

Regulation

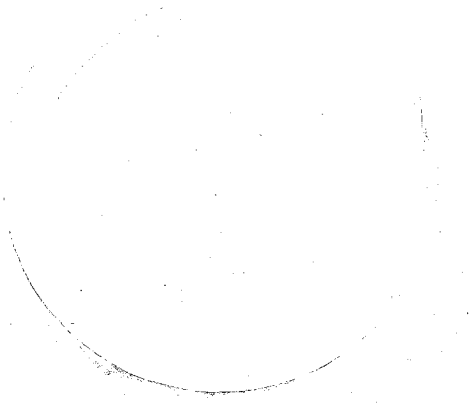
TRINIDAD AND TOBAGO.

Port-of-Spain Suburban Building.

No. 7.—1893.

9th January.

AN ORDINANCE for regulating the laying out of New Streets and the construction of Buildings in the Suburbs of Port-of-Spain.



*A. M. ...
Governor
24 Jan 1893*

WHEREAS it is expedient to make provision for regu- Preamble.
lating the laying out of New Streets, and the construction of Buildings in the Suburbs of Port-of-Spain : Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. In the construction of this Ordinance the following Interpretation of terms.
terms shall have the respective meanings hereinafter assigned to them, that is to say,

The words "Port-of-Spain" shall mean the Town of Port-of-Spain as defined by the Ordinance No. 10

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of 1853, intituled "An Ordinance for the Regulation of Municipal Corporations in this Island."

The word "premises" shall extend to all messuages, lands or tenements whether open or enclosed, whether built on or not, and whether public or private.

The word "dwelling-house" shall extend to any store or warehouse or other building not being a kitchen, stable or out-house.

The word "builder" shall apply to and include the builder or other person employed to execute or who actually executes any work upon any building.

The words "Director of Public Works" shall include any assistant of such Director of Public Works or other person acting under his authority in writing.

The word "owner" shall apply to every person in possession of or in the receipt either of the whole or of any part of the rents or profits of any land or tenement, or in the occupation of such land or tenement other than as a tenant from year to year, or for any less term, or as a tenant at will.

The word "person" and words applying to any person or individual shall apply to and include Corporations.

The word "Street" includes any highway and any public bridge, and any road, lane, footway, square, court, alley or passage whether a thoroughfare or not.

The word "suburbs" shall mean the area delineated in a plan signed by the Hon'ble John Edward Tanner, Director of Public Works, and deposited

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in the office of the Engineer in Charge of Surveys on the 19th day of December, 1892, that is to say, all the area bounded by the following lines on the said plan :

On the East—a straight line drawn due North from the Sea through the Southeast corner of the Powder Magazine till it meets the Belmont Valley Road.

On the North—a line drawn in a Westerly direction from the Northern termination of the Eastern boundary on the Belmont Valley Road along the North side of the said Belmont Valley Road till it meets the Belmont Circular Road, and thence along the North side of the Belmont Circular Road over the Concrete Bridge till it meets the Circular Road, and thence along the North side of the Circular Road till it meets the turn to Maraval, and thence along the North side of the Saddle Road till it reaches the Bridge over the Maraval River :

On the West - a line drawn in a Southerly direction from the Western termination of the North boundary at the Bridge over the Maraval River along the bed of the Maraval River to the Sea.

On the South—the Sea.

Save and except the area described as comprised within the Town of Port-of-Spain by the aforesaid Ordinance No. 10 of 1853.

NEW STREETS.

2. It shall not be lawful for any owner of lands to lay out any new Street in the Suburbs without having first given two calendar months' notice in writing under his hand to the Director of Public Works.

Director of
Public Works to
be notified of
the laying out
of any new
Street.

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Plan of proposed
new Street
to be submitted
for approval of
Director of
Public Works.

3. Every owner of lands desiring to lay out any New Street shall deposit in the office of the Director of Public Works a map or plan, on a scale of one inch to every fifty feet, showing the direction and width of such proposed street, the extent of such lands, and the number, area and form of the several parcels into which it is proposed to divide the same; and the Director of Public Works shall, within fifteen days after the day on which such map or plan shall have been so deposited, visit and inspect such lands, and may require any alterations which he shall see fit to be made in the direction of any such street; and the Director of Public Works shall, at the foot or on the back of such map or plan so deposited with him, or of a new map or plan altered as to the direction of the street in such manner as he may require, certify under his hand his allowance of the same, and deliver such map or plan to the owner of such lands; and a duplicate of such map or plan, signed by such owner, shall be registered in the office of the Director of Public Works.

Size of new
lots.

4. All lands comprised in such map or plan shall be set out in lots having a frontage on the street on which the same shall front of not less than fifty feet, and a depth of not less than one hundred feet measured backward from such street; and every such lot shall be distinguished in such map or plan by a particular and distinguishing number; and it shall not be lawful to sell, demise or devise or to purchase or to take on lease any such lands not being a lot marked on such map or plan, or whereof the frontage, extent or depth shall vary in any particular from the frontage, extent or depth of such lot as shown by such map or plan; and the Registrar-General shall not in any case register any deed whereby any such lands, not being a lot

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or part of a lot marked on such map or plan, or varying in frontage, extent, or depth from such map or plan, shall be sold or demised.

5. Every New Street shall have a roadway of thirty feet at the least between the side drains or gutters of such street, and a footway of not less than eight feet in width on each side of such street, with gutters between the roadway and the footways sufficient to carry off the storm waters from such street, and from the lands fronting on such street; and such streets, footways and gutters shall be formed and levelled to the satisfaction of the Director of Public Works; the expense of forming and levelling the same shall be borne and paid by the owner of such lands; and the charge of keeping the same in repair and good order after the same shall have been so formed and levelled, shall be borne by the Government.

As to roadways and footways of new Streets.

6. In every New Street provision shall be made for the drainage or sewerage of the parcels of land abutting on such street to the satisfaction of the Director of Public Works, who shall grant a Certificate under his hand to be published in the *Royal Gazette*, that the requisitions of this Ordinance in respect of such drainage or sewerage have been complied with; and it shall not be lawful for any person to commence erecting any building on any parcel of lands comprised in such map or plan until such Certificate as hereinbefore provided shall have been published in the *Royal Gazette*.

Director of Public Works to certify as to the sufficiency of the drainage, &c., of the parcels of land abutting on any new Street before building operations are commenced.

7. Where any street within the suburbs or any carriage-way, footway, or any other part of such street is not drained, surface sewered, levelled, channelled and made good to the satisfaction of the Director of Public Works,

Power to compel draining, &c., of private Streets.

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the Director of Public Works may, by Notice addressed to the respective owners or occupiers of the premises fronting, adjoining or abutting on such parts thereof as may require to be drained, surface sewered, levelled, or channelled, require them to drain, surface sewer, level, channel or make good the same within a time to be specified in such Notice.

If such notice is not complied with, the Director of Public Works may, if he thinks fit, execute the works mentioned or referred to therein ; and may recover in a summary manner the expenses incurred by him in so doing from the owners in default, according to the frontage of their respective premises, and in such proportion as is settled by the Director of Public Works, or (in case of dispute) by a Stipendiary Justice of the Peace.

Provided always that the provisions of this Section shall not extend to any street of which there has been continuous user by the public for a period of five years next previous to the commencement of this Ordinance, nor to any street which for the space of three years next preceding such commencement has been repaired at the public expense.

NEW BUILDINGS.

The following Rules and Regulations shall be observed with regard to New Buildings :—

Building when
deemed to be
new.

8. A Building shall be deemed to be new whenever the external walls thereof have not been carried higher than the footings previously to the first day of January, one thousand eight hundred and ninety-three.

Rebuilding
old buildings.

9. Whenever any old building has been taken down to an extent exceeding one half of such building, such half to be measured in cubic feet, the rebuilding thereof

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shall be deemed to be the erection of a new building, and every portion of such old building that is not in conformity with the regulations of this Ordinance shall be forthwith taken down.

10. In every dwelling-house the following Rules and Regulations shall be observed, (that is to say) :

Rules as to
new buildings.

(a.) The external or party walls shall be constructed of brick, brick-nogging, stone, concrete, concrete-nogging, or such other material as the Director of Public Works, in his discretion, may approve, and the roof or flat shall be covered with slates, tiles or metal. Every gutter, dormer and other work constructed in connection with any building, except doors, door-frames, windows and window-frames of such dormers or other works or constructions, shall be framed of or covered with unflammable material to be approved by the Director of Public Works: Provided that the walls of any dwelling house or other building not being a kitchen may be of wood unless such dwelling house or other building abuts upon or is within fifteen feet of an adjoining lot not belonging to the same owner.

(b.) Every balcony, verandah, balustrade, or other projection shall be constructed of unflammable materials to the satisfaction of the Director of Public Works, but the flooring may be of wood, and the pillars or other supports may be of hard wood.

Removal of
building liable
to take fire.

11. Where it appears to the Supreme Court that any building is dangerous on account of its liability to take fire, and that the same ought, for the protection of the inhabitants of the suburbs of Port-of-Spain, to be wholly or partly removed or altered, such Court may, on the application of the Director of Public Works, authorise such Director of Public Works to remove such building either wholly or partly, or to alter the same in any manner which to the Court seems proper, and may authorise the Director of Public Works to do such act as aforesaid either immediately or in default of the same being done and completed within a limited time by the owner.

An application under this Section may be made by motion in a summary way.

Upon any such motion the Court may require notice to be given to any person or may make a peremptory or a conditional order, and may at any time discharge, suspend or vary such order upon such terms, if any, as the Court deems proper, and may make such order as to costs as it deems just.

Costs ordered to be paid under this Section may be recovered in the same manner as costs ordered to be paid upon any proceeding in the Supreme Court.

For the purposes of this Section any Judge or Judges of the Supreme Court, at any time and place, shall be sufficient to constitute the Court, but a single Judge shall not, except where he is satisfied that the case is one of urgency, make a final order under this Section. Any order made by a single Judge may be reviewed by a full Court.

Any expenses incurred by the Director of Public Works in executing any work authorised under this

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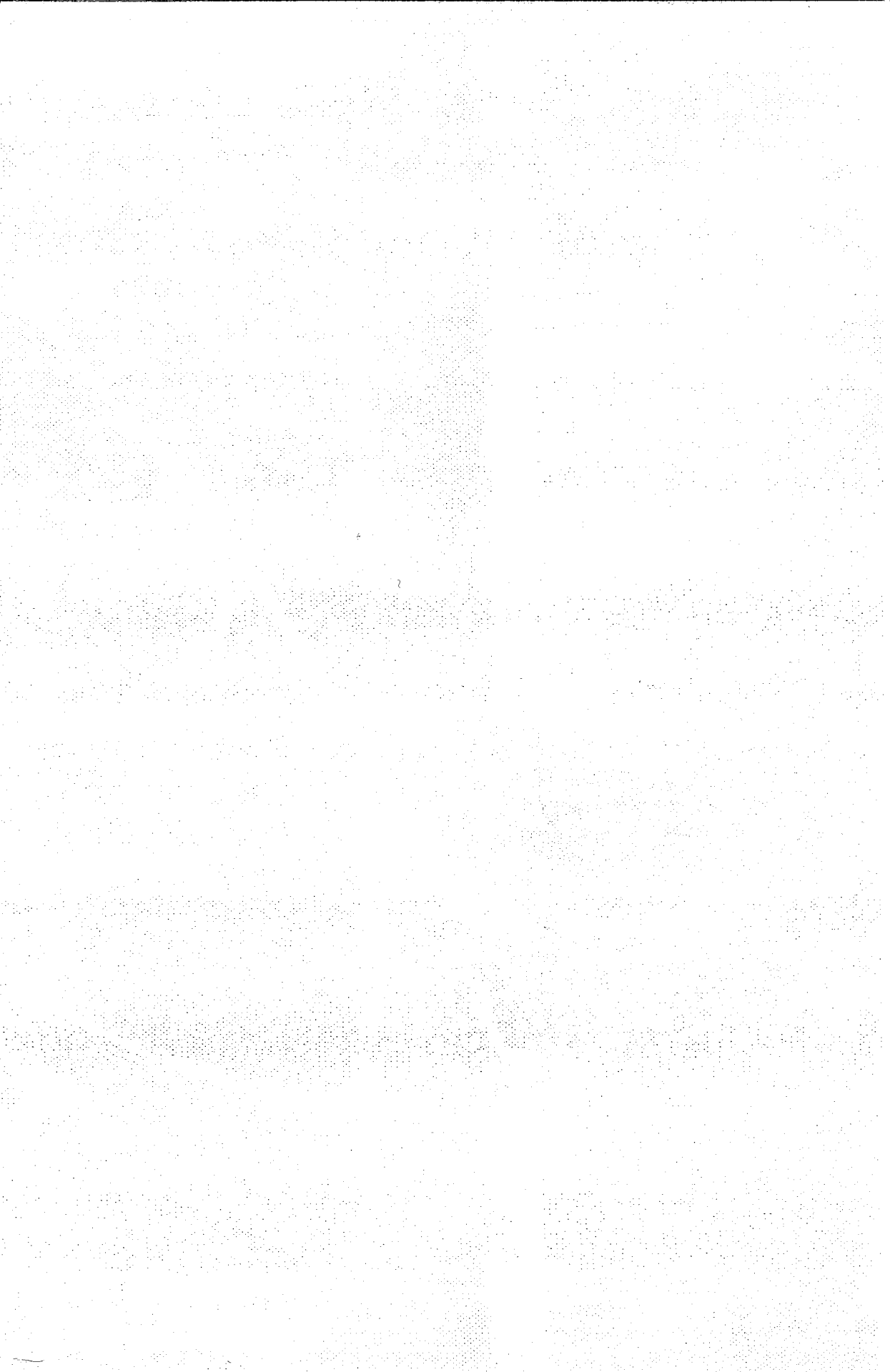
An application under this Section may be made by motion in a summary way.

Upon any such motion the Court may require notice to be given to any person or may make a peremptory or a conditional order, and may at any time discharge, suspend or vary such order upon such terms, if any, as the Court deems proper, and may make such order as to costs as it deems just.

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Any expenses incurred by the Director of Public Works in executing any work authorised under this



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Section shall be recoverable in the same manner as expenses which, by the 42nd Section of this Ordinance are ordered to be borne and paid by the owner, are recoverable.

12. In every dwelling-house the floor of the lower As to elevation of floor of basement story. basement story shall be not less than four feet above the level of the string line or bottom of the gutter of the street on which such house shall front.

13. In every house every habitable room shall be in As to height and area of habitable rooms. every part at least nine feet in height from the floor to the plate, and of an area not less than one hundred and forty-four square feet.

14. The roof of every kitchen shall be covered with As to construction of kitchens. slates, tiles, or other unflammable material, and the side against which the fire place and chimney are erected shall be built of stone, brick, concrete or tapia, and the floor of same shall be constructed of or protected by unflammable materials to the satisfaction of the Director of Public Works.

15. All premises shall be fenced off from every street Enclosure of premises. upon which the same may abut by a sufficient wall or fence, of stone, brick, concrete, iron or wood, or live fence, to the satisfaction of the Director of Public Works.

PREMISES ALREADY BUILT UPON, AND ADDITIONS, ALTERATIONS AND REPAIRS TO ALL BUILDINGS NOT BEING NEW BUILDINGS.

16. The following Rules and Regulations shall be Rules as to premises already built upon, and repairs, &c., to old buildings. observed with respect to all premises already built upon, and all buildings and additions, alterations and repairs of or to all buildings not being new buildings within the meaning of this Ordinance.

17. It shall not be lawful to make any alteration or As to the alteration of or addition to any building. addition of or to any building already built with any

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materials which it would not be lawful under this Ordinance to use for the erection of such building if the same were a new building within the meaning of this Ordinance.

As to the repair of the covering of the roof.

18. It shall not be lawful to repair the covering of the roof of any building, or of any dormer-light or other erection thereon, except with slates, tiles, metal or other unflammable material.

As to the repair of external walls of buildings within the suburbs of the Town.

19. It shall not be lawful to make any repairs to the external walls or sides of any building where such repairs shall extend to a space of one-half of the whole surface of such external walls or sides, with any materials which it would not be lawful under this Ordinance to use for the erection of such building, if the same were a new building within the meaning of this Ordinance.

Yards to be filled up.

20. The yards of all premises shall, within two years after the commencement of this Ordinance, be filled up so as to have a fall sufficient to the satisfaction of the Director of Public Works to drain and carry off all storm waters from such premises, into the side gutter of any street on which the same may abut.

As to the construction of privies.

21. All privies in any district not provided with underground sewerage shall, within six Calendar months after the commencement of this Ordinance, be constructed, altered or arranged in such manner and with such materials, and shall be thereafter kept in such repair to the satisfaction of the Sanitary Inspector as to prevent leakage or effluvia therefrom.

Construction of side drains.

22. Where the Governor in Executive Council shall so direct, proper and sufficient side drains or gutters shall be formed and laid in stone or other sufficient material in such streets as are already opened and in which such gutters have not already been completed; and the ex-

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penses thereby incurred shall be paid from the Colonial Treasury on the Certificate of the Director of Public Works.

23. It shall be lawful for the owner of any premises to pave the footway of any street within the suburbs on which such premises shall abut, with such materials and in such manner as the Director of Public Works shall approve, and one-half of the expenses incurred in such paving, to be allowed by Certificate in writing of the Director of Public Works, shall be paid to such owner from the Colonial Treasury within one Calendar month after the signing of such Certificate. Paving of footways.

24. For the purpose of defraying the expenses of the works mentioned in the two foregoing Sections, it shall be lawful for the Governor in Executive Council to levy a rate, to be called "The Suburbs Improvement Rate," on all houses and land occupied therewith or appurtenant thereto within the area specified in Section One of this Ordinance of threepence in the pound on the amount of the rental or annual value of all such houses, and such rate shall be a charge upon such houses and lands and shall be payable and assessed in the same manner as the Land and House Tax and shall be collected together with the Land and House Tax, and if not paid, may be recovered in the same manner as the Land and House Tax is recoverable. Improvement rate.

25. The Director of Public Works shall on or before the first day of February of each year make out and publish a Statement in writing, certified under his hand, of all works carried out by him under Sections 22 and 23 of this Ordinance during the year ending on the thirty-first day of December next preceding; and the Receiver-General shall likewise publish a Statement showing the amount of the Rates applicable to the payment of such works Director of Public Works to publish annual statement of work done by him under the provisions of this Ordinance. Receiver-General to publish annual Statement of amount of Rates applicable to payment of such work.

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which may have been paid during the year ending on the thirty-first day of December next preceding.

When "Suburbs Improvement Rate" shall cease.

26. When and so soon as the rates so received shall be sufficient to defray the expenses of such works, together with interest and costs, if any, which may have been paid into the Colonial Treasury, such "Suburbs Improvement Rate" shall cease.

DANGEROUS BUILDINGS.

Survey to be made of dangerous structures, and Director of Public Works to make order for their demolition or otherwise.

27. Whenever it shall be made known to the Director of Public Works that any structure (including in such expression any building, wall, fence or other structure) is in a dangerous state, the Director of Public Works shall survey the same or cause the same to be surveyed by some competent person to be named by such Director of Public Works; and if such Director of Public Works, on his own survey, or on the report of the person appointed by him to survey the same, shall be satisfied that such structure is in a dangerous state to passengers or to any person who may reside on the premises, the Director of Public Works shall cause the same to be shored up or otherwise secured, and a proper boarding or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier of such structure, requiring him forthwith to take down, secure or repair the same, as the case may require, within a reasonable time to be specified in such notice.

28. If the owner or occupier to whom notice is given as last aforesaid shall fail to comply, within the time limited by such notice, with the requisition of such notice, the Director of Public Works may make complaint thereof before a Justice of the Peace, and it shall be lawful for such Justice to order the owner, or on his default, the

On non-compliance with notice, Justice to summon owner, &c., and make order to comply with requisition.

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occupier of any such structure to take down, repair or otherwise secure, to the satisfaction of the Director of Public Works, such structure, or such part thereof as appears to him to be in a dangerous state, within a time to be fixed by such Justice; and in case the same is not taken down, repaired or otherwise secured within the time so limited, the Director of Public Works may, with all convenient speed, cause all or so much of such structure as is in a dangerous condition to be taken down, repaired or otherwise secured, in such manner as may be requisite; and all expenses incurred by the Director of Public Works in respect of any dangerous structure shall be paid by the owner of such structure, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs: and if not paid, may be sued for and recovered with full costs of suit by the Director of Public Works in any competent Court.

GENERAL REGULATIONS FOR BUILDING.

29. Every building and work done to, in, or upon any building shall be subject to the supervision of the Director of Public Works two days before the following acts or events, that is to say, before any building shall be begun to be built; and also before any addition or alteration which by this Ordinance is placed under the supervision of the Director of Public Works shall be made to any building; and also before any external wall shall be begun to be built, pulled down, rebuilt, cut into or altered; and also before any other matter or thing be done which by this Ordinance is placed under the supervision of the Director of Public Works, except as hereinafter is provided; also if the progress of such building or work is, after the commencement thereof, suspended for any period exceeding three months, then two days before such build-

Director of Public Works to have supervision of every building, and of work done to any building, and notice to be given to him by builder in respect thereof

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ing or work is resumed ; and also if during the progress of any such building or work, the builder employed thereon is changed, then two days before any new builder enters upon the continuance of such building or work, it shall be the duty of the builder engaged in building or rebuilding such building, or executing such work, or in continuing such building or work, to give to the Director of Public Works notice in writing stating the situation, area and height, and intended use of the building or buildings about to be commenced, or to, in, or upon which any work is to be done, and the number of such buildings, if more than one, and also the particulars of any such proposed work, and stating also his name and address ; but any works to, in, or upon the same building that are in progress at the same time may be included in one notice.

Director of
Public Works to
cause Rules of
this Ordinance
to be observed.

30. The Director of Public Works shall, upon the receipt of any such notice as aforesaid, and also upon any work affected by the Rules of this Ordinance, but in respect of which no notice has been given, being observed by, or made known to him, and also from time to time, during the progress of any work, affected by the Rules and Directions of this Ordinance as often as may be necessary for securing the due observance of such Rules, survey any building or work hereby placed under his supervision, and cause all the Rules of this Ordinance to be duly observed.

Notice to be
evidence of in-
tended works.

31. Every notice to build or repair given in pursuance of this Ordinance shall be deemed, in any question relative to any building or work, to be *prima facie* evidence as against such builder of the nature of the building or work proposed to be built or done.

Penalty on
builder neglect-
ing to give
notice.

32. If any builder shall neglect to give notice in any of the cases aforesaid, or shall execute any work, of which

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he is hereby required to give notice, before giving the same, or, having given due notice of any work, shall execute the same before the expiration of two days from the time of giving such notice, such builder shall, for every such offence, incur a penalty not exceeding Twenty Pounds to be recovered before a Justice of the Peace.

33. At all reasonable times, during the progress of any building or work affected by this Ordinance, it shall be lawful for the Director of Public Works to enter and inspect such building or work, and if any person shall refuse to admit such Director of Public Works to enter and inspect such work, or refuse or neglect to afford such Director of Public Works all reasonable assistance in such inspection, in every such case the offender shall incur a penalty not exceeding Twenty Pounds to be recovered before a Justice of the Peace.

Director of Public Works may enter and inspect buildings affected by this Ordinance.

34. Any person intending to erect any structure abutting on any street (including in such expression any building, wall, fence or other structure) shall, before he shall begin to erect such structure, give notice of his intention to the Director of Public Works, who shall thereupon inspect the premises and ascertain and lay down the alignment of the street or footway on which such premises may abut.

Director of Public Works to be notified of the proposed erection of any structure abutting on any street and to lay down alignment of the street.

35. If the Director of Public Works shall find that any such structure to be erected after the commencement of this Ordinance encroaches on any street or footway, the Director of Public Works shall give notice in writing to the owner of the premises, requiring such owner within forty-eight hours from the date of such notice to cause such structure to be removed.

Director of Public Works to order removal of any new structure which is found to encroach on any street.

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Notice by Director of Public Works in case of irregularity.

36. If, in erecting any building, or in doing any work to, in, or upon any building, anything is done contrary to any of the Rules of this Ordinance, or anything required by this Ordinance is omitted to be done, or, in cases where due notice has not been given, if the Director of Public Works on surveying or inspecting any building or work, shall find that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the Rules of this Ordinance, or whether anything required by the Rules of this Ordinance has been omitted to be done, in every such case the Director of Public Works shall give to the builder engaged in erecting such building, or in doing such work, notice in writing requiring such builder, within forty-eight hours from the date of such notice, to cause anything done contrary to the Rules of this Ordinance to be amended, or to do anything required to be done by this Ordinance, but which shall have been omitted to be done, or to cause so much of any building or work as shall prevent the Director of Public Works from ascertaining whether anything has been done or omitted to be done as aforesaid, to be, to a sufficient extent, cut into, laid open or pulled down.

On non-compliance with notice, Justice to summon builder to comply with requisition.

37. If the builder, to whom such notice shall be given, shall make default in complying with the requisition thereof within such period of forty-eight hours, the Director of Public Works may cause complaint of such non-compliance to be made before a Justice of the Peace, and such Justice shall thereupon issue a summons, requiring the builder so in default to appear before him, and if upon his appearance, or in his absence upon proof of the service of such summons, it shall appear to such Justice that the requisitions made by such notice or any of them are

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authorised by this Ordinance, he shall make an order on such builder, commanding him to comply with the requisition of such notice, or any of such requisitions that may, in his opinion be authorised by this Ordinance, within a time to be named in such order.

38. If such order is not complied with, the builder, on whom it is made, shall incur a penalty not exceeding Five Pounds a day, to be recovered before a Justice of the Peace, during every day of the continuance of such non-compliance; and in addition thereto, the Director of Public Works may, if he shall think fit, proceed with a sufficient number of workmen to enter upon the premises and do all such things as may be necessary for enforcing the requisitions of such notice, and for bringing any building or work into conformity with the Rules of this Ordinance; and all expenses incurred by him in so doing, and in any such proceedings as aforesaid, may be recovered from the builder, on whom such order was made, in a summary manner before a Justice of the Peace, or may be recovered from the owner of the premises in the same manner in which expenses incurred in respect of any work are hereinafter directed to be recovered from any owner.

Penalty on non-compliance with order of Justice.

39. If any workman, labourer, servant or other person employed in or about any building shall wilfully and without the privity or consent of the person causing such work to be done, do anything in or about such building contrary to the Rules of this Ordinance, he shall, for each offence, incur a penalty not exceeding Fifty Shillings, to be recovered in a summary manner before a Justice of the Peace.

Penalty on workmen, &c., doing anything contrary to Rules of Ordinance.

40. Where any building shall belong to Her Majesty the Queen, any work, matter or thing, by this Ordinance

Expenses incurred under this Ordinance in the repair, &c.,

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of public buildings to be paid out of the Treasury.

nance required to be made, done and performed by the owner of such building, shall be made, done and performed by the Director of Public Works, and the expenses thereof shall be paid by the Receiver-General on the warrant of the Governor.

As to the repair, &c., of premises occupied by the Colonial Government under lease.

41. Where any premises shall be held or occupied by the Colonial Government for public purposes under lease, any work, matter or thing by this Ordinance required to be made, done or performed by the owner of such premises, may, if the Governor shall so direct, be made, done or performed by the Director of Public Works, and the costs and expenses of and attending the making, doing or performing of such work, matter or thing shall be paid by the Receiver-General on the warrant of the Governor, and the amount so paid shall be retained by the Receiver-General from and out of any rent due to or to become due to the owner of such premises, either in one sum or in such sums from time to time as the Governor may direct.

Where work to be done under this Ordinance shall not be completed within prescribed time.

42. Where any work required by this Ordinance to be done by the owner of any premises shall not be completed within the time limited for that purpose, the Director of Public Works may, if he shall think fit, with a sufficient number of workmen, enter upon the premises and do and complete all such work in conformity with the Rules of this Ordinance; and all expenses thereby incurred by the Director of Public Works shall be borne and paid by the owner, by whom the work ought to have been done.

Repayment of expenses by owner.

43. The Director of Public Works shall, within one month after the completion of any work, the expenses of which are to be borne by the owner of any premises, deliver to the owner of such premises an account in writing

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of the expense of the work, and every such work shall be estimated at fair average rates and prices according to the nature of the work, and the locality, and the market price of materials and labour at the time.

44. At any time within one month after the delivery of such account, the owner of the premises may object to such account by a notice in writing addressed to the Director of Public Works, in which notice objections to such account shall be specified; and upon such notice being given, such objections shall be referred to such person as the Director of Public Works and the person making such objection may concur in appointing, or if they shall not so concur, then they shall each appoint an arbitrator, and the two arbitrators so appointed shall name an umpire, and such one person or such arbitrators or umpire or any two of them shall determine such objections, and the award of such person or of such arbitrators or umpire or any two of them shall be conclusive, and shall not be questioned in any Court.

Objections to be referred to arbitration. How arbitrators are to be appointed.

45. If any party, making any such objection, makes default in naming an arbitrator for ten days after he shall have given the notice making such objection, the Director of Public Works may make the appointment in the place of the party so making default.

In case of default in naming arbitrator by party making objection.

46. The costs incurred in obtaining any such award as aforesaid shall be paid by the Director of Public Works or by the party making the objection, as the person or persons making such award may determine.

Payment of costs incurred in obtaining award of arbitrators.

47. If the party receiving such account does not make any objection to the same, within the period of one month from the delivery of such account as aforesaid, he shall be deemed to have accepted the same.

When account shall be deemed to be accepted.

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How Director of Public Works is to proceed in cases where owner cannot be found.

48. In all cases, where the owner of any premises is unknown or cannot be found, it shall be lawful for the Director of Public Works to cause a notice to be inserted in the *Royal Gazette*, stating the particular situation of the premises in respect of which such expenses have been incurred, and the amount of such expenses, and that unless the owner of such premises do, within three Calendar months from the publication of such notice, pay the amount of such expenses, or make objection in writing to such account, such premises will be sold under the provisions of this Ordinance.

Authorises the sale of premises in certain cases.

49. If the amount of such expenses be not paid within four Calendar months from the day on which the owner shall be deemed to have accepted the account of such expenses as hereinbefore mentioned, or in case of any objection being made to such account, then within one Calendar month from the day of the publication of the award determining such objections, or in case where the owner is unknown or cannot be found, then within three Calendar months from the day of the publication of such notice as hereinbefore mentioned, the Director of Public Works shall cause such premises to be sold at Public Auction, by such person, and at such time and place as he shall see fit; and two Calendar months' notice of the time and place of such sale shall be published in the *Royal Gazette*, and unless the amount of such expenses, together with a further sum at the rate of ten per cent. on the amount of such expenses be paid to the Director of Public Works before the day of such sale, such premises shall be sold to the highest bidder for the same, who shall forthwith pay down the amount of the purchase money to the person by whom such sale shall be conducted, and

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the Director of Public Works shall, on the request and at the cost of such purchaser, convey the same to such purchaser, and every such conveyance may be according to the form in the Schedule to this Ordinance, and such purchaser shall hold the premises so conveyed, free and absolutely discharged from all estates, charges and incumbrances, whether of Her Majesty the Queen or of any other person.

50. The balance of such purchase money after deduct-
 ing such expenses and percentage, shall be paid by the
 Director of Public Works into the Supreme Court to an
 account to be entitled "In the matter of the Ordinance
 "entitled (stating the title of this Ordinance) and of the
 "premises (specifying their local situation) sold under the
 "provisions of the said Ordinance;" and the Supreme
 Court or any Judge thereof may, on the petition of any
 person entitled or claiming to be entitled to such moneys,
 or any part of the same, make order for the payment
 of such moneys or any part of the same to the person or
 persons entitled thereto, and in the meantime and until
 the same can be so paid, may make order for the invest-
 ment of such moneys or any part thereof at such interest
 and on such security as the Court may see fit.

How balance of
 purchase money
 after payment
 of expenses is
 to be disposed
 of.

51. Any notice or order under this Ordinance, may be
 served on the owner of any premises by delivering the
 same to him, or leaving the same at his usual place of
 abode with some person actually residing thereat with him
 or by registered letter through the post, if he shall be resid-
 ing within the Colony, or if not so residing, then by leav-
 ing the same with the occupier of such premises or any
 part thereof, or with any inmate of the abode, or servant
 of such occupier, or if there is no occupier, then by putting

How notices are
 to be served.

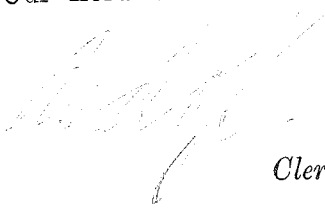
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up such notice or order on a conspicuous part of the premises to which the same relates, and any notice under this Ordinance, may be served on the Director of Public Works by leaving the same at his office.

Regulation of
actions against
Director of
Public Works
or other person
acting under
this Ordinance.

52. No action shall be commenced against any Director of Public Works or other person for anything done or intended to be done under the provisions of this Ordinance until the expiration of one month next after notice in writing has been delivered to him, or left at his office or usual place of abode, stating the cause of action and the name and place of abode of the intended plaintiff and of his Solicitor in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in such last mentioned notice, and unless such notice is proved, the Jury shall find for the defendant; and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and the defendant shall be at liberty to plead the general issue, and give this Ordinance and all special matter in evidence thereunder.

Passed in Council this Ninth day of January, in the year of Our Lord one thousand eight hundred and ninety-three.


Clerk of the Council.

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SCHEDULE.

This Deed made this _____ day of _____ in the year one thousand eight hundred and ninety- _____ between J. E. T., Director of Public Works of the Island of Trinidad, of the one part and _____ of the other part, Witnesseth, that the said Director of Public Works, in pursuance of the powers vested in him by the Ordinance (*state title of Ordinance*) and in consideration of the sum of _____ to the said Director of Public Works by the said _____ well and truly paid at or immediately before the execution of these presents, the receipt whereof is hereby acknowledged, Doth by these presents sell and convey unto the said _____ and his heirs, all and singular (*describe the premises.*)

To Hold the same with the appurtenances unto and to the use of the said _____ his heirs and assigns for ever freed and absolutely discharged from all estates, charges and incumbrances whether of Her Majesty the Queen or of any other person.

In Witness whereof the Director of Public Works hath hereunto set his hand at Port-of-Spain, in the Island of Trinidad, the day and year first herein written.

Signed and delivered by the }
 Director of Public Works }
 in the presence of }