

*Protection of certain Produce.***No. 9. - 1885.**

An Ordinance to further provide for the protection of certain descriptions of Produce.

ARTHUR GORDON.

WHEREAS it is expedient to make further provision for the protection of certain descriptions of produce which are especially liable to theft: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. For the purposes of this Ordinance the following terms shall have the meaning hereby assigned to them—

Interpretation clause.

“Labourer” shall include all persons excepting superintendents and assistant superintendents, temporarily or permanently employed on any plantation, in any capacity, whether agricultural, menial or otherwise howsoever.

“Plantation” shall include any land on which coffee, tea, cacao, cardamoms, or cinchona are growing as also cocoanut estates of over twenty-five acres in extent.

“Produce” shall include the fruit, leaf, bark, and roots of any plant cultivated in a plantation.

2. Every person found loitering or lurking about any plantation shall, unless he can give satisfactory reason to the Police Magistrate before whom he is tried for such loitering or lurking, be deemed guilty of an offence, and shall be liable on conviction before such Police Magistrate, who is hereby authorized and empowered to entertain and adjudicate upon such offence, to rigorous or simple imprisonment for any term not exceeding six weeks, or to a fine not exceeding Twenty-five rupees.

Loitering or lurking on plantation to be an offence.

3. Whenever the unripe produce of the coffee or cacao trees or of the cardamom plant or the arecanut palm shall be found in the possession of any person, such person shall be presumed to have stolen unripe produce or to have unlawfully received it knowing it to have been stolen, unless such person shall satisfactorily account for his possession thereof, and such person shall on conviction be liable to the punishments provided for the theft of prædial products under section 368 of “The Ceylon Penal Code.” Provided that should the offence be one for which a person may be convicted before a Police Magistrate, such Police Magistrate may, in addition to any term of imprisonment to which the offender may be sentenced by him for such offence, order such offender to be whipped in the manner prescribed by sections 55 and 56 of “The Ceylon Penal Code,” anything in such Code or in “The Criminal Procedure Code, 1883,” to the contrary notwithstanding. Provided that the number of lashes or strokes to be inflicted shall in no case exceed twenty.

Possessor of unripe produce to be deemed guilty of theft until contrary be shown.

4. It shall not be lawful for any one to purchase or take in barter or exchange or receive any produce from any labourer employed on any plantation.

Restriction on purchase of produce.

Protection of certain Produce.

Penalties for offences under section 4 of Ordinance.

5. Any person committing any breach of any of the provision contained in the 4th section of this Ordinance shall be deemed guilty of an offence, and shall be liable on conviction before a Police Magistrate, who is hereby authorized and empowered to entertain and adjudicate upon any such offence to rigorous or simple imprisonment for any term not exceeding six months or to a fine not exceeding one hundred rupees, or to whipping as prescribed by section 3 of this Ordinance, or any two of those punishments.

6. This Ordinance shall come into operation on such day as shall be hereafter fixed by the Governor in a Proclamation to be published in the *Government Gazette*.

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Nineteenth day of February, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,
Acting Colonial Secretary.
