

TRINIDAD AND TOBAGO.

No. 47.—1917.

[L.S.]



I ASSENT,

J. R. CHANCELLOR,
Governor.

24th December, 1917.

AN ORDINANCE relating to the Sale of Cocoa and
other Produce.

[24th December, 1917.]

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

1. This Ordinance may be cited as the Sale of Produce Short Title.
Ordinance, 1917.

2.—(1.) In this Ordinance, unless the context otherwise Interpreta-
tion.
requires:—

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

“Coconut” means ripe or dry coconuts husked or not
husked, the kernel or copra;

“Coffee” means coffee in pulp or cherry;

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

“Licensable Produce” includes cocoa, coconuts, coffee, limes, nutmegs, kola nuts, tonca beans and rubber, and such other article of produce as the Governor in Executive Council by proclamation in the *Royal Gazette* may from time to time direct to be included in such term ;

“Produce” includes licensable produce and also sugar cane and provisions ;

“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 in the *Royal Gazette* ;

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 ;

“Provisions” means ground provisions, and includes yams of all descriptions, tania, 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 ;

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

“Purchase” includes barter or exchange ;

“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 ;

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

“Town” means the City of Port-of-Spain, the town of Scarborough 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 ;

“Village” means any collection of dwelling-houses or shops—

- (a.) Not less than 20 in number, the property of different owners or occupied by different persons :
- (b.) Not being more than 150 feet apart from each other ;
- (c.) Not more than 60 feet distant from any public road ;

“Receiver-General” includes any Sub-Receiver ;

“Constable” means a member of the Constabulary Force ;

“District” means the district of any Magistrate empowered to grant licenses hereunder.

(2.) In construing this Ordinance, cocoa which has been at any time dry or, 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.”

Licenses 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 license 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 license.

Form,
duration and
effect of
license.

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

(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 exception as to coconuts, limes and other licensable produce in Sub-section 2 (b) of Section 23 of this Ordinance mentioned, a license is 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 license 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 license in respect of the same premises.

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

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

Licenses not
assignable.

6. No license 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 license has been granted beyond such time as would enable the personal representative to apply for and obtain a license.

Substitution
of premises.

7. Subject to the requirements of Section 9 of this Ordinance, a Magistrate may authorise a licensed dealer to transfer his licensed trade to premises other than those specified in his license but situated within the district of such Magistrate.

Conditions
precedent to
issue of
license.

8.—(1.) Before a license is issued, the applicant shall :—

(a.) Pay to the Magistrate issuing the same a license duty of £5 for the year or part of the year up to and including the thirty-first day of December next after the granting of the license ;

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

(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 license as his surety.

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

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

(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, 1913.

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

(7.) In the event of a surety 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 bankruptcy or death, or of such action being commenced, enter into another bond in the form and subject to the conditions hereinbefore in this section set forth. If any dealer fails to comply with the requirement of this sub-section, his license shall be forfeited and become absolutely null and void.

Applications for Licenses.

When license
may be
granted.

9.—(1.) Subject to the provisions of this Ordinance, licenses under this Ordinance 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 be declared by Proclamation of the Governor 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 this section unless it has been in existence for at least three years prior to an application for a license in respect of premises situated within such alleged village.

(2.) Each application for a license 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 license on the ground of having previously been licensed, or to object to the grant of any license to another person or in respect of premises on account of a license having been previously 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 license 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 license 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 license shall be granted for any premises access to which can be had otherwise than from a public road.

(5.) No license 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 license in respect of any premises other than as in this section authorised, 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 of Constabulary, 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 licenses; and subject to the provisions of this Ordinance the Magistrate may at such sessions or any adjournments thereof grant licenses 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 from time to time if he thinks fit authorize the Magistrate to hold special sessions for the granting of such licenses.

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 license in respect of any premises shall fifteen days at least before the day appointed for the licensing session make application to Application for license.

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 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 license is applied for, and such application shall be in the Form "A" in the Schedule to this Ordinance.

Opposition to
grant of
license.

13.—(1.) The Warden, and in districts where the Warden is also Magistrate, 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 attend such licensing session to oppose the granting or renewing of any license.

Grounds of
opposition.

(2.) The following shall be deemed grounds for opposing the granting or renewal of any license 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 license for or to enable the dealing to be carried on by or on behalf of any such person as in Sub-section (a.) mentioned or otherwise for or on behalf of some other person ;
- (c.) That the premises in respect of which the license is applied for are not suitable for the purpose or are not in accordance with the provisions of this Ordinance, or 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 license is applied for are situated within an area which already has a sufficient number of licensed premises.

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

(2.) When a license is refused on the ground of the unfitness of the premises in respect of which application is made, no license 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 licenses 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 licenses 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 licenses. Return of licenses to be published.

Power to Cancel License.

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

- (a.) If the applicant does not within seven days after the granting of the application take out his license ;
- (b.) Where a license 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 license.

Appeal.

Appeal.

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

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

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

(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.

(5.) The Registrar shall forthwith cause due notice of the day appointed for such hearing of the appeal to be communicated to the appellant or appellants and the respondent or respondents and to the Magistrate, and the Magistrate shall forthwith 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 be laid before the Judge in Chambers.

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

Conduct of Business; Offences.

Sign boards.

18.—(1.) Every person licensed under this Ordinance 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 is liable to a penalty not exceeding £2, and, in default of payment, to imprisonment, with or without hard labour, for any term not exceeding fourteen days.

(4.) Any person who puts or has any such letters as aforesaid upon his premises falsely importing that he is licensed under this Ordinance, is liable to a penalty not exceeding £20, and, in default of payment, to imprisonment, with or without hard labour, for any term not exceeding three months.

19.—(1.) Every licensed dealer shall keep on his premises : Scales, &c., and books to be kept by Dealers.

(a.) Scales and weights or some other lawful weighing machine, duly verified and certified according to the Weights and Measures Ordinance (No. 108) and capable of weighing up to 200 pounds ;

(b.) A book to be called "the Receipt Book" according to the Form C in the Schedule to this Ordinance ; and

(c.) A book to be called "the Delivery Book" according to the Form D in the said Schedule.

(2.) Subject to the provisions of Sub-section (2) of Section 23 of this Ordinance, every licensed dealer shall immediately after the receipt or delivery of any licensable produce, whether his property or not, make the proper entries in the said books according to the said Forms.

(3.) Any licensed dealer—

(a.) Who fails or neglects to keep on his licensed premises such scales and weights or machines or 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 the last preceding subsection ; 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 ; is liable :—

(i.) For a first offence, to a penalty not exceeding £10 ;

- (ii.) For a second offence, to a penalty not less than £10 and not exceeding £20;
- (iii.) For a third offence, to a penalty of £20.

(4.) In default of payment of any penalty imposed on him, a licensed dealer shall be imprisoned with or without hard labour for any term not exceeding six months.

(5.) Any licensed dealer convicted of a third offence under the provisions of this section shall also be disqualified from holding a license thereafter, and his license shall be forfeited and become absolutely null and void from the time of such conviction.

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 Receipt Book and the Delivery Book :
- (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.) The power of entry conferred by this section may be exercised :—

- (a.) At any time between the hours of six in the forenoon and six 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 Holidays.

- (3.) 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 ;

is liable to a penalty not exceeding £50, and in default of payment to imprisonment, with or without hard labour, for any term not exceeding six months.

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
unlicensed
dealers .

is, subject to the exemptions hereinafter appearing, liable to a penalty not exceeding £20, and in default of payment, to imprisonment for any term not exceeding three months.

- (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 purchase of limes or coconuts by any huckster or hawker for the purpose of offering the same for sale in a public road ; or
 - (e.) The purchase of limes or coconuts by any person for the purpose of selling them in a duly authorised market ; or

- f.*) The receiving of licensable produce as a ship's agent or consignee, or as a carrier for hire; or
- (g.)* The receiving of licensable produce as a free gift; or
- (h.)* The receiving of licensable produce under any contract for the supply of any public institution in the Colony; or
- (i.)* The purchase by, or sale to, any person for domestic purposes of any licensable produce by a licensed dealer; or
- (j.)* The sale of limes or coconuts by any huckster or hawker in a public road; or
- (k.)* The sale of limes or coconuts by any person in a duly authorised market;
- (l.)* The sale to the Superintendent of the Botanic Gardens for the purposes of such gardens.

(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.

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, is liable to a penalty of not less than £1 and not exceeding £25, and in default of immediate payment to imprisonment, with or without hard labour, for any term not less than fourteen days and not exceeding six months.

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 at any time between the hours of six in the forenoon and six in the afternoon, 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.

(3.) Any such produce so seized by any Constable 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 Receiver-General for the use of His Majesty the King.

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

(b.) Any licensed dealer who purchases or delivers or takes delivery of:

any licensable produce—

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

(ii.) At any other place than the premises in respect of which such dealer is licensed; or

(iii.) At any time except between the hours of six in the forenoon and six in the afternoon of any day;

is, subject to the provisions hereinafter appearing, liable to a penalty not exceeding £50, and, in default of payment, to imprisonment, with or without hard labour, for any term not exceeding six months.

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

(a.) Licensable produce, other than such produce as is in paragraph (b) of this sub-section mentioned, from the owner and upon the lands on which the same have been actually grown or from shipping the same directly from such lands; or

(b.) In any place, coconuts, limes and such other licensable produce as may be proclaimed by the Governor by Proclamation in the *Royal Gazette*; but entry of all produce so purchased or shipped and of all coconuts, limes or other licensable produce so purchased shall forthwith be made by such licensed dealer 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 or of coconuts or limes 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.

24.—(1.) Any person who :—

(a.) 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—

(i.) his name and abode :

(ii.) the particular situation of the land of which such licensable produce is the produce :

(iii.) 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 :

is liable to a penalty not exceeding £20, and in default of payment to imprisonment, with or without hard labour, for any term not exceeding three months.

(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 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 £20 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.

25.—(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 the form to be prescribed by Regulations to be made by the Governor in Executive Council.

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 sells or attempts to sell either by himself or through any agent or servant, any licensable produce without a written authority, is liable to a penalty not exceeding £5 and in default of payment to imprisonment, with or without hard labour, for any period not exceeding one month.

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

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

(c.) A licensed dealer shall retain in his possession every written authority delivered to him as aforesaid for the space of six months from the date of the delivery thereof, and shall produce it for inspection if and when requested to do so by the owner of the plantation or land occupied by such tenant or contractor as aforesaid, or by a Constable.

(d.) Any person committing any breach of the provisions of this sub-section is liable to a penalty not exceeding £25 and in default of payment to imprisonment, with or without hard labour, for any period not exceeding three months.

Using, &c.
false or forged
authority.

26. Any person who knowingly uses or puts off or attempts to use or put off any false or forged written authority to sell licensable produce is liable to imprisonment with or without hard labour, for any term not exceeding six months.

Drying
produce.

27.—(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 is liable to a penalty not exceeding £10, or in default of payment to imprisonment, with or without hard labour, for any term not exceeding three months.

Red clay
on licensed
premises.

28.—(1.) Any licensed dealer on whose premises or in whose house or building, being part of or contiguous to such premises, any red clay is found, is liable to a penalty not exceeding £20.

(2.) For the purposes of this section "red clay" means the substance commonly known as red clay and includes any substance capable of increasing the weight of and suitable for coating cacao beans, or which may be used to make a

mixture suitable for coating cocoa beans, whether such substance is in its natural condition or is mixed with any other substance.

29. Any licensed dealer who purchases licensable produce from any person apparently under the age of twelve years is liable to a penalty not exceeding £20, and, in default of payment, to imprisonment, with or without hard labour, for any term not exceeding three months.

Purchasing
from children.

30.—(1.) It shall be lawful for—

(a.) Any owner, manager, overseer, or agent of any plantation whereon any kind of licensable produce is 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, 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 is 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, waggon 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 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 Sub-section (1) hereof 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 the said sub-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 the exemption set forth in Sub-section (1) (b) hereof shall be on the accused.

Procedure on
arrest.

31.—(1.) Immediately upon the apprehension or detention of any person under the powers in the last 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 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 £20, conditioned for his appearance for examination before a Magistrate in the usual course.

Not satisfying
Magistrate as
to possession.

32.—(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.

(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.

Prosecution
of offences.

33. All offences under this Ordinance shall be prosecuted heard and determined before a Magistrate, and the procedure in respect of such offences and of all matters

incidental to or arising out of the prosecution of such offences shall be such as is laid down in the Summary Conviction Offences (Procedure) Ordinance (No. 1.)

34.—(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, 1916) 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.

(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.

35.—(1.) On conviction before any Magistrate of any Licensed Dealer of any offence against this Ordinance, such Magistrate may order the license of the offender to be forfeited and cancelled, and in such case shall cause notice of such license having been forfeited and cancelled and of the date of the order forfeiting and cancelling the same to be published in the *Royal Gazette*.

Forfeiture
of license.

(2.) 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.

(3.) Nothing in this section contained shall modify or affect the liability to forfeiture mentioned in Section 19 of this Ordinance.

36.—(1.) Where a license 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

Liability of
partners,
agents, &c.

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

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

Evidence.

37. A copy of the *Royal Gazette* containing any proclamation purporting to be made under this Ordinance shall be *prima facie* evidence of the due making and tenor of such proclamation.

Repeal.

38. The Sale of Produce Ordinance, 1909, and the Sale of Produce Ordinance, 1916, are hereby repealed.

Passed in Council this Fourteenth day of December, in the year of Our Lord one thousand nine hundred and seventeen.

HARRY I. KNAGGS,
Clerk of the Council.

 THE SCHEDULE.

 FORM A.

 THE SALE OF PRODUCE ORDINANCE, 1917

APPLICATION FOR LICENSE.

I, A.B. (*Christian and Surname and occupation of applicant*) residing atdo hereby make application for a license 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.

 THE SALE OF PRODUCE ORDINANCE, 1917.

LICENSE.

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 license he has paid the sum of £5.

C.D.,
Magistrate.

FORM C.—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.

No. 47.

Sale of Produce.

1917.

FORM D.

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.

Bond to be signed by Licensed Dealer.

TRINIDAD and TOBAGO.

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

Dated this _____ day of _____ 19 .

Whereas the said _____ was on the _____ day of _____ 19 .
granted by _____, Esquire, in and for the district of _____
a license under the provisions of the Sale of Produce Ordinance, 1917

Now the condition of this obligation is such that if the said _____ complies with the provisions of the said Ordinance during the existence of the said license 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 }

7.2.18

4)



TABLE SHOWING SOURCES OF THE SALE OF PRODUCE ORDINANCE, 1917.

SECTION OF BILL.	CORRESPONDING PROVISIONS OF EXISTING LAW
Section 1	... Section 1 of No. 8 of 1909.
Section 2—(1.)	.. Section 2—(1.) of No. 8 of 1909 as amended by Section 2—(1.) of No. 16 of 1916.
(2.)	... Section 2—(2.) of No. 16 of 1916.
Section 3	... Section 3—(1.) of No. 16 of 1916.
Section 4	... Section 9 of No. 8 of 1909.
Sections 5, 6	... Section 17 of No. 8 of 1909.
Section 7	... Section 15 of No. 8 of 1909.
Section 8	.. Sub-sections (2) to (7) of Section 3 of No. 16 of 1916. Sub-section (7) of the Bill is new and is intended to ensure that the bond should remain a living security.
Sections 9 to 13	... Sections 4 to 8 of No. 8 of 1909. The proviso to Section 9 (1) of the Bill is intended to prevent the creation of mushroom villages.
Section 14	... Section 16 of No. 8 of 1909.
Section 15	.. Section 9 (last paragraph) of No. 8 of 1909.
Section 16	... Section 14 of No. 8 of 1909. Power is given also to cancel a license at the request of the licensed dealer.
Section 17	... Section 12 of No. 8 of 1909.
Section 18	.. Section 11 of No. 8 of 1909.
Section 19	... Sections 26 and 27 of No. 8 of 1909. The provision in Section 27 of No. 8 of 1909 as to written authority to a contractor to sell is left out; see Section 25 (5) of the Bill.
Section 20	... Section 28 of No. 8 of 1909.
Section 21	... Section 29 of No. 8 of 1909. Strong representations have been made that manufacturers should be brought within the Ordinance and the exemption now accorded to manufacturers has been left out in the Bill.
Section 22	.. Section 19 of No. 8 of 1909.
Section 23	.. Section 21 of No. 8 of 1909 as amended by Section 6 of No. 16 of 1916.
Section 24	... Section 30 of No. 8 of 1909 as amended by Section 6 of No. 16 of 1916; but for provision as to sale by tenant, &c. without written authority see Section 25 (4) of the Bill.
Section 25	... Section 31 of No. 8 of 1909 as amended by Section 6 of No. 16 of 1916.
Section 26	... Last paragraph of Section 30 of No. 8 of 1909.
Section 27	... Section 32 of No. 8 of 1909.
Section 28	... Section 10 of No. 16 of 1916, but Sub-section 2 is new and is intended to stop a means of evading the law.
Sections 29 to 32	... Sections 22 to 25 of No. 8 of 1909, but the penalty in Section 22 of No. 8 of 1909 is increased.
Section 33	.. Provides for prosecution of offences under Ordinance No. 1.
Section 34	... Section 33 of No. 8 of 1909.
Section 35	.. Section 13 of No. 8 of 1909.
Section 36	... Section 18 of No. 8 of 1909. Section 36 (3) is new. In the absence of a dealer from the Colony provision is made for the responsibility of the person in charge of the business.
Section 37	... Provides for <i>Royal Gazette</i> being received in evidence.
Section 38	.. Repeal section.

