

*Repealed by Ord. 31 of 1929.*

CHAPTER 190.

INDIAN HEMP AND DATURA.

[No. XXXVI of 1924.]

[11th October, 1924.]

1. This Ordinance may be cited as the Indian Hemp and Datura Ordinance. Short title.

2. In this Ordinance the term—

“Indian hemp” means the dried flowering or fruiting tops of the pistillate plant, *cannabis sativa* L., from which the resin has not been extracted, under whatever name they may be designated in commerce, and includes ganga, bhang, hashesh, charas, and *cannabis indica*, whether pure or mixed with any ingredient or thing, and any preparation or extract of or from either of them;

Interpretation.

“datura” means and includes the plants *datura fastuosa*, *datura stramonium*, and *datura metel*, their allies, and the seeds thereof.

3.—(1) It is unlawful—

Prohibition:

- (a) to plant or cultivate the Indian hemp plant (*cannabis sativa* or *indica*); or
- (b) to plant or cultivate the datura plants; or
- (c) to import into the colony Indian hemp or the seeds of datura; or
- (d) to manufacture, keep, possess, buy, sell, barter, or use, any Indian hemp or datura.

(2) Anyone who contravenes the provisions of the last preceding sub-section shall on conviction be liable to a penalty of not less than fifty dollars and not exceeding five hundred dollars, or to imprisonment with or without hard labour for any period not exceeding six months, and the magistrate may order any Indian hemp or datura dealt with in contravention of this Ordinance to be destroyed:

Penalties:

Provided, notwithstanding, that the Medical Board may, from time to time and as often as occasion requires, by order to be published in the Gazette,—

Proviso.

- (a) authorise the importation into the colony of any medicinal preparation, or patent or proprietary



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medicine (as that term is defined in the Colonial Medical (Consolidation) Ordinance), containing Indian hemp, or datura; and

(b) amend any order made under the preceding paragraph and prohibit the importation of the preparation or medicine last aforesaid, and thereupon and while the prohibiting order remains in force, that preparation or medicine shall not be imported into the colony.

Issue of and proceedings under search warrant.

4.—(1) If at any time any commissary of taxation, officer of customs, police officer, or constable (hereafter in this Ordinance called "authority"), knows or has reasonable cause to suspect that any Indian hemp or datura is in the illegal possession of anyone, then and in that case, upon oath made by the authority before a justice of the peace of the fact of the knowledge or cause of suspicion, the justice may, by warrant under his hand, empower the authority, with or without assistants, to enter the house or place wherein the authority knows or suspects the Indian hemp or datura to be kept and to seize it.

(2) All Indian hemp or datura so seized shall be forfeited, and the owner thereof, or the person in whose possession it is found, shall be arrested and detained by the authority until he can be brought before a magistrate.

Molestation of authority in execution of duty.

5. Everyone who molests, hinders, opposes, or in any way whatsoever obstructs, any authority acting in the execution of his powers under this Ordinance, shall for that offence on conviction thereof forfeit and pay a sum of not less than fifty dollars and not more than five hundred dollars.

Penalty.

Liability of masters and servants :

6. In all proceedings under this Ordinance the master shall be deemed liable for all illegal acts committed by his servant, and proof of the commission of the illegal act shall constitute proof of the service, and the servant shall be equally liable with the master :

Proviso.

Provided that if the master proves to the satisfaction of the magistrate that the illegal act was committed by his servant without his knowledge and consent, he shall not in that case be held liable to any penalty on account of that act.



7. All fines, penalties, and forfeitures incurred under this Ordinance, may be sued for and recovered by any authority in a summary manner before a magistrate, who is hereby invested with full power and jurisdiction to hear and determine the proceeding.

Recovery of penalties.

8. If upon any trial or complaint, a question arises as to whether anyone is acting as an officer empowered by this Ordinance to detain or make seizure, evidence by him or by any other person of his so acting shall be deemed sufficient, and he shall not be required to produce his commission, deputation, warrant, or power.

Evidence of officer's enabling power.