

vide 75/1950

CHAPTER 273.

SALE OF PRODUCE.

AN ORDINANCE RELATING TO THE SALE OF COCOA AND OTHER PRODUCE.

Ordinances
No. 54 of 1921,
" 10 of 1922,
" 38 of 1922,
" 29 of 1925,
s. 34.

[3rd December, 1921.]

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

2. (1) In this Ordinance—

*Interpreta-
tion.*

“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, husked or not husked, the kernel or copra;

parliament but “Coffee” means coffee in pulp or cherry, and *raw coffee* not *decaffeinated* coffee; *20/1920*

“Constable” includes any member of the Constabulary Force;

“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 Executive 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, limes, 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 Executive 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, as defined from time to time by or under any Ordinance relating to such City or Boroughs, and the Town of Scarborough as defined in the Streets and Buildings Ordinance;

“ Treasurer ” includes any Sub-Treasurer;
 “ 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; (*As amended by 29 of 1925, s. 34.*)

(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.

“ Cured cocoa.”

Licences to deal in Licensable Produce.

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.

No person to deal in licensable produce without licence.

4. (1) A licence to deal in licensable produce shall be in the Form B in the Schedule to this Ordinance.

Form, duration, and effect of licence.

(2) It shall commence on one of the following days; namely, the first day of January, the first day of April, the first day of July, or the first day of October, and shall expire on the thirty-first day of December next after it is granted.

(3) Subject to the exceptions as to licensable produce in sub-section (2) of section 24 of this Ordinance mentioned, 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.

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 premises.

Partners, agents, etc.

(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.

Licences not
assignable.

6. No licence shall be assignable or shall be deemed to authorize 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.

Substitution
of premises.

7. Subject to the requirements of section 9 of this Ordinance, a Magistrate may authorize 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 one pound shall be payable on every application for a transfer under this section. (*As amended by 29 of 1925, s. 34.*)

Conditions
precedent to
issue of
licence.
Licence
duty.

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

(a) the applicant shall pay to the Magistrate issuing the same a licence duty of five pounds for the year or part of the year up to and including the thirty-first day of December next after the granting of the licence;

Bond.

(b) a bond in the Form E in the Schedule to this Ordinance shall have been entered into by a surety on behalf of the applicant: Provided always, 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.

Cap. 174.

Surety to be
individual.

(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.

(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 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.

Surety not to be indemnified.

(4) All licence duties received by a Magistrate shall be paid by him to the Treasurer for the use of His Majesty.

Appropriation.

(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.

Liability under bond.

Cap. 36.

(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.

Evidence of conviction.

(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.

Substitution of surety in certain cases.

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 Constabulary 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 authorized, and not prohibited under sub-sections (3), (4), and (5) hereof, it shall be lawful for the Governor in Executive Council, on the report of the Magistrate or Warden of the district and of the Inspector-General, if he shall think fit, to authorize the Magistrate of the district at any time to hear and determine such application.

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. Licensing sessions.

(2) The Governor may, if he thinks fit, authorize the Magistrate to hold special sessions for the granting of such licences. A fee of three pounds shall be payable in respect of each application considered at any such special sessions. *(Substituted by 38 of 1922, s. 2.)* Special 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. Notice of sessions.

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. Application for licence.

(2) The Magistrate shall cause notice of such application to be given to the officer or non-commissioned officer in charge of the Constabulary district, and to be published

in the *Royal Gazette*, and to be affixed in such place or places in the district as he may think fit.

(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 to this Ordinance.

Opposition to
grant of
licence.

13. (1) The Warden, an Assistant Warden, a Ward Officer, any officer of Constabulary, or the non-commissioned officer in charge of the Constabulary district, and any person being the owner, manager, or overseer of any estate, 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.

Grounds of
opposition.

(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:—

- (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 Constabulary;
- (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 Executive 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.

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. Return of licences to be published.

Power to cancel Licence.

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

- (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.

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. Right of appeal.

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

(3) Notice in writing of any such appeal shall be served by the appellant on the person or persons opposing Notice of appeal.

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.

Costs.

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

Conduct of Business; Offences.

Sign boards.

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."

(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 penalty not exceeding two pounds.

(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 penalty not exceeding twenty pounds.

Scales, etc.,
and books to
be kept by
dealers.

19. (1) Every licensed dealer shall keep on his premises:—

(a) Scales and weights, or some other lawful weighing machine, duly verified and certified according to the Weights and Measures

Ordinance, and capable of weighing up to Cap. 275.
two hundred pounds; and

(b) the following books according to the Forms
in the Schedule to this Ordinance:—

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 particu-
lars as may be required by the course of
business of the licensed dealer.

(2) Subject to the provisions of sub-section (2) of
section 24 of this Ordinance, 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 kept 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.

Proper
entries to be
made.

(3) Any licensed dealer—

(a) who fails or neglects to keep on his licensed
premises such scales and weights or
machines 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 penalty not exceeding ten pounds;
- (ii) for a second offence, to a penalty not less than ten pounds and not exceeding twenty pounds; and
- (iii) for a third offence, to a penalty of twenty pounds.

(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.

Power of
entry,
inspection,
etc.

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

- (a) call for and inspect the scales and weights or other weighing machines required to be kept thereon under this Ordinance, and the certificates of justness of such scales and weights or machines;
- (b) call for and inspect the books required to be kept under sub-section (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 machine 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 penalty not exceeding fifty pounds.

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 penalty not exceeding twenty pounds.

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

- (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 the Botanic Gardens of licensable produce for the purposes of such 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. (*As amended by 29 of 1925, s. 34.*)

(3) The onus of proving to the satisfaction of the Magistrate that a transaction falls within the last preceding sub-section 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.

Dealing in
uncured
produce.

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—

- (a) uncured cocoa; or
(b) uncured coffee; or
(c) unripe or uncured nutmegs or tonca beans,

shall be liable to a penalty not exceeding twenty-five pounds.

Power to
search for
uncured
produce.

(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 sub-section, 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.

Disposal of
produce
seized.

23. Any produce seized by any constable under the powers in the two last preceding sections contained shall be conveyed to the nearest Constabulary 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 to the Treasurer for the use of His Majesty.

24. (1) (a) Any person who sells or offers for sale licensable produce to a licensed dealer; and Restrictions
as to
dealing.

(b) Any licensed dealer who purchases or delivers or takes delivery of licensable produce—

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

(ii) at any place other than licensed premises;
or

(iii) 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 penalty not exceeding fifty pounds.

(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 depôt; or

(c) in any place, such licensable produce as may be proclaimed by the Governor to be purchasable 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 of this Ordinance.

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

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

Refusing to
answer or
making false
answers.

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 penalty not exceeding twenty pounds.

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

- (a) apprehend any person acting in contravention of the provisions of the last preceding sub-section;
- (b) take such person to a Constabulary Station of the district for the purpose of being detained there, unless he gives bail to the constable in charge of such Station by recognizance, with one sufficient surety, to any amount not exceeding twenty pounds 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.

Owner to
give written
authority
to contractor.

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 Inspector-General.

(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.

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.

Sale by
agents, etc.

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.

Written
authority to
be retained.

29. Any person committing a breach of any of the provisions of sub-section (4) of section 26, sections 27 or 28

Penalty.

of this Ordinance shall be liable to a penalty not exceeding twenty-five pounds.

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 penalty not exceeding twenty pounds.

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 officer or non-commissioned officer of Constabulary in charge of the Constabulary district.

(2) Any person contravening the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Chocolate
and cocoa
powder
manufac-
turers.

32. A person who carries on the business of making chocolate or cocoa powder, and who purchases cocoa solely for that purpose, 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 :—

- (1) He shall take out a licence in the Form G in the Schedule to this Ordinance. 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 one pound shall be paid. Such licences shall be granted at the ordinary licensing sessions under this Ordinance;
- (2) Every person licensed under this section shall, on his licensed premises, keep a book in which he shall, immediately upon the receipt of any cocoa, enter the date of the receipt thereof, the name and address of the person from whom such cocoa was received, and the quantity received;
- (3) 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. 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.

- (4) Any person contravening any of the foregoing provisions of this section shall be liable—
- (a) for a first offence, to a penalty not exceeding ten pounds;
 - (b) for a second offence, to a penalty not less than ten pounds and not exceeding twenty pounds; and
 - (c) for a third offence, to a penalty of twenty pounds.
- (5) The provisions of sub-sections (2), (3), and (4) of section 4, sections 5, 6, and 7, sub-section (4) of section 8, and sections 16, 17, and 30 of this Ordinance 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 :—

Purchase of
coconuts.

- (1) He shall take out a licence in the Form I in the Schedule to this Ordinance. 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 five pounds shall be paid. Such licences shall be granted at the ordinary licensing sessions under this Ordinance;
- (2) 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;
- (3) Sub-section (1) 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;

-
- (4) 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;
- (5) Any person contravening any of the foregoing provisions of this section shall be liable—
- (a) for a first offence, to a penalty not exceeding ten pounds;
 - (b) For a second offence, to a penalty not less than ten pounds and not exceeding twenty pounds; and
 - (c) for a third offence, to a penalty of twenty pounds.
- (6) The provisions of sub-section (2) of section 4, section 6, sub-section (4) of section 8, 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;
- (7) 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 coconuts grown on land; or
 - (b) the purchase or sale for seed of coconuts by the owner of any plantation or land or by the Agricultural department; or
 - (c) the purchase of coconuts taken or sold under the process of any Court or sold by order of a Magistrate or Justice; or
 - (d) 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

- (e) the receiving of coconuts as a free gift; or
- (f) the receiving of coconuts under any contract for the supply of any public institution in the Colony; or
- (g) 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
- (h) the purchase by, or sale to, any person of coconuts for domestic purposes. (*Added by 10 of 1922, s. 2.*)

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, with or without hard labour, for any term not exceeding six months.

Using, etc.,
false or
forged
authority.

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

Time of
entry.

- (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.

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 limes 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;

Power to
arrest person
conveying
produce.

(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 limes 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 sub-section may be made either by any of the persons named in sub-section (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.

Procedure on
arrest.

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 pro-

duce 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 Constabulary Station.

(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 recognizance to any amount not exceeding twenty pounds, conditioned for his appearance for examination before a Magistrate in the usual course.

38. (1) 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, with or without hard labour, for any term not exceeding six months.

Not satisf-
fying
Magistrate
as to
possession.

(2) If the offender be a male not above the age of sixteen years, he shall be liable, in lieu of imprisonment, to undergo corporal punishment.

39. All offences under this Ordinance shall be prosecuted, heard, and determined, and all penalties shall be recovered, on summary conviction before a Magistrate.

Prosecution
of offences.

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.

Corporal
punishment.

Cap. 33.

(2) On conviction, for the first time, of any person for any of the offences named in the last preceding sub-section; 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 authorized 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 authorized 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*.

(4) Production of a copy of the *Royal Gazette* containing a notice of such forfeiture and cancellation shall, in all Courts in the Colony, be received as *prima facie* evidence thereof.

Liability 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 sub-section (2) of section 5 of this Ordinance, 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.

THE SCHEDULE.

FORM A.

(Section 12.)

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.

FORM B.

(Section 4 (1).)

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 _____ until the 31st day 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 £5.

C.D.,
Magistrate.

FORM B¹.

(Section 19.)

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.)

FORM D.
THE DELIVERY (CARTAGE) BOOK.

VOL. IV—38

Date.	Licence No. of Cart.	No. of Bags.	Marks.	Parties to whom or place to which delivered.
			1	

SALE OF PRODUCE.

[CAP. 273.

3227

(Section 19.)

FORM 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.

3228

CAP. 273.]

SALE OF PRODUCE.

FORM D.
THE DELIVERY BOOK.

(Section 19.)

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.
THE SALE OF PRODUCE ORDINANCE.

(Section 8.)

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 fifty pounds 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.
THE SALE OF PRODUCE ORDINANCE.

(Section 32.)

APPLICATION FOR LICENCE TO MANUFACTURE CHOCOLATE, ETC.

I, A.B. (*full name and occupation of applicant*) residing at.....hereby apply for a licence to manufacture chocolate, etc., at the premises.....

A.B.

Signature of Applicant.

FORM G.
THE SALE OF PRODUCE ORDINANCE:

(Section 32.)

LICENCE TO MANUFACTURE CHOCOLATE, ETC.

A.B. (*full name and occupation of applicant*) residing at..... is hereby licensed from.....to 31st day of December next to manufacture chocolate, etc., at the premises.....for which licence he has paid the sum of £1.

C.D.
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 day of December next, to purchase
and receive coconuts.

C.D.
Magistrate.