

CHAPTER 149

SALE OF COTTON

1906-4

This Act came into operation on 15th June, 1906.

Amended by:

1950-36

1963-5

1967/168

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 149

**SALE OF COTTON
1906-4**

Arrangement of Sections

1. Short title

PART I

PRELIMINARY

2. Interpretation

PART II

INSPECTORS OF COTTON

3. Appointment of Inspectors
4. Return of land planted in cotton to be made to Inspector
5. Inspector to visit land mentioned in return

PART III

SALE OF COTTON

6. Selling or conveying cotton without a certificate
7. Applications for certificates
8. Penalty on applicant who fails to satisfy the Inspector

PART IV

PURCHASE OF COTTON

9. Purchaser of cotton to be licensed
10. Licences to purchase cotton
11. Additional licences
12. Licensed purchaser to exhibit signboard on conspicuous part of premises
13. Selling or bartering to unlicensed persons
14. Purchasing without licence
15. Purchasing or bartering from person not having a certificate
16. Purchaser of cotton to keep record
17. Particulars to be entered in Purchaser's Record
18. Vendor's certificate to be kept by purchaser
19. Failure to comply with sections 16, 17 and 18
20. Inspection of Purchaser's Record

PART V

COTTON FACTORIES

21. Receiving cotton at a factory without a certificate
22. Factory to keep record

- 23. Particulars to be entered in Factory Record
- 24. Certificates to be kept at factory
- 25. Failure to comply with sections 22, 23 and 24
- 26. Inspection of Factory Record

PART VI

SHIPPING LINT AND SEED COTTON

- 27. Shipper to deliver to Comptroller of Customs a declaration from factory or certificate
- 28. Failure to comply with section 27
- 29. Penalty for false declaration

PART VII

STOLEN COTTON

- 30. Offering for sale or barter cotton suspected to have been stolen
- 31. Stolen property to be restored to its owner

PART VIII

LEGAL PROCEEDINGS

- 32. Application of penalties
- 33. Forfeited articles
- 34. All informations to be laid within twelve months

- 35. Discharge and acquittal of informer
- 36. Rewards when fines not paid
- 37. No costs on complainant

SCHEDULE

**BARBADOS**SALE OF COTTON
1906-4

An Act for prohibiting the sale of cotton without a certificate, and for more effectually preventing the purchase and exportation of stolen cotton.

[Commencement: 15th June, 1906]

Short title

1. This Act may be cited as the Sale of Cotton Act.

PART I
PRELIMINARY**Interpretation**

2. For the purposes of this Act, the expression—
“cotton” means the soft downy substance attached to or separated from the seeds of the cotton plant;
“Inspector” means an Inspector of Cotton appointed under section 3;

“licence to purchase” means a licence to purchase or obtain by barter cotton, granted under section 10;

“Minister” means the Minister responsible for Agriculture.

PART II INSPECTORS OF COTTON

Appointment of Inspectors

3.(1) The Minister may, on the recommendation of the Chief Agricultural Officer, appoint one or more fit and proper persons to be Inspectors of Cotton under this Act for such areas and for such periods as the Chief Agricultural Officer deems fit.

(2) The Minister shall have power to remove an Inspector from office on one month’s notice.

(3) The Minister is hereby empowered to make rules and regulations for the purpose of facilitating the discharge of the duties imposed by this Act on an Inspector.

(4) The Forms contained in the Schedule shall be furnished to the Inspectors by the Accountant-General on payment of a sum to be fixed by the Minister, and the Inspectors shall furnish such forms to persons applying therefor at the same rate.

(5) A licence to purchase shall not be issued to an Inspector or to any member of his household.

[1950-36; 1967/168]

Return of land planted in cotton to be made to Inspector

4.(1) Every owner or occupier of land who has planted cotton seed shall within one month from the date of planting make a return, signed by him, his

attorney, agent or manager, to the Inspector for the area in which the land is situate, of the situation and quantity and name and places of abode of the owner and occupier of the land so planted in cotton seed, according to Form A in the Schedule.

(2) Such person shall, at the time when he makes the return in pursuance of subsection (1), pay to the Inspector for his own use the sum of three cents for each one-eighth part of an acre or any smaller portion of land mentioned in the return, and the Inspector shall give a receipt for such payment in accordance with Form B in the Schedule.

(3) Where no return is made, the occupier of the land so planted or, where the return is false in any particular, the person signing the return, shall be liable to a penalty of twenty-four dollars.

[1950-36]

Inspector to visit land mentioned in return

5.(1) Each Inspector shall safely keep the returns for a period of eighteen months and shall, within three months after each return is made, visit the land returned as planted in cotton seed and satisfy himself of the correctness of such return.

(2) Each Inspector is hereby empowered to visit the land returned as planted in cotton as often as he deems fit.

PART III

SALE OF COTTON

Selling or conveying cotton without a certificate

6.(1) No person shall sell or barter or expose or offer for sale or barter or convey on any public highway or road or in any public place or leave at a factory to be ginned any cotton, unless he has a certificate according to Form C in the

Schedule under the hand of the Inspector to whom the return under section 4 was made of the land on which such cotton was grown, or of his successor in office, that he is, to the best of the knowledge and belief of the Inspector, lawfully entitled to have possession of or to dispose of such cotton.

(2) Any person selling or bartering or exposing or offering for sale or barter or conveying or leaving at a factory to be ginned any such cotton without a certificate given under subsection (1) shall be deemed to have acquired the cotton unlawfully and being convicted thereof shall forfeit the cotton and shall be liable to a fine of forty-eight dollars or to imprisonment for three months.

(3) It shall be competent for any person charged under subsection (2) to prove that he was lawfully in the possession of such cotton and in such event the person so charged shall not be convicted of unlawfully acquiring but shall be convicted of selling or bartering or offering for sale or barter or of conveying or leaving at a factory to be ginned such cotton without certificate given under subsection (1) and shall be liable to a fine of twenty-four dollars.

(4) Any Inspector, Justice of the Peace, police or parish constable or any person to whom cotton is offered for sale or barter or any person in charge of a cotton factory is hereby authorised and required to demand from such person as aforesaid a certificate given under subsection (1) and, in default of its being produced, to apprehend the person so offending against this Act and take him, with or without such cotton, to the nearest police station and detain him in custody until such time as he can be brought before a magistrate and the case be heard and determined.

(5) Anyone lawfully conveying cotton from the field where it was lawfully gathered to the place where it is to be stored or conveying lint from the factory where it has been ginned to the shipping place whence it is to be exported or conveying a sample of cotton not exceeding one pound in weight for the purpose of scientific examination shall not be liable to be apprehended under subsection (4) or to be convicted under subsection (2) or (3).

Applications for certificates

7.(1) Before a certificate is given under subsection (1) of section 6, the person applying for such certificate shall state the following particulars as far as may be applicable according to Form D in the Schedule—

- (a) the quantity of cotton for which a certificate is required;
- (b) how the owner has become possessed of such cotton, whether grown or purchased by him;
- (c) if the cotton has been grown by the owner thereof, the situation and number of acres planted in cotton and the name and place of abode of the owner of the land on which it has been grown;
- (d) the name of the intending purchaser of such cotton, if any agreement has been then made to purchase such cotton;
- (e) the name of the factory at which the cotton is to be ginned, if it is to be ginned for him and on his account;
- (f) the quantity of cotton obtained from the acres planted in cotton referred to in paragraph (c) and for which a certificate or certificates has or have been already obtained;
- (g) the name or names of the person or persons to whom the cotton mentioned in paragraph (f) has been sold and the quantity of such cotton sold;
- (h) if the cotton for which a certificate is required has been purchased by the owner thereof, the date of the purchase, the name of the person from whom it was purchased and the quantity purchased, the last two particulars mentioned herein to be verified by the production of the certificate or certificates obtained from the vendor.

(2) The owner of the cotton or his attorney, accredited agent or manager may apply for such a certificate.

(3) Every application shall be retained by the Inspector for a period of eighteen months at least.

(4) No certificate shall be given under this section until the Inspector has first administered an oath to the person applying for such a certificate as to the particulars required to be stated under subsection (1).

(5) For each certificate the applicant shall pay to the Inspector for his own use such sum, not exceeding eight cents, for every one hundred pounds of cotton or part thereof authorised to be disposed of by such certificate, as may from time to time be fixed by the Minister.

[1950-36; 1967/168]

(6) The returns and applications in the custody of the Inspector shall during his office hours be produced for the inspection of any Justice of the Peace, police or parish constable, and every grower of cotton who desires to make such inspection.

Penalty on applicant who fails to satisfy the Inspector

8.(1) Where the Inspector is not satisfied that the alleged owner is lawfully entitled to have possession of or to dispose of such cotton, the alleged owner shall be deemed to have acquired the same unlawfully and being convicted thereof on the information of the Inspector shall forfeit the cotton and shall be liable to a fine of forty-eight dollars or to imprisonment for three months.

(2) It shall be competent for any person charged under subsection (1) to prove that he was lawfully in the possession of such cotton.

PART IV

PURCHASE OF COTTON

Purchaser of cotton to be licensed

9. No person shall purchase or obtain by barter any cotton without first having obtained a licence to do so in accordance with this Act.

Licences to purchase cotton

10.(1) Any person desirous of obtaining a licence to purchase shall make application for a licence to the Accountant-General.

(2) Such application shall be according to Form E in the Schedule and shall be signed by the person making the same and shall be delivered to the Accountant-General who shall, if the applicant is, in his opinion, a fit and proper person to be granted a licence and pays him the sum of twenty-four dollars, grant a licence according to Form F in the Schedule and shall cause the name of the person so licensed and a description of the premises mentioned in the licence to be published in the *Official Gazette*.

(3) Every licence to purchase shall remain in force for a period of twelve months from the date of issue thereof.

(4) Any person holding a licence to purchase may sell it to any person approved by the Accountant-General, and the purchaser of such licence is, subject to subsection (5), authorised and empowered to purchase cotton in accordance with the terms of the licence.

(5) The purchaser of such licence shall before purchasing cotton hand such licence to the Accountant-General and request the Accountant-General who is hereby required to do so, to endorse on such licence the name of the purchaser of the licence and of the district in which the premises where the cotton is to be purchased are situate.

(6) When any person holding a licence to purchase desires to remove from the premises for which such licence originally was granted and to use such licence for other premises, he shall hand such licence to the Accountant-General and request the Accountant-General, who is hereby required to do so, to endorse upon the applicant's licence the particulars relating to such change of premises, and upon such endorsement the applicant shall be at liberty to purchase cotton in such premises.

Additional licences

11.(1) Any person holding a licence to purchase may obtain from the Accountant-General additional licences to purchase cotton at the premises named in the additional licences, on payment to the Accountant-General of the sum of sixty cents in respect of every such additional licence and every such additional licence shall be according to Form G in the Schedule.

(2) The Accountant-General shall cause the name of every person to whom an additional licence has been granted and a description of the premises in respect of which such additional licence has been granted to be published in the *Official Gazette*.

(3) Every additional licence to purchase granted to any person shall remain in force for the remainder of the period of duration of the licence to purchase issued to such person.

Licensed purchaser to exhibit signboard on conspicuous part of premises

12. Every licensed purchaser shall cause to be painted in black upon a white ground or in white upon a black ground in letters not less than three inches in height in a conspicuous place upon the premises where he intends to carry on his business his name, the words “Licensed Purchaser of Cotton” and the number of his licence and, in default of his so doing, shall be liable to a penalty of twenty-four dollars.

Selling or bartering to unlicensed persons

13. Any person who sells or barters cotton to a person other than a licensed purchaser under this Act shall be liable to a penalty of twenty-four dollars or to imprisonment for three months.

Purchasing without licence

14. Any person who purchases or obtains by barter cotton without having first obtained a licence to purchase shall, on summary conviction, be liable to a penalty of forty-eight dollars or to imprisonment for three months and, upon any subsequent conviction, to imprisonment for six months.

Purchasing or bartering from person not having a certificate

15.(1) No person shall purchase or obtain by barter from any person any cotton unless such person produces and delivers to the purchaser or person bartering a certificate given under subsection (1) of section 6.

(2) Any person so purchasing or obtaining by purchase or barter cotton without such a certificate being delivered to him shall on due proof thereof being made before any magistrate forfeit such cotton, and be liable to a penalty of forty-eight dollars or imprisonment for three months.

Purchaser of cotton to keep record

16. Every person who has obtained a licence to purchase shall keep a book (hereinafter called the “ Purchaser’s Record ”), the pages of which shall be according to Form H in the Schedule.

Particulars to be entered in Purchaser’s Record

17.(1) Immediately on each and every purchase of cotton being made by such licensed purchaser, there shall be entered by him in such book in clear and legible handwriting—

- (a) the date of purchase;
- (b) the number of the vendor’s certificate;
- (c) the weight of cotton purchased; and
- (d) the price paid per pound;

and after such entry has been made by the licensed purchaser the same shall be read to and signed by the vendor.

(2) In the event of the vendor being unable to write, he shall sign the Purchaser's Record with his mark or cross and in such case the making of his mark or cross shall be attested by one independent witness.

Vendor's certificate to be kept by purchaser

18. Each and every licensed purchaser shall safely keep for a period of eighteen months the certificates delivered to him by the vendors of cotton.

Failure to comply with sections 16, 17 and 18

19. Any licensed purchaser who fails to comply with sections 16, 17 and 18 shall be liable to a penalty of twenty-four dollars.

Inspection of Purchaser's Record

20.(1) The Purchaser's Record and the vendors' certificates shall, between the hours of 8 a.m. and 4 p.m. on every day of the week except Sunday, be produced for the inspection of any Inspector, any Justice of the Peace or police or parish constable, and any such person so inspecting the Purchaser's Record shall be at liberty to copy and take away with him such copy of any entry or entries in the Purchaser's Record.

(2) Any licensed purchaser who refuses, neglects or fails to permit the inspection of his Purchaser's Record or vendor's certificates, when lawfully required so to do, or to allow any copy thereof to be taken in accordance with subsection (1) shall be liable to a penalty of twenty-four dollars.

PART V
COTTON FACTORIES

Receiving cotton at a factory without a certificate

21. Where cotton is received at a factory to be ginned without a certificate given under subsection (1) of section 6 being delivered to the person in charge of the factory, the person in charge of such factory shall be liable to a penalty of forty-eight dollars or to imprisonment for six months.

Factory to keep record

22. At every cotton factory there shall be kept a book (hereinafter called the “ Factory Record ”) the pages of which shall be according to Form I in the Schedule.

Particulars to be entered in Factory Record

23. Whenever cotton is delivered at a cotton factory, there shall be entered by the person in charge of the factory in the Factory Record, immediately on each delivery being made, the following particulars—

- (a) the date of delivery;
- (b) the number of the sender’s certificate and the area in which it was issued; and
- (c) the weight of cotton delivered.

[1950-36]

Certificates to be kept at factory

24. There shall be safely kept at every cotton factory for a period of eighteen months the certificates delivered at such factory.

Failure to comply with sections 22, 23 and 24

25. The person in charge of a cotton factory who fails to comply with sections 22, 23 and 24, shall be liable to a penalty of twenty-four dollars.

Inspection of Factory Record

26.(1) The Factory Record and the senders' certificates shall, between the hours of 8 a.m. and 4 p.m. on every day of the week except Sunday, be produced for the inspection of any Inspector, any Justice of the Peace, police or parish constable, and any such person so inspecting the Factory Record shall be at liberty to copy and take away with him such copy of any entry or entries in the Factory Record.

(2) Where the person in charge of a cotton factory refuses, neglects or fails to permit the inspection of his Factory Record or senders' certificates, when lawfully required so to do, or to allow any copy thereof to be taken in accordance with subsection (1), he shall be liable to a penalty of twenty-four dollars.

PART VI**SHIPPING LINT AND SEED COTTON****Shipper to deliver to Comptroller of Customs a declaration from factory or certificate**

27.(1) Every person shipping lint shall on or before the fifteenth day of each month deliver to the Comptroller of Customs a declaration signed by the person in charge of the factory at which the seed cotton producing such lint was ginned, showing the quantity of lint shipped by such person during the preceding month.

(2) Every person shipping seed cotton shall deliver to the Comptroller of Customs a certificate given under subsection (1) of section 6.

(3) Every person shipping lint or seed cotton shall endorse on the declaration or certificate the name of the ship by which the lint or seed cotton has been or is being shipped.

Failure to comply with section 27

28. Every person shipping cotton without complying with section 27 shall be liable to a penalty of twenty-four dollars.

Penalty for false declaration

29. Any person in charge of a factory who signs a declaration mentioned in section 27 which is false in any particular and any person delivering to the Comptroller of Customs a declaration which is false in any particular shall be liable to a penalty of twenty-four dollars.

PART VII

STOLEN COTTON

Offering for sale or barter cotton suspected to have been stolen

30.(1) Where any person offers for sale or barter any cotton and the person to whom it is so offered suspects it to have been stolen or unlawfully obtained, it shall be lawful for the person to whom it is so offered, and such person is hereby required, to detain the person offering for sale or barter cotton until a police or parish constable can be procured and to deliver the person so detained in custody to such police or parish constable.

(2) Such police or parish constable shall take such person before the nearest magistrate who is required to investigate the circumstances, and if the person so detained does not satisfy the magistrate that he came honestly by such cotton, the magistrate shall order such person to pay a fine not exceeding twenty-four dollars or to be imprisoned for any term not exceeding three months and such cotton shall be forfeited.

(3) Where the person detained satisfies the magistrate that the cotton came into his possession honestly and that no offence has been committed under this Act, such person so detained shall have no right of action or complaint against the person detaining him under subsection (1) unless the magistrate after his investigation certifies that in his opinion the person causing such detention had no such reasonable grounds of suspicion.

Stolen property to be restored to its owner

31. Where the rightful owner of any article seized under the authority of this Act proves to the satisfaction of the magistrate before whom the same is brought that such article was his lawful property and that the same had been stolen or taken from his possession, it shall be lawful for the magistrate to restore the same to such owner, and he is hereby directed to restore the same accordingly, anything in this Act contained to the contrary notwithstanding.

PART VIII

LEGAL PROCEEDINGS

Application of penalties

32.(1) All penalties imposed by this Act, where the recovery thereof is not otherwise provided, shall be recovered before a magistrate in a summary manner and one-third thereof shall be paid to the informant.

(2) Where there is an informer, the magistrate hearing the case may pay to him, whether or not he has been a witness in the case, one-third of the penalty.

Forfeited articles

33. All articles which become forfeited under this Act shall be ordered by a magistrate to be sold (a certified copy of whose order shall be regarded as a certificate under this Act and shall be given to the purchaser), and one-third of the proceeds shall be paid to the informant.

All informations to be laid within twelve months

34. No information or action shall be laid, commenced or prosecuted for any offence under this Act or for the recovery of any penalties incurred under this Act, after the expiration of twelve months after such offence was committed or discovered.

Discharge and acquittal of informer

35. On the commission of any offence against this Act, the offender who before any information is lodged against him in respect of the offence first discovers and informs against any other participator in that offence shall, on the conviction of the person against whom the information is given, be discharged and acquitted from all penalties or disqualifications to which, at the time of giving the information, he may be liable by reason of the offence committed by him and of which he has been the informer.

Rewards when fines not paid

36. When on the conviction of any person for an offence against this Act the pecuniary penalty imposed for the offence is not paid and cannot be levied or the person incurring the penalty is sent to prison in default of payment, the Minister, on the representation of an Inspector, may cause such rewards as he may think fit, not exceeding in each case nine dollars and sixty cents, to be paid in such shares and proportions as he may think fit to the persons who appear to him to be entitled thereto.

No costs on complainant

37. All proceedings shall be taken free of expense to any informant and if any information is dismissed the magistrate shall not impose costs on the informant except where he is of opinion that the information was vexatious or brought without reasonable cause.

SCHEDULE*(s. 3 (4))***FORM A***(s. 4 (1))***RETURN**

Situation of land planted in cotton	Quantity of land planted in cotton	Name and place of abode of owner of such land	Name and place of abode of occupier of such land	Date when such land was planted

Dated this day of 19 .

Occupier, Attorney, Agent or Manager.

FORM B

(s. 4 (2))

RECEIPT

Received from _____ of _____ the sum
of _____ in payment for registering a return of
_____ acres of land planted by him in cotton seed.

Dated this _____ day of _____ 19 _____ .

Inspector of Cotton.

FORM C

*(s. 6 (1))**CERTIFICATE*

No.

This is to certify _____ that of _____
has this day appeared before me, submitted the subjoined application and made
oath (*inter alia*) that _____ was lawfully entitled to have
possession and to dispose of _____ lbs. of lint or seed cotton;
and that this statement is to the best of my knowledge and belief true; and
is hereby authorised to dispose of the said cotton.

FORM D

(s. 7 (1))

APPLICATION

Quantity of cotton (lint or seed cotton)	Whether cotton grown or purchased by owner	If grown by owner — situation and number of acres planted in cotton	Name and place of abode of owner of said land	Name of intending purchaser	Name of factory to which cotton is to be sent	Quantity of cotton obtained from said land for which certificate has been already given	Name of purchaser of cotton from said land for which certificate has been already given	If purchased by owner — date of purchase, quantity purchased, and name of vendor	No. of vendor's certificate
s									

Dated this day of 19 .

Owner, Attorney, Agent or Manager.

THE LAWS OF BARBADOS

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FORM E

*(s. 10 (2))**APPLICATION FOR LICENCE TO PURCHASE*

To the Accountant-General.

I hereby apply for a Licence to carry on the business of a purchaser of cotton in the *(insert description of place where the business is to be carried on)* in accordance with the Sale of Cotton Act, Chapter 149 of the *Laws of Barbados*.

Dated this day of 19 .

(Name)

(Address)

FORM F

*(s. 10 (2))**LICENCE*

Licence is hereby given to _____ of
to carry on the business of a purchaser of cotton in
the *(insert description of place where the business is to be carried on)* in
accordance with the Sale of Cotton Act, Chapter 149 of the *Laws of Barbados*.

Dated this _____ day of _____ 19 _____ .

Accountant-General.

FORM G

*(s. 11(1))**ADDITIONAL LICENCE*

Licence is hereby given to _____ of
the purchaser of a Licence under the Sale of Cotton
Act, Chapter 149 of the *Laws of Barbados*, to carry on the business of a purchaser
of cotton in the _____ in accordance with that Act.

Dated this _____ day of _____ 19 _____ .

Accountant-General.

FORM H

*(s. 16)**PURCHASER'S RECORD*

Date of purchase	No. of vendor's certificate or date of Magistrate's order and his District	Weight of cotton purchased	Price paid per pound	Vendor's signature

FORM I

(s. 22)

FACTORY RECORD

Date of delivery	No. of sender's certificate and parish in which issued	Weight of seed cotton delivered