

*Repealed by Ord 15 of 1934.*

**CHAPTER 163.**

**LEES.**

[No. I of 1870.]

[1st October, 1870.]

1. This Ordinance may be cited as the Lees Ordinance. Short title.

2. The owner of a plantation who at any time causes or suffers to be brought or to flow into any canal, trench, or drain on the plantation any refuse matter, lees, or other impurity produced in the distillation of rum, whereby the water in the canal, trench, or drain becomes so foul as to be a nuisance or injurious to health, shall be liable to a penalty not exceeding two hundred dollars. Discharging refuse matter or lees so as to be a nuisance or injurious to health. Penalty.

3.—(1) The owner of a plantation who at any time causes or suffers to be brought or to flow into any pond, reservoir, or swamp on or in the vicinity of the plantation any refuse matter or lees produced in the distillation of rum, whereby any offensive effluvium injurious to health is caused, shall be liable on conviction thereof to a penalty not exceeding two hundred dollars: Discharging refuse matter or lees with offensive smell: Penalty:

Provided that the owner may form a reservoir or pond and allow the refuse matter or lees to flow thereinto and remain therein, in any exceptional localities approved and sanctioned by the Governor in council and on his obtaining from the Governor a licence of authority to do so. Proviso.

(2) The licence shall not remain in force for more than twelve months from the date thereof, but may be renewed from time to time by the Governor.

4. In addition to the penalties aforesaid the owner of a plantation so offending shall be liable to a further penalty (to be recovered in like manner) of not more than twenty-five dollars for each day during which the water in the canal, trench, or drain is so foul as to be a nuisance or injurious to health or the offensive effluvium so continues, after the owner has been convicted of the offence, exclusive of the day on which the conviction takes place. Additional penalties for continuance of nuisance.



Proceedings  
for contra-  
vention of the  
Ordinance.

5. All complaints and informations for anything done contrary to the provisions of this Ordinance shall be preferred and laid by the Inspector General or an inspector of police, or by a district commissary of taxation, before a magistrate, who shall have full jurisdiction, power, and authority to hear, determine, and adjudicate on the same and to impose such penalty under the provisions of this Ordinance as to him may seem meet in the manner provided by the Summary Jurisdiction Ordinances; but no prosecution for any offence under this Ordinance shall be commenced without the written authority of the Attorney General.

Recovery of  
penalty and  
costs :

6.—(1) If after hearing the complaint or information the magistrate considers that the offence charged has been proved, he shall proceed to convict, and to order the payment forthwith of the penalty together with the costs of the complaint or information.

(2) Unless the penalty and costs are forthwith paid, the magistrate shall thereupon furnish the prosecutor with a copy of the complaint or information and his adjudication thereon, certified under his hand, and the prosecutor shall then lodge the same with the Colonial Treasurer.

(3) The amount of the penalty, together with all costs, shall thereupon be recoverable by the Colonial Treasurer, for the public use of the colony, by summary execution against the plantation named in the complaint or information and adjudication :

Proviso.

Provided that if an appeal is brought, all proceedings in execution shall be stayed until the appeal has been finally determined.

Deposit of  
penalty and  
costs in case  
of appeal.

7. No appeal made by anyone convicted under the provisions hereof shall be allowed or entertained in any case in which the magistrate has imposed a penalty, unless the amount of the penalty and costs is deposited with the Colonial Treasurer within ten days after that person has been so convicted, together with fifty dollars for costs.

Proceedings  
may be  
against  
owner of  
plantation  
by that  
description.

8. Whenever in any proceedings whatever hereunder for the recovery of any penalty or otherwise, it is necessary to mention or refer to the owner or owners of a plantation, it shall be sufficient to designate him, or the persons owning the plantation, as the owner of the plantation,



---

without name or names or further description; and it shall not be necessary in the proceeding to prove who the owner or owners of that plantation really is or are.

9. All proceedings hereunder requiring to be served on the owner of a plantation may be served either on the person in charge or who has the actual management of the plantation, or by affixing the same to some prominent part of the principal building or dwelling-house thereon.

Service of  
process.