

ORDINANCE No. 10 OF 1908.

AN ORDINANCE to prohibit the sale and disposal of Intoxicating Liquors to Aboriginal Indians. A.D. 1908.

[8th July, 1908.]

WHEREAS the use of intoxicating liquors is proving highly injurious to the Aboriginal Indians of this Colony, and it is therefore deemed expedient as far as possible to prevent their use of such liquors:

Be it therefore enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

1. This Ordinance may be cited as the Aboriginal Indians (Intoxicating Liquors) Ordinance, 1908. Short title.

2. In this Ordinance, unless the context otherwise requires:—

“ Aboriginal Indian ” means any person belonging to any race or tribe of Aboriginal Indians, whether such person is resident Interpretation of terms.

in this Colony or in any neighbouring country or place, and includes half-castes and all persons of mixed race living as members of any such race or tribe, and also any woman married to or cohabiting with an Aboriginal Indian.

“ Intoxicating liquor ” means any spirits, wine, ale, beer, porter, cider, or other distilled, fermented, or spirituous liquor of an intoxicating nature, and includes any liquor containing any intoxicating liquor.

“ Boat ” means any punt, boat, bateau, buckshell, or corial.

Prohibition
of sale, etc.,
of intoxicating
liquor to Abor-
iginal Indian.

3. It shall not be lawful for any person to sell, barter, supply or give to any Aboriginal Indian, or to any person for consumption by an Aboriginal Indian, any intoxicating liquor.

Punishment
for selling,
etc., intoxi-
cating liquor.

4. Every person who:—

(a) Sells, barter, supplies, or gives to any Aboriginal Indian, or knowingly sells, barter, supplies, or gives to any person for consumption by an Aboriginal Indian, any intoxicating liquor; or

(b) Allows any such sale, barter, supply, or gift to take place in or from his house or premises,

shall be liable to a penalty not exceeding twenty-five dollars and, on a second or any subsequent conviction, to a penalty not exceeding one hundred dollars.

Forfeiture
of intoxicating
liquor, etc.,
sold, etc.

5.—(1) Any intoxicating liquor sold, bartered, supplied, or given to an Aboriginal Indian, and every keg, barrel, case, box, bottle, package, or other receptacle in which any intoxicating liquor has been so sold, bartered, supplied, or given, shall be forfeited and may be seized by any public officer, police constable, or rural constable.

(2) Upon a search warrant in that behalf being granted by any Magistrate or Justice of the Peace, any such intoxicating liquor and any such keg, barrel, case, box, bottle, package, or other receptacle may be searched for and, if found, seized by any police constable or rural constable; and may, on complaint made before the Magistrate of the district, if the Magistrate is satisfied that this Ordinance has been contravened in respect thereof, be declared forfeited and ordered to be destroyed or otherwise dealt with as the Magistrate may direct.

(3) Every Aboriginal Indian or other person in whose possession any such intoxicating liquor or any such keg, barrel, case, box, bottle, package, or other receptacle is found shall be liable to a penalty not exceeding twenty-five dollars.

Forfeiture
of thing
exchanged
for intoxica-
ting liquor.

6. Every article or thing in the purchase, acquisition, exchange, trade, or barter of which, in contravention of this Ordinance, the consideration, either wholly or in part, is any intoxicating liquor

shall be forfeited, and may be seized and shall be liable to be dealt with in the manner hereinbefore provided with respect to intoxicating liquor and the receptacles therefor.

7. No pawn taken from any Aboriginal Indian for any intoxicating liquor shall be retained by the person to whom such pawn is delivered; but the thing so pawned may be sued for and shall be recoverable, with costs of suit, in any court of competent jurisdiction by the Aboriginal Indian who pawned the same.

Right of recovery of thing pawned for intoxicating liquor.

8.—(1) Any police constable or rural constable may, without process of law, arrest any Aboriginal Indian whom he finds in a state of intoxication, and convey him to any prison, lock-up, or other place of confinement, there to be kept until he is sober.

Power to arrest intoxicated Aboriginal Indian.

(2) Nothing in this section shall affect the liability of any such Aboriginal Indian to punishment under any enactment for the time being in force relating to drunkenness.

9. If any Aboriginal Indian who has been arrested and detained under the provisions of the last preceding section refuses, on being questioned for that purpose by any officer or non-commissioned officer of police, to state or give information of, or gives untrue information of, the person, place, and time from whom, where, and when he procured the intoxicating liquor with which he became intoxicated and, if it was procured from any other Aboriginal Indian, then from whom, where, and when such intoxicating liquor was originally procured or received, he shall be liable to a penalty not exceeding twenty-five dollars.

Penalty on intoxicated Aboriginal Indian refusing to state where he obtained intoxicating liquor.

10. No Piwarrie or Mansiriemanni shall be held or given except in the months of January, June and December, and any person who gives or holds any Piwarrie or Mansiriemanni except during the said months shall on conviction thereof be liable to a penalty not exceeding twenty-five dollars, and every person present at such Piwarrie or Mansiriemanni shall be liable on conviction thereof to a penalty not exceeding one dollar.

Piwarrie to be held only in certain months.

11. Any person not an Aboriginal Indian who is present at or takes part in any Piwarrie or Mansiriemanni shall on conviction thereof be liable to a penalty not exceeding twenty-five dollars.

No one but Indians to be at a Piwarrie.

12. In the event of any drunkenness or disorderly conduct arising at any Piwarrie or Mansiriemanni, whether the same has been given by an Indian or other person, the giver or occupier of the place where the drunkenness or disorderly conduct takes place shall be guilty of an offence and may be prosecuted by the Protector of Indians or his deputy for the district in which the offence was committed, and shall on conviction be liable to a penalty not exceeding one dollar for a first offence and to a penalty not exceeding five dollars for the second or any subsequent offence.

Penalty on giver or occupier of place where drunkenness or disorderly conduct takes place.

13. Nothing in this Ordinance shall affect—

- (a) The sale, barter, supply, or gift of any intoxicating liquor to an Aboriginal Indian to be used in case of sickness, under the sanction of a duly qualified medical practitioner or dispenser or Justice of the Peace or under the direction of a minister of religion: Provided that, in any proceedings under this Ordinance, the onus of proving that the sale, barter, supply, or gift of intoxicating liquor to an Aboriginal Indian was within the saving hereby enacted shall be upon the defendant; or
- (b) Save as provided in section ten the supply or gift by Aboriginal Indians to one another of piwarrie or any similar intoxicating liquor in accordance with any custom prevailing among Aboriginal Indians.
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