on his premises—
- (a) scales and weights, or some other lawful weighing instrument, duly verified and certified according to the Weights and Measures Ordinance, and capable of weighing up to two hundred pounds; and Scales, etc.,
and books to
be kept by
dealers.
- (b) the following books according to the forms in the Schedule hereto:—
- a book to be called "the Receipt (Cartage) Book" (form B¹);
 - a book to be called "the Weighing Book" (form C);
 - a book to be called "the Delivery (Cartage) Book" (form D);

a book to be called "the Receipt Book"
(form C¹);

a book to be called "the Delivery Book"
(form D¹):

The weighing Book and the Cartage Books may contain such additional particulars as may be required by the course of business of the licensed dealer.

Proper
entries to be
made.

(2) Subject to the provisions of subsection (2) of section 24, every licensed dealer shall, immediately on the receipt of any licensable produce, whether his property or not, make the proper entries in the Receipt (Cartage) Book, and shall, until the same shall have been weighed, set aside and keep separate such licensable produce from all other licensable produce, and shall, when such produce is weighed, make immediately the proper entries in the Weighing Book and on the same day in the Receipt Book, and shall, immediately on the delivery of any licensable produce, whether his property or not, make the proper entries in the Delivery (Cartage) Book, and shall also on the same day make the proper entries in the Delivery Book.

(3) Any licensed dealer—

(a) who fails or neglects to keep on his licensed premises such scales and weights or instruments and books, or

(b) who fails or neglects to make entry in such books of such matters and things and in such manner as prescribed by this section, or

(c) in whose books there shall be found any entry false in any particular, or

(d) whose stock of licensable produce does not correspond with the amount entered in such books,
shall be liable—

(i) for a first offence, to a fine of forty-eight dollars,

(ii) for a second offence, to a fine of not less than forty-eight dollars and not exceeding ninety-six dollars,
and

(iii) for a third offence, to the full penalty of ninety-six dollars.

(4) In computing the weight of licensable produce,

an allowance of one-half of one per centum on cocoa and five per centum on balata gum shall be made for shrinkage.

20. (1) Any constable may enter the premises of any licensed dealer and—

Power of entry, inspection, etc.

(a) call for and inspect the scales and weights or other weighing instruments required to be kept thereon under this Ordinance, and the certificates of justness of such scales and weights or instruments;

(b) call for and inspect the books required to be kept under subsection (1) of the last preceding section;

(c) take a copy of any entry in such books;

(d) examine the licensable produce in the possession of such dealer and the place where it is stored;

(e) weigh and compare all such licensable produce as may be in-stock with the entries in such books.

(2) Any licensed dealer who—

(a) fails or neglects to produce such scales and weights or other weighing instrument or such certificates of justness, or

(b) fails or neglects to produce such books, or

(c) refuses to allow a copy of any entry in such books to be taken, or

(d) obstructs or resists any constable in the taking of any such copy, or

(e) fails or neglects to give and provide such assistance as may be necessary to enable the constable to check the licensable produce in his possession,

shall be liable to a fine of two hundred and forty dollars.

21. (1) Any person, not being a licensed dealer, who—

(a) purchases any licensable produce, or

(b) receives into his possession or custody any licensable produce,

Offences by persons not being licensed dealers.

shall, subject to the exemptions hereinafter appearing, be liable to a fine of ninety-six dollars.

Exemptions.

(2) The provisions of this section shall not extend to—

(a) the purchase or receiving by the owner of any plantation, from any tenant or contractor in the occupation of any land parcel of such plantation, of the produce of such land; or

(b) the purchase or sale for seed of licensable produce by the owner of any plantation or land; or

(c) the purchase of licensable produce taken or sold under the process of any court or sold by order of a Magistrate or Justice; or

(d) the receiving of licensable produce by a banker, ship's agent, or ship's consignee, or by a carrier for hire, or for keeping in cold storage; or

(e) the receiving of licensable produce as a free gift; or

(f) the receiving of licensable produce under any contract for the supply of any public institution in the Colony; or

(g) the purchase by, or sale to, any person for domestic purposes of any licensable produce by a licensed dealer; or

(h) the sale to the Superintendent of Public Gardens, Grounds and Pastures of licensable produce for the purposes of the Botanic Gardens; or

(i) the receiving or custody of licensable produce by an agent with the written authority of the owner or manager of the plantation or land from which the said produce has been derived.

(3) The onus of proving to the satisfaction of the Magistrate that a transaction falls within the last preceding subsection shall be upon the person alleging the same.

(4) If any constable shall have reasonable grounds for believing that an offence against the provisions of this section has been committed in any premises, it shall be lawful for him to enter such premises, and also any house or building part of or contiguous thereto, and to seize any licensable produce that may be found either upon such premises or in such house or building part of or contiguous thereto.

22. (1) Any licensed dealer 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 produce.

(a) uncured cocoa, or

(b) uncured coffee, or

(c) unripe or uncured nutmegs or tonca beans,

shall be liable to a fine of one hundred and twenty dollars.

(2) It shall be lawful for any constable to enter the premises of any licensed dealer, and also any house or building part of or contiguous thereto in the occupation of such licensed dealer, whether such contiguous house or building is licensed under any other Ordinance or not, and to search for uncured produce therein of the kinds mentioned in the last preceding subsection, and to seize any such uncured produce that may be found either upon the licensed premises or in such house or building part of or contiguous thereto.

Power to search for uncured produce.

23. Any produce seized by any constable under the powers in the two last preceding sections contained shall be conveyed to the nearest Police Station and produced in evidence at the trial, and, on conviction of the offender, the same shall be forfeited and sold and the proceeds shall be paid into the Treasury for the use of the Colony.

Disposal of produce seized.

24. (1) Any person who sells or offers for sale to a licensed dealer, and any licensed dealer who purchases or delivers or takes delivery of any licensable produce—

Restrictions as to dealing.

(a) on any Sunday, Christmas Day, Good Friday, or Corpus Christi Day, or

(b) at any place other than licensed premises, or

(c) at any time except between the hours of six o'clock in the forenoon and six o'clock in the afternoon of any day,

shall, subject to the provisions hereinafter appearing, be liable to a fine of two hundred and forty dollars.

(2) Nothing in this section contained shall be construed to prevent any licensed dealer from purchasing—

Exceptions.

(a) licensable produce from the owner and upon the

lands on which the same has been actually grown, or from shipping the same directly from such lands; or

(b) licensable produce at a railway station or a steamer's depot; or

(c) in any place, such licensable produce as may be proclaimed by the Governor to be purchaseable at places other than licensed premises;

but entry of all licensable produce so purchased or shipped shall be made by such licensed dealer as far as possible in manner prescribed by section 19.

(3) Nothing in this section contained shall be construed to prevent the sale by any person of cured cocoa, or cured coffee, or nutmegs to any person requiring the same for domestic or personal use and not trading or dealing in the same.

Refusing to
answer or
making false
answers.

25. (1) Any person who, when offering for sale any licensable produce to a licensed dealer, refuses to answer or makes any false answer, to any question put to him by such dealer or his servant for the purpose of ascertaining—

(a) his name and abode, or

(b) the particular situation of the land of which such licensable produce is the produce, or

(c) whether he is the owner, tenant, or contractor in occupation of any such land, or the servant or agent of any such owner, tenant, or contractor,

shall be liable to a fine of ninety-six dollars.

(2) The licensed dealer to whom any licensable produce is offered for sale, or his servant, or any person authorised by such dealer, may—

(a) apprehend any person acting in contravention of the provisions of the last preceding subsection;

(b) take such person to a Police Station of the district for the purpose of being detained there, unless he gives bail to the constable in charge of such Station by recognisance, with one sufficient surety, to any amount not exceeding ninety-six dollars for his appearance for examination before a Magistrate in the usual course;

(c) retain the licensable produce to be dealt with as the Magistrate shall direct.

(3) On the ownership of the licensable produce being proved to his satisfaction, the Magistrate shall order it to be delivered to the owner thereof.

(4) If the Magistrate is not satisfied as to the ownership of the produce, he shall order it to be sold at the expiration of seven days, and the moneys arising from the sale shall be paid to the person whom the Magistrate considers to be lawfully entitled thereto.

26. (1) Subject to the provisions hereinafter contained, every owner of any plantation, or in his absence, the manager thereof, shall, upon application made to him by any tenant or contractor on any such plantation, give to such tenant or contractor a written authority to sell all such licensable produce as may be alleged by such tenant or contractor to have been reaped or got on the land occupied by him. Such authority shall be in such form as may from time to time be prescribed by the Commissioner of Police.

Owner to give written authority to contractor.

(2) If such owner or manager shall reasonably suspect that such licensable produce or any part thereof has 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.

(3) If, upon complaint made to a Magistrate by any tenant or contractor that such authority as aforesaid has been withheld by any such owner or manager without sufficient cause, such owner or manager fails to satisfy the Magistrate that such authority was withheld for sufficient cause, the onus of proof of which shall be upon such owner or manager, the Magistrate 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.

(4) Any tenant or contractor who offers or causes to be offered for sale any licensable produce to a licensed dealer shall deliver or cause to be delivered to such dealer a written authority to sell the produce.

Sale by
agents, etc.

27. Any licensed dealer to whom any licensable produce is offered for sale, and knowing or having reason to know that the person offering to sell the same is not the owner or manager of the plantation or parcel of land from which the said produce is alleged to be derived, shall not purchase the same unless such person shall produce a written authority to sell, signed by such owner or manager.

Written
authority to
be retained.

28. A licensed dealer shall retain in his possession every written authority delivered to him under the provisions of the two last preceding sections, for the period of six months from the date of delivery to him of such written authority, and shall produce the same for inspection if and when requested to do so by the owner of the plantation or land from which such produce was alleged to be derived, or by a constable.

Penalty.

29. Any person committing a breach of any of the provisions of subsection (4) of section 26, sections 27 or 28 shall be liable to a fine of one hundred and twenty dollars.

Purchasing
from
children.

30. Any licensed dealer who purchases licensable produce from any person apparently under the age of fifteen years shall be liable to a fine of ninety-six dollars.

Drying
produce.

31. (1) It shall not be lawful for any licensed dealer to dry licensable produce outside the limits of towns and villages, except in view of a public road, and upon notice in writing to the gazetted police officer or subordinate police officer in charge of the Police district.

(2) Any person contravening the provisions of this section shall be liable to a fine of forty-eight dollars.

Chocolate
and cocoa
powder
manufac-
turers.
Ord.30-1947,
s. 2.

32. A person who carries on the business of making chocolate or cocoa powder, and who purchases cocoa solely for that purpose, or a person who satisfies a Magistrate that he is a *bonâ fide* manufacturer of preparations of licensable produce and that he purchases licensable produce solely for the purpose of such manufacture, shall not be required to take out a licence to deal in licensable

produce, but every such person shall be subject to the following provisions, that is to say—

(a) he shall take out a licence in the form G in the Schedule hereto; the application for such licence shall be in the Form F in the said Schedule, and for each such licence, whether granted for a year or part of a year, a duty of \$4.80 shall be paid; such licences shall be granted at the ordinary licensing sessions under this Ordinance;

(b) every person licensed under this section shall, on his licensed premises, keep a book in which he shall, immediately upon the receipt of any licensable produce, enter the date of the receipt thereof, the name and address of the person from whom such licensable produce was received, and the quantity received;

(c) any constable may enter such licensed premises and may call for and inspect such book, and may take a copy of any entry in such book; and any person who fails or neglects to produce such book, or refuses to allow a copy of any entry in such book to be taken or obstructs or resists any constable in the taking of a copy of any such entry, shall be guilty of an offence against this section;

(d) any person contravening any of the foregoing provisions of this section shall be liable—

(i) for a first offence, to a fine of forty-eight dollars;

(ii) for a second offence, to a fine of not less than forty-eight dollars, and not exceeding ninety-six dollars; and

(iii) for a third offence, to the full penalty of ninety-six dollars;

(e) the provisions of subsections (2), (3), and (4) of section 4, sections 5, 6, and 7, subsection (4) of section 8, and sections 16, 17, and 30, shall apply, *mutatis mutandis*, to licences granted and persons licensed under this section.

33. It shall not be lawful for any person to purchase or receive coconuts except upon the following conditions—

(a) he shall take out a licence in the form I in the

Purchase of
coconuts.
Ord.17-1942,
s. 3.

Schedule hereto; the application for such licence shall be in the form H in the said Schedule, and for each such licence, whether granted for a year or part of a year, a duty of \$24 shall be paid; such licences shall be granted at the ordinary licensing sessions under this Ordinance;

(b) every person licensed under this section shall keep a book in which he shall, immediately upon the receipt of any coconuts, enter the date of the receipt thereof, the name and address of the person from whom such coconuts were received, and the number or quantity received; where such coconuts are received by an agent on behalf of any person licensed under this section, it shall be the duty of such agent to keep a book in which he shall make the like entries;

(c) paragraph (a) of this section shall not apply to any person who shall purchase or receive any coconuts as agent for or on behalf of any person licensed under this section, but such agent shall, upon being required by a constable so to do, produce the written authority of such licensed person to purchase or receive such coconuts;

(d) any constable may require any person purchasing or receiving coconuts, or whom he has reasonable cause to believe to have been recently engaged in purchasing or receiving any coconuts, to produce such book and licence, or, in the case of an agent, such book and written authority, and to permit him to take a copy of any entry in such book; and any person who, upon demand so to do, shall fail to produce such book and licence or written authority, as the case may be, or shall refuse to allow a copy of any entry in such book to be taken, shall be guilty of an offence against this section;

(e) no person shall sell or purchase undried kernels of coconuts;

(f) any person contravening any of the foregoing provisions of this section shall be liable—

(i) for a first offence to a fine of forty-eight dollars;

for a second offence, to a fine of not less

than forty-eight dollars and not exceeding ninety-six dollars; and

(iii) for a third offence, to the full penalty of ninety-six dollars;

(g) the provisions of subsection (2) of section 4, section 6, subsection (4) of section 8, subsection (1) and subsection (2) paragraphs (a), (b) and (d) of section 13, and sections 16, 17, 25, 26, 27, 28, 29 and 30 of this Ordinance shall apply *mutatis mutandis* to licences granted and persons licensed under this section;

(h) the provisions of this section shall not extend to—

(i) the purchase or receiving by the owner of any plantation, from any tenant or contractor in the occupation of any land parcel of such plantation, of coconuts grown on land; or

(ii) the purchase or sale for seed of coconuts by the owner of any plantation or land or by the Agricultural department; or

(iii) the purchase of coconuts taken or sold under the process of any court or sold by order of a Magistrate or Justice; or

(iv) the receiving of coconuts by a banker, ship's agent, or ship's consignee, or by a carrier for hire, or for keeping in cold storage; or

(v) the receiving of coconuts as a free gift; or

(vi) the receiving of coconuts under any contract for the supply of any public institution in the Colony; or

(vii) the purchase of coconuts by any huckster or hawker for the purpose of offering them for sale or for the purpose of making confectionery for sale; or

(viii) the purchase by, or sale to, any person of coconuts for domestic purposes.

34. Any person who knowingly uses or puts off, or attempts to use or put off, any false or forged authority to sell, purchase, or receive licensable produce or coconuts shall be liable to imprisonment for six months.

Using, etc.,
false or
forged
authority.

Time of
entry.

35. The power of entry conferred by this Ordinance may be exercised—

(a) at any time between the hours of six o'clock in the forenoon and six o'clock in the afternoon of any day; or

(b) at any time the premises are open; or

(c) if the constable has reasonable grounds for believing that an offence against any provision of this Ordinance has been committed, at any time during the day or night and on all days including ~~Sundays~~ and public holidays.

Power to
arrest
person
conveying
produce.

36. (1) It shall be lawful for—

(a) any owner, manager, overseer, or agent of any plantation whereon any kind of licensable produce or coconuts or citrus fruits is or are cultivated, without warrant, to apprehend and detain any person having in his possession or carrying or conveying any such kind of produce in and upon any such plantation, or in or upon any plantation, road, or way immediately adjoining such first-named plantation;

(b) any constable, Warden, Assistant Warden, or Ward Officer—

(i) without warrant, to apprehend and detain any person, not being the owner of any plantation whereon any kind of licensable produce or coconuts or citrus fruits is or are cultivated, having in his possession, or who shall be found anywhere carrying or conveying, any such kind of produce, and

(ii) to stop and examine any horse or other beast of burden, or any cart, wagon, or other conveyance, in order to ascertain whether any such kind of produce is being conveyed thereon or therein,

which such owner, manager, overseer, agent, constable, Warden, Assistant Warden, or Ward Officer may have reasonable cause to suspect to be stolen or unlawfully obtained.

(2) If any person liable to arrest under the provisions of this section escapes from any person attempting to arrest

him or after he has been arrested, or lets fall or throws away such produce from his possession, or abandons the possession of any such produce, it shall be lawful for any Magistrate, upon application, to issue his warrant for the arrest of such person, and upon his arrest such person shall be deemed to be a person apprehended and detained within the meaning of this section.

(3) The application for a warrant under the last preceding subsection may be made either by any of the persons named in subsection (1) hereof who has actually made or attempted to make the arrest or by a constable.

(4) On the hearing of any case under this section, it shall not be incumbent on the prosecutor to prove that the person having in his possession or found carrying or conveying any such produce as aforesaid is not the owner, but the onus of proving ownership shall be on the accused.

37. (1) Immediately upon the apprehension or detention of any person under the powers in the last preceding section contained, such person shall, together with all produce so suspected to be stolen or unlawfully obtained, and all beasts of burden and conveyances used in carrying and conveying the same, be taken before a Magistrate to be dealt with according to law, or to the nearest Justice or Police Station.

Procedure
on arrest.

(2) In the latter case, such Justice or the constable in charge of such Station may, if he thinks fit, take bail, with one sufficient surety, from such person by recognisance to any amount not exceeding ninety-six dollars, conditioned for his appearance for examination before a Magistrate in the usual course.

38. If any person so taken before a Magistrate does not, within such time as may be fixed by such Magistrate, make it appear to his satisfaction by what lawful means he came into possession of any such produce, he shall be liable to imprisonment for six months.

Not satis-
fying
Magistrate
as to posses-
sion.

39. All offences under this Ordinance may be prosecuted, heard and determined, and all penalties incurred may be imposed or recovered in the manner provided by the Summary Courts Ordinance.

Prosecution
of offences.

Corporal
punishment.

40. (1) Any person convicted of the larceny of any produce, or of being accessory to the larceny thereof, or being the receiver of such stolen produce knowing the same to have been stolen, may, subject to the provisions of the Corporal Punishment Ordinance, in addition to any term of imprisonment to which he may be sentenced, be ordered by the Judge or Magistrate to undergo corporal punishment.

(2) On conviction, for the first time, of any person for any of the offences named in the last preceding subsection, it shall be in the discretion of the Judge or Magistrate passing sentence to award such additional punishment or not as he shall think fit; but, on a second or subsequent conviction of the same person for any such offence, the Judge or Magistrate passing sentence shall, on proof of such previous conviction, award such additional punishment in every case.

Forfeiture
of licence.

41. (1) If any person licensed under this Ordinance shall be convicted of an offence against this Ordinance, which the Magistrate shall determine to be an offence involving dishonesty, the Magistrate, in addition to any other penalty which he may be authorised to inflict, shall order the licence of the offender to be forfeited and cancelled.

(2) If any person licensed under this Ordinance shall be convicted of a third offence under this Ordinance, the Magistrate may, in addition to any other penalty which he may be authorised to inflict, order the licence of the offender to be forfeited and cancelled.

(3) The Magistrate shall cause notice of the forfeiture and cancellation of any licence, and of the date of the order of such forfeiture and cancellation, to be published in the *Royal Gazette*.

Liability of
of partners
agents, etc.

42. (1) Where a licence is granted under this Ordinance to two or more persons carrying on business in partnership, every such person shall be liable under this Ordinance for the acts or omissions of the other or others of them; and on the hearing of any information against such persons for any offence against this Ordinance, evidence of any act done or omitted to be done by any one of them shall be evidence against the other or others of them.

(2) Where a licence is granted to the partner, agent, or attorney of a person resident outside the Colony under subsection (2) of section 5, any such partner, agent, or attorney shall be liable for all offences under this Ordinance as if the licence had been granted to him.

(3) Where a person licensed under this Ordinance is absent from the Colony, the attorney, manager, agent, or clerk in charge of the business of any such licensed person shall be liable for all offences committed during any such absence.

43. (1) Except as hereinafter provided nothing in this Ordinance shall apply to the sale or delivery by the owner, manager, or tenant of a plantation or by the contractor on any plantation if authorised in writing by the owner or manager thereof, of uncured cocoa to a Government cocoa fermentary nor to the sale or other disposal of uncured or cured cocoa by the manager of a Government cocoa fermentary.

Saving as to sale or delivery of uncured cocoa to a Government fermentary.

(2) The authorisation in writing by an owner or manager to a contractor shall contain details and particulars of and shall be delivered with the uncured cocoa to which it refers, to the manager of a Government cocoa fermentary.

(3) The manager of a Government cocoa fermentary shall keep such books and issue such receipts as the Director of Agriculture shall determine may be necessary for the purpose of recording the amount of uncured cocoa so received and for identifying the owner, tenant or contractor, as the case may be, who delivers the cocoa and the plantation upon which it was grown.

THE SCHEDULE.

(Section 12.)

FORM A.

THE SALE OF PRODUCE ORDINANCE.

Application for Dealer's Licence.

I, A.B. [*Christian and surname and occupation of applicant*] residing at [*place of residence of applicant*] hereby make application for a licence to carry on the business of a dealer in licensable produce on the premises being [*insert description of the particular apartments, rooms and places where the business is to be carried on*], and propose as my surety, C.D. [*Christian and surname and occupation of proposed surety*] residing at

A.B.
Signature of Applicant.

(Section 4 (1).)

FORM B.

THE SALE OF PRODUCE ORDINANCE.

Dealer's Licence.

A.B. [*Christian and surname and occupation of Licensee*] residing at [*place of residence of Licensee*] is hereby licensed from the _____ day of _____, 19____, until the 31st of December next to carry on the business of a dealer in licensable produce in the premises [*insert description of the particular apartments, rooms and places where the business is to be carried on*] for which licence he has paid the sum of \$24.

Magistrate.

(Section 19.)

FORM B¹.

The Receipt (Cartage) Book.

Date of receipt of produce.	Name of person from whom received.	Name of owner, tenant or contractor of plantation or land of which produce received is the product.	If contractor or tenant, name of owner.	Name and local situation of plantation or land of which produce received is the product.	Number or quantity of bags or packages.	Remarks.

(Section 19.)

FROM C1.
The Receipt Book.

Date of purchase or receipt of produce.	Name of person from whom actually purchased or received.	Name of owner, tenant, or contractor of plantation or land of which produce purchased or received is the product.	If contractor or tenant, name of owner.	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.

(Section 19.)

FORM D.
The Delivery (Cartage) Book.

Date.	Licence No. of Cart.	No. of Bags.	Marks.	Parties to whom or place to which delivered.

FORM D¹.

(Section 19.)

The Delivery Book.

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

FORM E.

(Section 8.)

THE SALE OF PRODUCE ORDINANCE.

Bond under section 8.

TRINIDAD AND TOBAGO.

KNOW ALL MEN BY THESE PRESENTS that I _____ of _____ in the Colony of Trinidad and Tobago am held and firmly bound unto His Majesty the King in the sum of two hundred and forty dollars to be paid to His Majesty the King His Heirs and Successors, for which payment well and truly to be made I hereby bind myself by these presents.

Dated this _____ day of _____, 19 _____.

Now the condition of the above written bond is such that if _____ complies with the provisions of the Sale of Produce Ordinance as to licensed dealers and is not convicted of any offence under the said Ordinance or any Ordinance amending the same, then this obligation shall be void, but otherwise shall be and remain in full force.

Signed and delivered }
in the presence of }

FORM F.

(Section 32.)

THE SALE OF PRODUCE ORDINANCE.

Ord. 30-

1947, s. 3.

Application for Licence to Manufacture Chocolate, etc., or other
Preparation of Licensable Produce.

I, A.B. [full name and occupation of application] residing at _____ hereby apply for a licence to manufacture _____ [state type of preparation which it is proposed to manufacture] at the premises.

A.B.
Signature of applicant.

(Section 32.)

FORM G.

THE SALE OF PRODUCE ORDINANCE.

Licence to Manufacture Chocolate, etc., or other Preparation of Licensable Produce.

A.B. [full name and occupation of applicant] residing at _____ is hereby licensed
from _____ to 31st December next to manufacture _____ at the premises
for which licence he has paid the sum of \$4.80.

Magistrate.

(Section 33.)

FORM H.

THE SALE OF PRODUCE ORDINANCE.

Application for Licence to Purchase and Receive Coconuts.

I, A.B. [full name and occupation of applicant] residing at _____ hereby apply for
a licence to purchase and receive coconuts.

A.B.
Signature of Applicant.

(Section 33.)

FORM I.

THE SALE OF PRODUCE ORDINANCE.

Licence to Purchase and Receive Coconuts.

A.B. [full name and occupation of applicant] residing at _____ is hereby licensed
from _____ to 31st of December next, to purchase and receive coconuts.

Magistrate.

Gumblesley

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