

## TRINIDAD AND TOBAGO.

No. 19.—1914.

*13th May.*

AN ORDINANCE to amend the Spirits and Spirit  
Compounds Ordinance, No. 176.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

*20th May, 1914.*

**B**E it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

- Short Title.      1. This Ordinance may be cited as the Spirits and Spirit Compounds (Amendment) Ordinance, 1914.
- Interpretation.    2. In this Ordinance—  
     “Principal Ordinance” means the Spirits and Spirit Compounds Ordinance, No. 176.  
     “Still dealer” and “dealer in stills” mean any person licensed under this Ordinance to deal in stills.
- Repeal.            3. The definition of the term “distiller” in Section 2, Sections 7 to 18 (both inclusive) and Section 55 of the principal Ordinance, and the Ordinances Nos. 10—1908 and 23—1910 are hereby repealed.

## 4. In the Principal Ordinance and this Ordinance —

Interpretation.

“ Still ” means and includes any part of a still, pipes, cocks, implements, receptacles, instruments, vessels, utensils and fittings of whatever kind, used or capable of being used as a still, or with a still for the purpose of, or in connection with the distillation or rectification of spirits or spirit mixtures.

“ Wash ” means any liquid prepared for the distillation of spirits in which fermentation may or may not have taken place.

“ Distiller ” means any person to whom a Distiller’s License has been granted.

5. All members of the Constabulary Force shall have all such and the same powers, authorities and privileges as are given by the principal Ordinance, this Ordinance and Ordinance No. 177 to any Officer of Excise, and the words “ Officer of Excise ” or “ Excise Officer ” where used in the said Ordinances shall extend to and include all members of the Constabulary Force ; and the words “ Police Constable ” or “ Constable of Police ” where used in the said Ordinances shall mean and be read as “ Constable of Constabulary.”

Powers of Constabulary.

*License to Distil Spirits.*

6. Except as is provided for by Section 19 hereof, it shall not be lawful for any person to use any still whatever for the purpose of making or distilling spirits without having obtained a license, to be called a “ Distiller’s License,” in respect whereof such person shall pay to the Receiver-General for the use of His Majesty, His heirs and Successors, a sum of Ten Pounds per annum.

Distiller’s license.

Every such license shall be signed by the Receiver-General, and shall specify the name or names of the person or persons to whom and the local situation, description and name, if any, of the plantation, building or premises, and the particular local situation and capacity of the still in respect whereof such license shall be granted ; and every such license shall commence and take effect upon and from

a day to be named in such license, and shall continue in force until and upon the 31st day of December next after the day of the commencement of such license and no longer :

Provided always, that the co-owners of any plantation, buildings or premises, or persons in partnership, carrying on any one trade or business as distillers of spirits, in one house or place, shall not be obliged to take out more than one such license in any one year ; and no one license which shall be granted under the authority of this Ordinance shall empower any person or persons to whom the same shall be granted, to use any still or to make or distil any spirits in or upon any still, plantation, building or premises other than the still, plantation, building or premises mentioned in such license.

Any person who shall use any still or make or distil any spirits in contravention of the provisions of this section shall for every such offence forfeit and pay the sum of One Hundred Pounds.

To whom  
Distiller's  
license may  
be granted.

7. A Distiller's License shall only be granted :—

- (a.) To the person who is in actual possession as owner, trustee or lessee of the plantation on which such still is situate ;
- (b.) Or if such owner, trustee or lessee shall be absent from the Colony, to the Attorney or agent of such owner, trustee or lessee, on behalf of such owner, trustee or lessee, in which case such attorney or agent shall be deemed and taken to be the owner of such plantation within the meaning of this Ordinance and of the Principal Ordinance, and shall be subject to all the regulations, penalties and forfeitures made under or imposed by this or the Principal Ordinance.

Distiller's  
License not to  
be granted in  
Port-of-Spain,  
San Fernando  
or Arima.

8. A Distiller's License shall not be granted to any person whomsoever to use a still within the limits of the town of Port-of-Spain or the suburbs thereof or within the limits of the Boroughs of San Fernando or Arima.

9. A Distiller's License shall not be granted to any person whomsoever to use any still unless the body of such still without the head thereof shall be of the capacity or content of four hundred gallons or upwards, or if a still of the type called continuous, unless such still shall be capable of producing in 24 hours 500 gallons of spirits at proof as ascertained by Sykes' Hydrometer.

Capacity of still.

10. No Distiller's License and no permit by the Governor or the Receiver-General granted under this Ordinance shall be assignable or transferable in any manner whatsoever.

License not transferable.

11. It shall be lawful for any person to whom any distiller's license or permit shall have been granted under this Ordinance to surrender the same to the Receiver-General.

License may be surrendered.

12. It shall not be lawful for any person at any time after the expiration of the time for which a Distiller's License or a permit under Section 19 hereof shall be granted to continue to use any still or make any wash, or to distil any spirits until such person shall have obtained a new license or permit as the case may be, and if any person shall continue to use any still or shall make any wash or shall distil any spirits contrary to this Ordinance, every person shall for every such offence forfeit and pay the sum of One Hundred Pounds, and all such wash and spirits, and every such still and all parts thereof, and all other vessels and utensils therewith used or containing such wash or spirits shall be forfeited, and may be seized by any Officer of Excise or Customs.

Still not to be used after license or permit expires.

13. It shall not be lawful for any Distiller to keep in his possession any still the license for which shall have expired, unless he shall first have obtained a permit for so doing in writing under the hand of the Receiver-General. Such permit shall be issued for such a period and under such conditions as the Receiver-General may think fit.

Permit to keep still after license expires.

If any Distiller shall continue to keep in his possession any still the license for which shall have expired without obtaining such permit or in contravention of any of the conditions on which such permit was issued, he shall for every such offence forfeit and pay the sum of £100.

Distiller or holder of permit not to be retailer of Spirits.

14. No person to whom a Distiller's License shall be granted and no person permitted to keep or use a still under Sections 13 or 19 of this Ordinance shall be a retailer of spirits, or be in any manner interested or concerned in the trade or business of a retailer of spirits, and if such person shall retail or knowingly suffer or permit any servant or other person in his employ to retail spirits or be in any manner interested or concerned in the trade or business of a retailer of spirits, such person shall for every such offence forfeit and pay the sum of One Hundred Pounds.

Distiller not to permit servant or tenant to keep Spirit shop near Distillery.

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

Retailer of spirits not to be a distiller.

16. No retailer of spirits shall be a distiller, or have any part or share in any distillery, or be in any manner interested or concerned in the trade or business of a distiller; and if any such retailer shall be a distiller, or shall have any part or share in any distillery, or be in any manner interested or concerned in the trade or business of a distiller, such retailer shall for every such offence forfeit and pay the sum of One Hundred pounds.

Licensee to give security.

17. Every person applying for a Distiller's License shall, before receiving such license, enter into a bond with a sufficient surety or sureties to the satisfaction of the Receiver-General in the penalty of Two Hundred Pounds, conditioned for the payment by such person or his surety or sureties, of any penalty or sum of money which may be imposed upon such person for any offence against this Ordinance.

Refusal and revocation of Distiller's License.

18. It shall be lawful for the Receiver-General to refuse to grant a Distiller's License, or to revoke and cancel any Distiller's License whenever the person holding or applying for any such license is convicted of any offence under this or any other Excise Ordinance.

19.—(1.) It shall be lawful for the Governor, subject to such conditions as he may think fit, to permit, by writing under his hand, the keeping and using of any still or stills, of any capacity and in any place, for experiments in chemistry; provided also, that the Receiver-General may, subject to such conditions as he may think fit, permit, by writing under his hand, the keeping and using of any still or stills of any capacity and in any place, by persons carrying on trade or otherwise, for the manufacture of any articles other than spirits or spirit mixtures.

Stills for experimental purposes or for commercial purposes other than manufacture of Spirits.

(2.) All conditions such as are in the preceding Sub-section referred to shall be endorsed on the permit therein mentioned, and any person doing any act or making any omission in contravention of any such condition shall for every such offence forfeit and pay a sum not exceeding One Hundred Pounds.

#### *Miscellaneous Provisions.*

20. Section 20 of the Principal Ordinance is hereby amended by striking out the words "Two Hundred Pounds" in lines 2 and 3 and substituting in lieu thereof the words "One Hundred Pounds."

Amendment of Section 20 of Ordinance No. 176.

21. Section 22 of the Principal Ordinance is hereby amended by striking out the words "Five Hundred Pounds" where they occur in lines 9 and 10 and substituting in lieu thereof the words "One Hundred Pounds."

Amendment of Section 22 of Ordinance No. 176.

22. The following proviso shall be read at the end and as part of Sub-section 2 of Section 80 of the Principal Ordinance:—

Entry by Company registered abroad.

Provided that in the case of a Company registered abroad, such entry may be made and signed by any two Directors of such Company for the time being in the Colony.

23. In case any Officer of Excise or Customs shall know or have reasonable cause to suspect that any still is unlawfully used or kept, or that any unlawfully made wash or other materials, prepared or being prepared for distillation, or any utensils or materials used in the

Officer suspecting concealed Still may break open house.

manufacture of spirits, is or are set up, kept, stored, or lodged in any house, building, yard or place, or that any spirits are unlawfully stored, lodged or kept in any house, building, yard or place, then in such cases, it shall be lawful for such Officer of Excise or Customs, by day or by night (but if in the night time, then in the presence of a member of the Constabulary Force, who is hereby required to be aiding and assisting therein) to break open the doors or any part of such house, building, yard or place and to enter any such house, building, yard or place where he shall know or suspect such still, wash or other materials prepared or being prepared for distillation or any utensils or materials used in the manufacture of spirits or any such spirits are set up, erected, stored, lodged or kept, and seize all and every such still, wash and all other materials prepared or being prepared for distillation and such spirits and all materials and utensils used in the manufacture of spirits which he shall find and either to detain and keep the same in the house, building, yard or place where found or to remove the same to the Constabulary Station nearest to the place where the same shall be so found, and the said still, spirits, wash and all other materials and utensils so seized and found shall be absolutely forfeited, and the owner of such still, spirits, wash or other materials or utensils or the person in whose place or custody such still, spirits, wash, materials or utensils shall be found or the person at the time of seizure found working the still shall forfeit and pay the sum of One Hundred Pounds.

Power to  
arrest person  
obstructing  
officer.

If any person or persons shall hinder, oppose, molest or obstruct any Officer of Excise or Customs or any person assisting such Officer of Excise or Customs in seizing any such still, spirits, wash or other materials or utensils for distillation, or in detaining and keeping the same in the place where found or in removing the same to the nearest Constabulary Station as aforesaid, then and in every such case every person so offending shall forfeit and pay the sum of One Hundred Pounds; and it shall be lawful for any such Officer of Excise or Customs, and he is hereby authorised or empowered, without a warrant to arrest the owner of such still, spirits, wash, materials or utensils or the person in whose place or custody the same were found or the

person found working the said still or in the possession of the said spirits, wash or other materials or utensils for distillation, and to convey such person or persons to the Constabulary station nearest to the place where the said still, spirits, wash, materials or utensils were found and to charge the person or persons so arrested with the offence committed under this section, and he is further authorised and empowered without warrant to arrest any person who shall molest, oppose, hinder or obstruct him or anyone assisting him in the execution of the powers given under this section and convey the said person to the nearest Constabulary Station and charge him with the offence.

24.—(1.) No prosecution before a Magistrate for or in respect of any penalty or forfeiture exceeding in amount or value the sum of Fifty Pounds shall be commenced without the previous order in writing of the Receiver-General, and if in Tobago, of the Sub-Receiver. Order for prosecution.

(2.) Any document purporting to bear the signature of the Receiver-General or the Sub-Receiver of Tobago shall be received in evidence in all proceedings under this or any Excise Ordinance without proof being given that the signature to such document is that of the Receiver-General or of the Sub-Receiver of Tobago.

*Dealers in Stills.*

25.—(1.) Except as is provided for by Sections 6, 13 and 19 hereof, no person shall have in his possession, or shall make, or repair, or keep for sale or sell any still or part of a still without first obtaining a license from the Receiver-General, to be called a "Still Dealer's License," for which an annual duty of One Pound shall be paid. Such license shall expire on the 31st day of December of the year during which it was issued, and shall be granted in respect of premises, to be named in the License, on which the Still Dealer's business shall be carried on, and may only be assigned with the consent in writing of the Receiver-General. Still Dealer's License and possession of Stills.

(2.) Every person licensed as aforesaid shall keep a book in which shall be entered the following particulars:—

(a.) The capacity and description of every still in the possession of such Still Dealer;

- (b.) The name and address of the person or persons to or for whom any still or part of a still has been sold, made or repaired by him;
- (c.) The place or places where such still or part thereof has been sold, made or repaired;
- (d.) The time at which such still or part thereof was delivered to the person to or for whom it was made or repaired.

Such books shall be open at all times to the inspection of all Officers of Excise.

(3.) Any person committing a breach of any of the provisions of this section shall be liable on summary conviction before a Magistrate to a penalty not exceeding One Hundred Pounds or to imprisonment with or without hard labour for any term not exceeding twelve months.

(4.) This section shall not apply to any Distiller or to any person permitted to keep or use a still under Sections 13 or 19 of this Ordinance or to any person employed by a distiller or person to whom a permit has been granted under Sections 13 or 19 of this Ordinance to make any alterations or repairs to a still or any part thereof on the premises for which the Distiller's license or permit is held, or to any person employed by a Still Dealer while making any such alterations or repairs on the premises on which the Still Dealer is licensed to carry on his business or on the premises on which a still is licensed or permitted to be used or kept.

Counterfoil  
Certificate  
Book to be  
kept by Still  
Dealer.

26.—(1.) Every Still Dealer shall keep a counterfoil certificate book in the form set forth in Schedule I hereto, and no still or part of a still shall be removed or sent out by any such Still Dealer from the premises on which he is licensed to carry on his business unless accompanied by a certificate in such form signed by him.

Still not to be  
removed by  
Distiller  
without Certi-  
ficate.

(2.) It shall not be lawful for any Distiller or any person permitted to use or keep a still under Sections 13 or 19 hereof to remove any still or part of a still from the place or premises mentioned in his license or permit to any other place or premises, without first obtaining a certificate from the nearest Officer of Excise in the form set forth in Schedule II hereto.

(3.) Except as is provided for by Sub-sections (1) and (2) of this section, it shall not be lawful for any person whomsoever to remove or take any part whatsoever in removing any still or part of a still from any one place to any other place in the Colony without first obtaining a certificate from an Excise Officer in the form set forth in Schedule III hereto.

Still not to be removed by any person whomsoever without Certificate.

(4.) Any person committing a breach of any of the provisions of this section shall be liable on summary conviction thereof before a Magistrate to a penalty not exceeding One Hundred Pounds or to imprisonment with or without hard labour for any term not exceeding six months.

27. No person to whom a Still Dealer's License shall be granted shall be in any manner interested or concerned in the sale of spirits; and if such person shall sell any spirits or be in any manner interested or concerned in the sale of spirits, such person shall for every such offence forfeit and pay the sum of One Hundred Pounds.

Still Dealer not to be concerned in sale of spirits.

28. It shall be lawful for the Receiver-General to refuse to grant a Still Dealer's License or to revoke and cancel any Still Dealer's License whenever the person holding or applying for any such License is convicted of any offence under this or any other Excise Ordinance.

Refusal or revocation of Still Dealer's License.

29. Every person applying for a Still Dealer's License under Section 25 hereof shall before receiving such License enter into a bond with sufficient surety or sureties to the satisfaction of the Receiver-General in the penalty of One Hundred Pounds, conditioned for the payment by such person or his surety or sureties of any penalty or sum of money that may be imposed upon such person for any offence against this Ordinance.

Bond to be given by Dealer.

30. It shall be lawful for any Officer of Excise or Customs by day or by night, to stop and detain any person whom he shall reasonably suppose to be removing or carrying any still or part of a still, and to search any package of whatever description which he shall reasonably suppose to contain a still or part of a still, and to demand the production of the

Power to search and arrest persons conveying stills, etc.

certificate authorising the removal of the said still or part of a still, and on being satisfied that the said still or part of a still is the same as described in the certificate, such Officer shall endorse on such certificate the day, hour and place of such examination and shall sign his name thereto; and if any person who shall be found removing or carrying any still or part of a still shall refuse to produce such certificate immediately on being required so to do by any Officer of Excise or Customs, or shall be found removing or carrying a still or part of a still without a certificate, every such person shall for every such offence forfeit and pay the sum of One Hundred Pounds and shall forfeit such still or part of a still together with all horses, cattle, carriages and boats and any other vehicles made use of in carrying or conveying the same; and it shall be lawful for such Officer and he is hereby authorised, empowered and required to stop, arrest and detain any such person without warrant and to convey every such person together with the still or parts thereof so being removed or carried by him before any Magistrate, and it shall be lawful for any such Magistrate to hear and determine forthwith any information against any person so stopped and arrested under the provisions of this section, and on the confession of any such person or upon the proof on oath by any such Officer of Excise or Customs or by one or more credible witness or witnesses to convict such person in such penalty or penalties as aforesaid, and in default of payment of such penalty or penalties such person shall be imprisoned with hard labour for any term not exceeding twelve nor less than six months.

Passed in Council this Thirteenth day of May in the year of Our Lord one thousand nine hundred and fourteen.

HARRY L. KNAGGS,  
*Clerk of the Council.*

SCHEDULE I.

*The Spirits and Spirit Compounds (Amendment) Ordinance, 1914.*

Section 26 (1.)

No. \_\_\_\_\_  
 Certificate Book. Counterfoil.  
 This Certificate signed by a Dealer in Stills must accompany every Still or part of a Still sent out by a Dealer in Stills.

Certificate for removing Stills or parts of a Still from the premises of a Licensed Dealer in Stills.  <p style="text-align: center;">Trinidad, 191 .</p> Certificate to remove from the premises of ..... Licensed Dealer, etc., situate at..... ..... to..... Mode of conveyance..... Carriage within.....				
	Name and address of person or persons to whom sold, or for whom made or repaired.	Person, place or places to which such still or parts of a still have been sent.	Capacity and description of Still or parts of a Still.	Time of delivery.
				Dealer.

Section 26 (2.)

SCHEDULE II.

*The Spirits and Spirit Compounds (Amendment) Ordinance, 1914.*

No.

No.

Certificate

Book.

This Certificate signed by an Officer of Excise must accompany every Still or part of a Still removed from the premises of any person licensed under Section 6, or authorised under Sections 13 or 19 of this Ordinance.

Trinidad. Date.....191 .

Certificate to remove a Still from the premises of .....Licensed (or authorised) under Section .....of Ordinance No.....situate at..... to..... within.....days from the date hereof. Mode of conveyance..... Time of delivery.....

Description of Still.

*Excise Officer.*

Section 26 (3.)

SCHEDULE III.

*The Spirits and Spirit Compounds (Amendment) Ordinance, 1914.*

No.

No.

Certificate

Book.

This Certificate signed by an Excise Officer must accompany every Still or part of a Still sent out under Section 26 (3) of this Ordinance.

Trinidad. Date.....191 .

Certificate granted under Section.....of Ordinance No.....to remove a Still from the premises of.....situated at..... to the premises of.....situated at..... within..... days from the date hereof. Mode of conveyance..... Time of delivery.....

Description of Still or part of a Still.

*Excise Officer.*