

TRINIDAD AND TOBAGO.

No. 24 — 1914.

29th May.

AN ORDINANCE to constitute Port-of-Spain a Municipal City, to incorporate the inhabitants thereof and to provide for the good government of the City and for other purposes incidental thereto.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

25th June, 1914.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

PART I.

PRELIMINARY.

1. This Ordinance may be cited as the Port-of-Spain Corporation Ordinance, 1914. Short Title.

2. This Ordinance is divided into parts as follows:—

Part	I.—Preliminary—Sections 1-5.	<small>Division of Ordinances.</small>
„	II.—Constitution and Government of Municipality—Sections 6-56.	

Part	III.—Preparation for and procedure at Elections—Sections 57-88.
„	IV.—Corrupt Practices—Sections 89-95.
„	V.—Meetings and proceedings of the Council—Sections 96-103.
„	VI.—House Rate—Sections 104-136.
„	VII.—Financial—Sections 137-146.
„	VIII.—Borrowing Powers—Sections 147-150.
„	IX.—Acquisition and alienation of Corporate Property—Sections 151 and 152.
„	X.—Streets—Sections 153-204.
„	XI.—Buildings—Sections 205-240.
„	XII.—Markets, Slaughter-Houses and Cold Stores—Sections 241-272.
„	XIII.—Cemeteries—Sections 273-293.
„	XIV.—Hucksters and Porters—Sections 294-308.
„	XV.—Sanitary Provisions—Sections 309-319.
„	XVI.—Waterworks—Sections 320-373.
„	XVII.—Sewerage Works—Sections 374-423.
„	XVIII.—Bye-laws—Sections 424-427.
„	XIX.—Legal Proceedings—Sections 428-432.
„	XX.—General Provisions—Sections 433-456.

Inter-pretation and construction. 3. In this Ordinance, unless the context otherwise requires:—

(a.) “Board” means the Port-of-Spain Town Board constituted under the Port-of-Spain Town Board Ordinance, 1907;

(b.) “City” means the City of Port-of-Spain as defined by this Ordinance;

(c.) "Corporation" means The Mayor and Citizens of the City of Port-of-Spain;

(d.) "Corporate land" means land belonging to or held in trust for the Corporation;

(e.) "Corporate Office" means the office of Mayor, Alderman or Councillor;

(f.) "The Council" means the Council of the Corporation;

(g.) "Continuing Offence;"—Where the beginning of the execution of any work is an offence in respect whereof the offender is liable under this Ordinance or under any bye-law, rule or regulation, to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the Ordinance or of the bye-law, rule or regulation shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the bye-law, rule or regulation was broken;

(h.) "Commissioner" means the Commissioner of the Port-of-Spain District Court;

(i.) "Owner" means the person in possession of or in receipt either of the whole or of any part of the rents or profits of any land or tenement, whether in his own right or as a trustee or personal representative of any other person, 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;

(j.) "Port-of-Spain," means the City of Port-of-Spain as defined in this Ordinance;

(k.) "Preceding Port-of-Spain Corporations" means the following corporate bodies, namely: the corporate body known as "The Mayor and Burgesses of Port-of-Spain," constituted under the Municipal Corporations Ordinance No. 10 of 1853, the corporate body known as the "Port-of-Spain Town Commissioners," constituted under Ordinance No. 1 of 1899, and the corporate body known as the "Port-of-Spain Town Board," constituted under Ordinance No. 19 of 1907;

(*l.*) "Premises" includes messuages, buildings, lands, easements, and hereditaments of any tenure ;

(*m.*) "Prescribed" means prescribed under the provisions of this Ordinance or under any bye-laws, rules or regulations made under the provisions of this Ordinance ;

(*n.*) "Reputed Owner" of any building or of any vacant lot of land means the person entered as the owner of such building or of such vacant lot of land in the House Rate Book for the time being in force, or in any Register of Ownership kept by the Corporation ;

(*o.*) "Statutory Increase" means any increase or percentage added to any rate, charge or sum of money whatsoever payable to the Corporation under this Ordinance or any other Ordinance for the time being in force in the Colony, by reason of the non-payment of any such rate, charge or sum of money at or within the time after the lapse of which such increase or percentage is expressed to become payable ;

(*p.*) "Street" includes any highway, and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not ;

(*q.*) "Streets repairable by the Corporation" means streets in the City which were in existence at the commencement of the Municipal Corporations Ordinance, 1853, streets which have been made or formally taken over by any of the preceding Port-of-Spain Corporations, and streets in the City which have at any time been laid out and constructed in conformity with the requirements of any Ordinance for the time being in force relating to new streets ;

(*r.*) "The Board of Health" means the General Board of Health acting under the Public Health Ordinance, No. 187, or any Ordinance repealing or amending the same ;

(*s.*) "The Town Clerk" means the person for the time being holding the office of Town Clerk and Treasurer under the Corporation, and any person acting as Town Clerk and Treasurer ;

(*t.*) "The City Engineer" means the person for the time being holding the office of City Engineer under the Corporation, and any other person for the time being

performing the duties of the City Engineer with the authority of the Corporation ;

(u.) "To Value" means to fix the annual rateable value of any rateable hereditament in accordance with the provisions of this Ordinance ;

(v.) "Valuation" means the sum fixed by the Corporation or by any Assessment Committee appointed by the Corporation as the annual rateable value of any rateable hereditament.

4. The Schedules in this Ordinance shall be read and have effect as if they were part of this Ordinance. Schedules.

#### *Dissolution of the Board.*

5.—(1.) The Corporate Body created under the provisions of the Port-of-Spain Town Board Ordinance, 1907, and known as the Port-of-Spain Town Board, is as from the commencement of this Ordinance dissolved. Dissolution of the Port-of-Spain Town Board.

(2.) All references in any Ordinance or in any rule, regulation or bye-law made under any Ordinance or in any document of whatsoever kind, public or private, to a preceding Port-of-Spain Corporation shall be deemed to refer to the Corporation created and established by this Ordinance.

(3.) All references in any Ordinance, or in any rule, regulation or bye-law made under any Ordinance or in any resolution of any of the preceding Port-of-Spain Corporations, or in any document whatsoever, to the Chief Commissioner shall be deemed to refer to the Mayor.

(4.) All references in any Ordinance, or in any rule, regulation or bye-law made under any Ordinance or in any resolution of any of the preceding Port-of-Spain Corporations, or in any document whatsoever to the Town Superintendent or to the Town Engineer, shall be deemed to refer to the City Engineer under this Ordinance.

## PART II.

### CONSTITUTION AND GOVERNMENT OF THE MUNICIPALITY.

6.—(1.) The city of Port-of-Spain is hereby declared to be a municipal city and the inhabitants thereof a body corporate bearing the corporate name of "The Mayor, Aldermen and Constitution of Municipality.

Citizens of the City of Port-of-Spain," and by such name shall have perpetual succession.

Common Seal. (2.) The Corporation shall have and use a Common Seal to be approved, and from time to time altered, by the Council, and such seal shall be judicially noticed.

*Extent and Division of the City.*

Extent of City. 7.—(1.) For the purposes of this Ordinance the City shall include all the lands and houses and buildings within the boundaries set forth in the first schedule to this Ordinance.

(2.) The Corporation may, with the approval of the Governor in Executive Council, extend from time to time the limits of the city, and may add new wards thereto, or alter the boundaries of any ward.

Division into wards. 8. The city shall be divided into five separate wards, which shall be, and be called, respectively, as follows:—

(1.) The Southern Ward shall comprise all the houses within a line commencing at the Dry River and running westward along the centre of Duke Street to the Sea, thence southward and eastward along the seashore until it meets the Dry River, thence northward along the western bank of the Dry River to Duke Street.

(2.) The Northern Ward shall comprise all the houses within the area bounded on the South by the Southern Ward, on the East by the Dry River, on the West by a line commencing at the corner of Duke and Richmond Streets, running thence in a northerly direction along the centre of Richmond Street to Tragarete Road, thence along the centre of Tragarete Road to Cipriani Boulevard, thence along the centre of Cipriani Boulevard to Queen's Park West, and on the North by a line commencing at the northern end of Cipriani Boulevard and running eastward along the middle of Queen's Park West to Queen's Park East, thence northward along the middle of Queen's Park East to the northern boundary of the city, thence eastward to the Dry River.

(3.) The North-Eastern Ward shall comprise all the houses within a line drawn northward along the Dry River from Observatory Street to the northern boundary of the

city, thence eastward along the said boundary to the eastern boundary of the city, thence southward along the said boundary to the ravine running through Gonzales Place, thence westward along the middle of that ravine to Thornhill Street, along the centre of Thornhill Street and Oxford Street to Observatory Street, thence southward along the middle of Observatory Street to the Dry River.

(4.) The South-Eastern Ward shall comprise all the houses within the area bounded on the north by the north-eastern ward, on the south by the sea, on the east by the eastern boundary of the city and on the west by the Dry River from the sea to Observatory Street.

(5.) The Western Ward shall comprise all the houses to the west of a line commencing from the corner of Duke and Richmond Streets, and running thence northward along the centre of Richmond Street to Tragarete Road, thence along the centre of Tragarete Road to Cipriani Boulevard, thence northwards along Cipriani Boulevard and Queen's Park West to the Savannah Club.

#### *Burgesses.*

9.—(1.) A person shall not be deemed a burgess for any of the purposes of this Ordinance unless he is enrolled as a burgess. Qualifications of burgesses.

(2.) A person shall not be entitled to be enrolled as a burgess unless he is of full age, and is a British subject by birth or by naturalisation, or, being any other person, has actually resided in the Colony for a period of not less than five years immediately preceding the thirty-first day of May in any year, and also possesses either the two qualifications (a) and (b) hereunder, or, alternatively, the qualification (c) hereunder :—

(a.) is, on the 31st day of May in any year, and has been during the whole of the preceding twelve months, in occupation of any house, warehouse, counting-house, shop or other building within the city (in this Ordinance referred to as qualifying property) assessed in the house rate book for the year at an annual rateable value of not less than £12 10 0, or of any portion of such

qualifying property for which he shall have really and *bona fide* paid during such preceding twelve months not less than £12 10 0 rent; or, has during the same twelve months occupied as owner any qualifying property assessed in the house rate book at an annual rateable value of not less than £10;

- (b.) has, during the same twelve months, resided within the city or within ten miles thereof, such ten miles to be measured along the nearest public road or way by land or by water;
- (c.) is on the 31st day of May, and has been during the whole of the preceding twelve months, in occupation as a lodger of lodgings in the city, and as such lodger has paid during the period above named not less than £12 10 0 for rent only of such lodgings, or not less than £62 10 0 for rent and board combined; and has also resided in such lodgings during the whole of such period.

(3.) For the purposes of this section, the term "lodgings" shall mean any room or rooms, whether furnished or unfurnished, separately occupied in a dwelling house.

Qualifications  
of joint  
owners.

10. Where the qualifying property or any part thereof is jointly occupied by more persons than one, each of such occupiers shall be entitled in respect of such property or part thereof jointly occupied if the annual rateable value at which the property is rated to the house tax or the yearly rent *bona fide* paid by such occupiers for one year at the least in respect of the property shall be an amount which, when divided by the number of occupiers shall give a *bona fide* rent of not less than £12 10 0 for each of such occupiers.

Property may  
be owned in  
succession.

11.—(1.) The qualifying property need not be during the whole of the twelve months constituting the period of qualification the same property or in the same ward, but may be different properties in the same ward or in different wards.

(2.) Where a person succeeds to qualifying property by descent, marriage settlement or devise, then, for the purpose of qualification, the occupancy of the property by a prede-

cessor in title and the rating of the predecessor in respect thereof shall be equivalent to the occupancy and rating of the successor, and rating in the name of the predecessor shall, until a new rate is made after the date of succession, be equivalent to rating in the name of the successor, and the successor shall not be required to prove his own residence, occupancy or rating before the succession.

*Council, Mayor, Aldermen and Councillors.*

12.—(1.) The Corporation shall be capable of acting by the Council, and the Council shall exercise all powers vested in the Corporation by this Ordinance or otherwise.

Constitution  
of Council.

(2.) The Council shall consist of the Mayor, Aldermen and Councillors.

13.—(1.) There shall be fifteen Councillors, who shall be fit persons elected by the burgesses.

Number and  
qualifications  
of Councillors.

(2.) Three Councillors shall be returned for each ward, but the Council may from time to time, with the approval of the Governor in Executive Council, alter the number of representatives to be returned for any ward, provided that the total number of Councillors shall remain fifteen.

(3.) A person shall not be qualified to be elected or to be a Councillor unless,—

(a.) He is of the male sex, and is entitled to be, and is in fact enrolled as, a burgess; and

(b.) He is a British subject by birth or naturalisation; and

(c.) He is possessed as absolute owner or as a tenant for life or of some other estate of freehold of real property assessed to the house tax at an annual rateable value of not less than £50, or is the actual tenant of a house assessed to the house tax at an annual rateable value of not less than £62 10 0 and as such tenant has *bond fide* paid within the preceding twelve months at least one year's rent in respect of such house; or

(d.) Is in receipt of an income of not less than £312 10 per annum.

Disqualifi-  
cations.

(4.) A person shall be disqualified for being elected and for being a Councillor :—

- (a.) If and while he holds any office or place of profit, other than that of Mayor or Deputy Mayor, in the gift or disposal of the Council ;
- (b.) If he does not speak the English language ;
- (c.) If and while he is in Holy Orders, or the regular Minister of any dissenting congregation ;
- (d.) If and while he is an undischarged bankrupt ;
- (e.) If he has been convicted of treason or felony or of any offence involving dishonesty ;
- (f.) If and while he has directly or indirectly by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Council ;

Provided that a person shall not be so disqualified or be deemed to have any share or interest in any such contract or employment by reason only of his having any share or interest in any company which contracts with the Council for lighting or for insuring against fire the City or any part thereof.

Number, quali-  
fication and  
term of office  
of Aldermen.

14.—(1.) The Aldermen shall be fit persons elected by the Council.

(2.) The number of Aldermen shall be five.

(3.) A person shall not be qualified to be elected or to be an Alderman unless he is a Councillor or qualified to be a Councillor.

(4.) If a Councillor is elected to and accepts the office of Alderman he vacates his office of Councillor.

(5.) The term of office of an Alderman shall be three years.

(6.) On the ordinary day of election of Aldermen in every third year the whole number of Aldermen shall go out of office, and their places shall be filled by election.

15.—(1.) The term of office of a Councillor shall be three years. Term of office of Councillor.

(2.) On the ordinary day of election of Councillors in every year one-third of the whole number of Councillors for each ward shall go out of office and their places shall be filled by election.

(3.) The third to go out shall be the Councillors who have been longest in office without re-election.

16.—(1.) The Mayor shall be a fit and proper person elected by the Council from among the Aldermen and Councillors. Qualification, term of Office, and salary of Mayor.

(2.) The term of office of the Mayor shall be one year; provided always that no person shall serve as Mayor for more than three years in succession; and provided further that notwithstanding anything to the contrary in this subsection contained he shall continue in office until his successor in office has accepted office, and made and subscribed the required declaration.

(3.) The Mayor may, if the Council thinks fit, be remunerated for his services. Provided that such remuneration shall not exceed the sum of £300 per annum.

17.—(1.) The Mayor shall by virtue of his office be a Justice of the Peace for the City, and shall, unless disqualified to be Mayor, continue to be a Justice of the Peace during the year next after he ceases to be Mayor. Mayor to be J. P.

(2.) The disqualification above referred to shall not include disqualification due to ineligibility for re-election as Mayor by reason of any person having served as Mayor for three successive years.

18.—(1.) The Council may from time to time appoint an Alderman or Councillor to act as Deputy Mayor during the absence or illness of the Mayor, and in the event of the absence or illness of a Deputy Mayor may appoint another Alderman or Councillor to act as Deputy Mayor. Deputy Mayor.

(2.) The Deputy Mayor may, while acting as such, do all the acts which the Mayor as such might do, but shall not, unless he is a Justice, act as a Justice or in any Judicial capacity.

(3.) In the event of the Deputy Mayor holding office for one month or more he shall be entitled to draw a proportionate part of the remuneration that belongs to the office of Mayor.

Service as  
jurors.

19. The Mayor and Deputy Mayor during their tenure of office respectively shall be exempted from service as jurors in all Courts of the Colony.

*Officers of the Council.*

The Town  
Clerk.

20.—(1.) The Council may from time to time appoint a fit person, not being a member of the Council, to be the Town Clerk and Treasurer of the City, and he shall hold office during good behaviour; and the Council may remove him from office for any such misconduct as would warrant removal from any office held during good behaviour.

(2.) The officer holding the office of Town Clerk and Treasurer under the Board at the commencement of this Ordinance shall continue to hold such office during good behaviour on the same terms as heretofore, and shall be deemed to be the Town Clerk and Treasurer appointed under this Ordinance, and the Council may remove such Town Clerk and Treasurer from office for any such misconduct as would warrant removal from any office held during good behaviour.

Duties of the  
Town Clerk.

21.—(1.) The Town Clerk shall have the charge and custody of, and be responsible for the charters, deeds, records and documents of the city, and they shall be kept as the Council direct.

(2.) The Town Clerk shall, in books to be by him kept for that purpose, enter true accounts of all moneys received by him and paid on behalf of the Council, and of the several matters for which such moneys shall have been received and paid, and the said books shall at all times be open to inspection by the Mayor and Councillors or any of them.

(3.) The Town Clerk shall attend all meetings of the Council, and shall draw up the minutes of such meetings and shall cause the same to be printed and bound and kept in annual volumes or otherwise as the Council may direct.

(4.) He shall also, whenever required, attend meetings of any committee of the Council and draw up the minutes or the reports thereof, as the case may be.

22.—(1.) In case of the illness or absence of the Town Clerk the Council may appoint a deputy Town Clerk or some other officer or person to act as Town Clerk during such illness or absence. Power to appoint person to act as Town Clerk.

(2.) All things required or authorised by law to be done by or to the Town Clerk may be done by or to the deputy Town Clerk or by or to the officer or person so appointed.

23. A vacancy in the office of Town Clerk shall be filled within three months after its occurrence. Vacancy in office of Town Clerk.

24. The Corporation shall appoint a City Engineer and may from time to time appoint and employ, at such remuneration as they may think reasonable and on such terms and conditions as they may think fit, such other officers and servants as they may deem necessary for the efficient discharge of their duties under this Ordinance, and such officers shall hold their offices during the pleasure of the Corporation. Power to appoint City Engineer and other officers.

25. The Corporation may require any officer appointed by them to give such security as they think proper for the due execution of his office. Officers may be required to give security.

26. All officers holding office under the Board at the commencement of this Ordinance shall, from and after the commencement of this Ordinance, continue to hold their respective offices by the same tenure and upon the same terms as heretofore, and shall be deemed to be officers of the Corporation appointed under this Ordinance. Officers of Board to continue in office.

27.—(1.) Every officer appointed by the Council shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the Council direct, deliver to the Council or as they may direct, a true account in writing of all matters committed to his charge, and of his receipts and payments with vouchers, and a list of persons from whom money is due for the purposes of this Ordinance in connection with his office, shewing the amount due from each. Accountability of officers.

(2.) Every such officer shall pay all such money due from him to the Town Clerk, or as the Council may direct,

(3.) If any such officer :—

(a.) refuses or wilfully neglects to deliver any account or list which he ought to deliver, or any voucher relating thereto, or to make any payment which he ought to make ; or

(b.) after three days' notice in writing signed by the Town Clerk or by three members of the Council given or left at his last known place of abode, refuses or wilfully neglects to deliver to the Council or as they may direct, any book or document which he ought so to deliver, or to give satisfaction respecting it to the Council, or as they may direct,

a Magistrate or Justice shall, upon complaint made on behalf of the Council by any person authorised in writing by them, issue a warrant under his hand to bring such officer before a Magistrate, and upon such officer appearing, or not being found, it shall be lawful for the Magistrate to hear and determine the matter in a summary manner.

(4.) If it shall appear to the Magistrate that any sums of money are due by such officer to the Council, and the officer does not forthwith, or within such time as the Magistrate shall allow, pay over the same to the Council, the Magistrate shall cause such sums to be levied by distress and sale of the goods of the Officer.

(5.) If,—

(a.) sufficient goods are not found to satisfy the moneys in the preceding sub-section mentioned and the charges of the distress ; or

(b.) it shall appear to the Magistrate that the officer has been guilty of any neglect or refusal in sub-section (3) hereof specified,

the Magistrate shall commit the officer to the Royal Gaol there to remain without bail until he has paid to or compounded with the Council for any moneys found to be due as aforesaid, or until he has purged himself of the neglect or refusal hereinbefore mentioned.

(6.) No person committed to prison for want of sufficient distress only shall be detained therein for a longer period than three months.

(7.) Nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

28. The Council may, from time to time, make such regulations as to them may seem proper for the good government of the officers of the Council, including regulations with respect to the granting of leave of absence to such officers; and all such regulations made by the Board as are in force at the commencement of this Ordinance shall continue to be in force after the commencement of this Ordinance, until revoked or altered by the Council.

Regulations for good government of officers, etc.

*City Constables.*

29. The Inspector-General of Constabulary may appoint such persons to be City Constables as may from time to time be nominated by the Corporation, and may on the application of the Corporation, permit any such person to bear the title of Sergeant or Corporal, as the case may be, and to wear a uniform similar to that worn by members of the Constabulary holding those ranks respectively.

Appointment of constables.

30. The Inspector-General of Constabulary may at any time suspend or dismiss any City Constable. When any such constable is so dismissed all powers and privileges vested in him by virtue of this Ordinance shall forthwith cease and determine; and immediately upon such suspension or dismissal notice thereof in writing shall be given to the Town Clerk.

Power to dismiss constables.

31. All City Constables appointed under this Ordinance shall have, in addition to the special powers hereby vested in them, all the powers, authorities, privileges, immunities and liabilities which any member of the Constabulary Force now has and may hereafter have, and every act done by or to any City Constable in the execution of his duty as such shall have the same effect and be attended with the same liabilities and other consequences and shall be punishable

City constables to have powers of Constabulary.

in the same manner as if done by or to a member of the Constabulary Force in the execution of his duty as such.

Power to make regulations.

32.—(1.) The Corporation may from time to time frame such regulations as they deem expedient for regulating the duties of the City Constables, for preventing neglect or abuse on the part of such constables and for rendering such constables efficient in the discharge of their duties, and such regulations when approved of and sanctioned by the Corporation shall forthwith be transmitted by the Town Clerk to the Inspector-General of Constabulary; Provided that the Inspector-General may at any time command any City Constable to perform and discharge within the limits of the City such duties as members of the Constabulary Force may by him be required to perform and discharge.

(2.) Any regulations made under this section may prescribe a penalty not exceeding £3 for breach thereof.

(3.) Such penalty shall be recoverable by the deduction according to this Ordinance from any pay or allowances coming to the City Constable guilty of the breach, and the same or any part thereof at any time unpaid may also be recovered in the same manner as a fine or penalty imposed in respect of an offence punishable on summary conviction.

Rewards to constables.

33. Any regulations made under the last preceding section may prescribe and provide for the granting of rewards and gratuities to such City Constables as the Corporation may think deserving of reward or gratuity; and the sums so granted may be paid out of the general funds and moneys of the Corporation by the Town Clerk upon the order of the Council; Provided that in no case shall any reward or gratuity exceed the sum of £3.

Pay of constables.

34. It shall be lawful for the Corporation from time to time to regulate the salary and allowances of City Constables, and in case of the imposition on any such constable of any fine or penalty, the Corporation may direct the amount thereof to be paid and satisfied out of the pay or allowances coming to such constable by the deduction of not more than half the amount which may be due on any day of payment until the whole be paid.

35. Informations and complaints in respect of any offences against the provisions of this Ordinance, or of any bye-laws, rules or regulations made by the Corporation under this Ordinance or any other Ordinance, may be laid and made by any City Constable in his own name, and such constable may also conduct the proceedings before the Magistrate in all cases in which he is the complainant under the powers conferred by this section.

City constables may lay informations and conduct proceedings.

36.—(1.) It shall be lawful for any City Constable to arrest without warrant all persons whose names and addresses are unknown to him found by him committing any offence against this Ordinance or against any bye-law, rule or regulation made under this Ordinance.

Offenders may be arrested without warrant.

(2.) A person so arrested may be taken to some Constabulary Station in the City and the Constable on duty at such station shall on receiving a warrant signed by the City Constable who made the arrest and purporting to show that the person arrested was liable to arrest under this Ordinance, detain such person at the Station until he can be conveniently taken before some Justice or Magistrate to be dealt with according to law; Provided that—

- (i.) No person so arrested shall be detained longer than is reasonably necessary for bringing him before a Justice or Magistrate or more than forty-eight hours at the utmost, and
- (ii.) No action shall lie against any Constable for anything done by him under a warrant according to this section.
- (iii.) The warrant mentioned in this section may be according to the Form in the second schedule to this Ordinance.

37.—(1.) Where any person is brought under this Ordinance without a warrant to a Constabulary Station in the City at any time by day or night at which a Justice or Magistrate is not actually sitting for the public administration of justice at the place used for that purpose in the City, the constable on duty at such Station may if he thinks fit take bail from that person by recognizance to any amount not exceeding £10, conditioned for his appearance for examination

Power to bail.

within two days before a Justice or Magistrate at some time and place therein specified.

(2.) Such Constable shall enter in a book kept for that purpose the name, residence and occupation of the person entering into the recognizance and of his sureties or surety if any, with the condition of the recognizance and the sums acknowledged.

(3.) Such Constable shall lay the book before the Justice or Magistrate present at the time when and the place where the recognisor is required to appear.

(4.) If the recognisor does not appear at the time and place required or within one hour afterwards, the Justice or Magistrate may by endorsement on such recognizance declare the same to be forfeited and may issue his warrant for the imprisonment of the defendant and his sureties or surety, if any, for any term not exceeding six months unless the amount mentioned in such recognizance be sooner paid.

(5.) Whether the recognisor does or does not appear, the Justice or Magistrate may if he thinks fit enlarge the recognizance to such further time as he appoints.

*Superannuation allowances.*

Super-  
annuation  
allowances.

38.—(1.) The Corporation may grant to any officer appointed by resolution of the Council or of any of the preceding Port-of-Spain Corporations who has served the Corporation in an established capacity as a permanent officer, a superannuation allowance, to be computed as follows (that is to say):

To any such officer who has served ten years or upwards, and under eleven years, an annual allowance of ten-sixtieths of the annual salary and emoluments of his office;

To any such officer who has served eleven years, and under twelve years, an annual allowance of eleven-sixtieths of such salary and emoluments;

And in like manner a further addition to the annual allowance of one-sixtieth in respect of each additional year of service, until the completion of a period of service of forty years, when

the annual allowance of forty-sixtieths may be granted: and no addition shall be made in respect of any service beyond forty years.

(2.) Provided that if the grantee has not been in receipt of the salary enjoyed by him at the time of his retirement for a period of three years at least immediately before the grant, his superannuation allowance shall be calculated upon the average amount of his salary for the three years immediately before the grant.

(3.) It shall not be lawful to grant any superannuation allowance under this Ordinance to any officer under sixty years of age, unless it is shewn to the satisfaction of the Corporation that he is incapable of discharging the duties of his office or situation by reason either of mental or bodily infirmity of a permanent nature, or of severe bodily injury occasioned without his own default in the discharge of his duties. Qualifying age.

39. The Corporation may grant to any officer of the Corporation who is constrained from mental or bodily infirmity to leave the service of the Corporation before the completion of the period which entitles him to a superannuation allowance, such sum of money by way of gratuity as the Corporation think proper. Provided that no such gratuity shall exceed the amount of one month's pay for each year of service. Premature retirement from infirmity.

40. The Corporation may grant to any officer of the Corporation who, not having completed the period which would entitle him to a superannuation allowance, is compelled to quit the service of the Corporation by reason of severe bodily injury occasioned without his own default in the discharge of his duties, a gratuity not exceeding three months' pay for every two years of service or a superannuation allowance not exceeding ten-sixtieths of the annual salary and emoluments of his office. Premature retirement from bodily injury.

41. Every officer of the Corporation to whom a superannuation allowance is granted before he attains the age of sixty years shall, until he attains that age, be liable to be called upon to fill any office or situation under the Corporation for which his previous services render him eligible, and which in the opinion of the Council he may Liability in case of superannuation under sixty.

properly be called upon to fill ; and if he, being in a competent state of health, declines when so called upon to take upon him such office or situation or declines or neglects to execute the duties thereof satisfactorily, he shall forfeit all right to the superannuation allowance granted to him.

No absolute right.

42. Nothing in this Ordinance shall give any officer or servant of the Corporation any absolute right to compensation for past services, or to any superannuation or retiring allowance, or interfere with the power to dismiss any such officer or servant without any compensation or allowance.

Computation of service.

43. For the purposes of Sections 38 to 42 (both inclusive), the service of any officer under all or any of the preceding Port-of-Spain Corporations shall be deemed to be service under the Corporation.

Gratuities.

44. The Corporation may, if they think fit, grant a gratuity of any sum not exceeding one year's pay to any of their officers or servants who may be either permanently or temporarily disabled or injured in their service or who may be incapacitated through age or other infirmity, and a gratuity not exceeding one month's pay to the widow or children or other next of kin of any officer or servant who may die in the service of the Corporation.

Fund from which allowances and gratuities payable.

45. Every superannuation allowance or gratuity granted to any officer or servant of the Corporation under this Ordinance shall be charged to and paid out of the fund or funds on which the salary, wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

*Supplemental and exceptional provisions.*

Penalty on refusing to accept office.

46.—(1.) Every qualified person elected to a corporate office, unless exempt under this section or otherwise by law, either shall accept the office by making and subscribing the declaration required by this Ordinance within five days after notice of election, or shall, in lieu thereof, be liable to pay to the Council a fine of one hundred pounds.

(2.) The persons exempt under this section are—

(a.) Any person disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body ; and

- (b.) Any person who, being above the age of sixty-five years, or having within five years before the day of his election either served the office or paid the fine for non-acceptance thereof, claims exemption within five days after notice of his election ; and
- (c.) Any officer in the public service of the Colony who obtains within five days after notice of his election a certificate of exemption from the Governor on the ground that the public duties of such officer do not allow of his accepting such office.

47. A fine payable under the preceding section shall be recovered with full costs of suit by action in the Supreme Court in the name of the Corporation. Recovery of fine.

48. A person elected to a corporate office shall not, until he has made and subscribed before two members of the Council a declaration as in the form in the third schedule to this Ordinance, act in the office except in administering that declaration. Declaration on acceptance of office.

49. Every Alderman or Councillor who shall have made and subscribed the foregoing declaration in respect of his qualifying property or qualifying income shall once in every three months if required in writing so to do by any two members of the Council, make and subscribe a declaration that he is qualified to the extent of the qualifying property or income mentioned in the declaration originally made and subscribed by him. Renewal of Declaration.

50.—(1.) A person elected to a corporate office may at any time, by writing signed by him and delivered to the Town Clerk, resign the office on payment of the fine provided for non-acceptance thereof. Provided always that an officer in the Public Service who obtains a certificate of exemption from the Governor from serving in such office or who resigns a corporate office by the direction of the Governor shall not be liable to any such fine. Fine on resignation, etc.

(2.) In any such case the Council shall forthwith declare the office to be vacant, and signify the same by notice in writing signed by three members of the Council and countersigned by the Town Clerk and fixed on the Town Hall, and the office shall thereupon become vacant.

Re-eligibility. 51. A person ceasing to hold a corporate office shall unless disqualified to hold the office and subject to the express provisions of this Ordinance be re-eligible.

Avoidance of office by bankruptcy or absence.

52.—(1.) If the Mayor, an Alderman or a Councillor—

(a.) Is declared bankrupt, or compounds by deed with his creditors, or makes an arrangement or composition with his creditors, under the Bankruptcy Ordinance, 1907, by deed or otherwise; or

(b.) Is continuously absent from the city for more than thirty days without the leave of the Council;

he shall thereupon immediately become disqualified and shall cease to hold the office.

(2.) In any such event the Council shall forthwith declare the office to be vacant, and signify the same by notice signed by three members of the Council and countersigned by the Town Clerk and fixed on the Town Hall, and the office shall thereupon become vacant.

(3.) Where a person becomes so disqualified by being declared bankrupt, or compounding, or making an arrangement or composition as aforesaid, the disqualification, as regards subsequent elections, shall, in case of bankruptcy, cease on his obtaining his order of discharge, and shall, in cases of a compounding or composition as aforesaid, cease on payment of his debts in full, and shall, in case of an arrangement as aforesaid, cease on his obtaining his certificate of discharge.

(4.) Where a person becomes so disqualified by absence, he shall be liable to the same fine as for non-acceptance of office, to be recoverable in the same manner as if he had refused to accept office; but the disqualification shall, as regards subsequent elections, cease on his return.

Filling of casual vacancies.

53.—(1.) On a casual vacancy in a corporate office, an election shall be held by the same persons and in the same manner as an election to fill an ordinary vacancy; and the person elected shall hold the office until the time when the person in whose place he is elected would regularly have gone out of office, and he shall then go out of office.

(2.) In case of more than one casual vacancy in the office of councillor being filled at the same election, the Councillor elected by the smallest number of votes shall be deemed to be elected in the place of him who would regularly have first gone out of office, and the Councillor elected by the next smallest number of votes shall be deemed to be elected in the place of him who would regularly have next gone out of office, and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of rotation shall be determined by the Council.

(3.) Non-acceptance of office by a person elected creates a casual vacancy.

54.—(1.) If any person acts in a corporate office without having made the declaration by this Ordinance required, or without being qualified at the time of making the declaration, or after ceasing to be qualified, or after becoming disqualified, he shall for each offence be liable to a fine not exceeding one hundred pounds, recoverable by action with full costs of suit in the Supreme Court in the name of the Corporation.

Penalty on  
unqualified  
person acting  
in office.

(2.) A person being in fact enrolled in the burgess roll shall not be liable to a fine for acting in a corporate office on the ground only that he was not entitled to be enrolled therein.

55.—(1.) The acts and proceedings of a person in possession of a corporate office, and acting therein, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

Validity of  
acts done not-  
withstanding  
disqualifi-  
cation, etc.

(2.) An election of a person to a corporate office shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person before whom the election was had, if that person was then in actual possession of, or acting in the office giving the right to preside at the election.

56. If there is no Town Clerk and no Deputy Town Clerk or the Town Clerk or Deputy Town Clerk (as the case may be) is incapable of acting, all acts by law authorised or required to be done by or with respect to the Town Clerk may be done by or with respect to a person appointed in that behalf by the Mayor.

Duties of  
Town Clerk  
and Deputy  
Town Clerk  
during  
vacancy or  
incapacity.

## PART III.

## PREPARATION FOR AND PROCEDURE AT ELECTIONS.

Town Clerk to  
make up  
Burgess List.

57.—(1.) The Town Clerk shall on or before the thirty-first day of July in each year make out a list, to be called the burgess list, of all persons who are entitled to be enrolled as burgesses of the year in respect of qualifying property within the City, and shall sign such list.

(2.) The burgess list shall be made out under several heads according to the number of wards into which the City is divided, and shall distinguish under each ward in alphabetical order the persons entitled to be enrolled as burgesses in respect of qualifying property within such ward.

(3.) No burgess shall be entitled to be enrolled in more than one ward.

Lodger  
qualification.

58.—(1.) Any person claiming to possess a lodger qualification may claim in writing addressed to the Town Clerk to have his name entered in the burgess list as a burgess for the ward in which he resides.

(2.) Every such claim shall be sent in to the Town Clerk on some day between the first and the fifteenth day of June in any year; and no such claim shall be received after the fifteenth day of June in any year.

(3.) Every such claim shall be in the form A in the fourth schedule to this Ordinance or in such other form as the Council may from time to time appoint.

(4.) If the Town Clerk or any Committee appointed by the Council for that purpose, is satisfied that the applicant possesses a lodger qualification, the Town Clerk shall cause his name to be entered in a separate list, under the heading of "Burgesses for the——Ward qualified in respect of a Lodger Qualification"; and such list may, if the Council so direct, be added to the list of burgesses qualified for that ward in respect of the occupation of property as tenants or owners.

List to be  
published.

59.—(1.) The burgess list, including the list of burgesses qualified in respect of the occupation of lodgings, shall be published by fixing a copy thereof on or near the outer door of the Town Hall or in some other conspicuous place therein for a period of one week from the first day of August in each year.

(2.) The burgess list may be in the forms B and C in the fourth schedule to this Ordinance, or in such other form as the Council may from time to time appoint.

60.—(1.) Every person whose name is not in the burgess list published in accordance with the last preceding section, and who claims to be entitled to have his name entered in such burgess list, shall, not later than the fifteenth day of August, give notice in writing to the Town Clerk of his claim. Claims by persons omitted from list.

(2.) The notice may be in the form D in the fourth schedule to this Ordinance.

61. Every person whose name is in the burgess list may object to any other person as not being entitled to have his name retained therein. Objections.

62.—(1.) Every person so objecting (hereinafter referred to as an "objector") shall within fifteen days after the date of the first publication of the list deliver to the Town Clerk and also to the person objected to (hereinafter referred to as the "respondent") or shall leave at the premises in respect of which the respondent shall appear to be inserted in the burgess list, notice thereof in writing. Objector to give notice.

(2.) The notice may be in the form E in the fourth schedule to this Ordinance.

63.—(1.) The Town Clerk shall make two separate lists of the Claimants and Respondents, and shall cause copies thereof according to the forms F and G in the fourth schedule to this Ordinance to be fixed on or near to the outer door of the Town Hall or in some public and conspicuous place within the city during the last seven days of August in each year. Lists of claimants and respondents.

(2.) The Town Clerk shall also keep a copy of each of such lists open to public inspection without any fee at all reasonable hours during the first six days of September, and shall deliver a copy of any such list to any person requiring it on payment of the sum of one shilling for each such list.

64.—(1.) The Governor shall in each year not later than the first day of September name some barrister (hereinafter referred to as the Revising Barrister) to hold a court for the purpose of revising the burgess list. Revising Court.

(2.) Such court shall be an open court and shall be held on some day to be appointed by the Mayor between the tenth and the fifteenth day of September, both days inclusive.

(3.) The Town Clerk shall give three clear days notice of the holding of the court by fixing a notice thereof on or near the outer door of the Town Hall, or in some public or conspicuous place within the city.

Lists to be produced in court.

65. The Town Clerk shall at the opening of the Court produce the burgess list and a copy of the lists of claimants and respondents and also all books in his custody containing the names of all persons rated to the house rate in and for the city for the current year, and shall answer upon oath all such questions as shall be put to him.

Making up of list.

66.—(1.) The Court shall insert in the burgess list the name of every claimant who has duly claimed to have his name inserted therein and is proved to the satisfaction of the Court to be so entitled.

(2.) The Court shall expunge from the list the name of every person proved to the Court to be dead.

(3.) Subject as aforesaid, the Court shall retain on the list the name of every person to whom objection has not duly been taken.

(4.) The Court shall also retain the name of every respondent unless the objector appears in support of the objection.

(5.) Where the objector so appears, the Court shall require proof of the respondent's qualification, and if it is not proved to the satisfaction of the Court, shall expunge his name from the list.

(6.) If the name of any person is entered in respect of property situated in more than one ward, the Court may call upon him to choose, and if he does not choose, may determine in which of those wards he shall be entitled to vote.

(7.) The Court shall correct any mistake and supply any omission proved to the Court to have been made in any of the ward lists with respect to the name or abode of any person.

(8.) The Court may require the Town Clerk or other person having the custody of any book containing any

rate made in any year to produce the same to the Court for inspection.

(9.) The Court may examine on oath the Town Clerk or other person having the custody of any rate book, and any claimant, objector, respondent or witness.

(10.) The Court shall on the hearing in open court determine on the validity of all claims and objections.

(11.) The Revising Barrister shall in open court write his name against all names inserted or expunged and against any part of the lists in which a mistake has been corrected or omission supplied, and shall sign his name to every page so revised.

67. The Revising Barrister may adjourn the Court from time to time, but so that no adjourned court be held after the twenty-first day of September. Adjournment of court.

68.—(1.) When the burgess list has been revised and signed by the Revising Barrister, he shall deliver it to the Town Clerk, and a written or printed copy thereof shall be prepared and signed by the Town Clerk, and shall be the Burgess Roll of the city for the year. Burgess Roll.

(2.) The burgess roll shall be completed on or before the twentieth day of October in each year, and shall come into operation on the first day of November in that year, and shall continue in operation for the twelve months beginning on that day.

(3.) Every person enrolled on the burgess roll shall be deemed to be enrolled as a burgess, and every person not enrolled in the burgess roll shall be deemed to be not enrolled as a burgess.

69. The Town Clerk shall cause the burgess roll and the lists of claimants and respondents to be printed, and shall deliver copies thereof to any person on payment of one shilling for each copy of any such list or roll, and the proceeds of sale shall be received by him on behalf of the Corporation. Printing and sale of Burgess Roll and other documents.

#### *Election of Councillors.*

70. The ordinary day for the election of Councillors shall be the first day of November in each year. Date of ordinary election.

71. Every election shall be held at the Town Hall, or at such other place within the City as the Council may from time to time otherwise appoint. Place for holding elections.

Notice of election.

72. Nine days at least before the date fixed for the election of any Councillors, the Town Clerk shall prepare and sign a notice thereof, and shall publish the same by fixing a copy thereof on the outer door of the Town Hall, or in some conspicuous place therein.

Mayor to be returning officer.

73. At every election of Councillors, the Mayor shall be the returning officer, and shall appoint some barrister to act as his assessor.

Period of election.

74. The voting at every election shall commence at nine o'clock in the forenoon, and shall finally close at three o'clock in the afternoon of the same day.

Method of voting.

75. At every election of Councillors, the burgesses of each ward shall separately elect from among the persons qualified to be Councillors such number of persons to be Councillors for that ward as may be requisite to supply the places of the Councillors going out of office in that ward; and the election shall be conducted in manner following, that is to say:—

Every burgess entitled to vote in the election of Councillors for any ward may vote for any number of persons not exceeding the whole number of Councillors then to be chosen for that ward by delivering in person to the Mayor and his assessor a voting paper containing the Christian and surname of each of the persons for whom he votes, with their respective places of abode and descriptions, such paper being signed with the name and surname of the burgess so voting, and containing the name of the ward and the name of the street, lane or other place in which is situated the property in respect of which such voter appears as qualified in the burgess roll, or, if his qualification is a lodger qualification, then the nature of such qualification shall be set forth.

Limitation of inquiry as to right to vote.

76.—(1.) No inquiry shall be permitted at any election as to the right of any person to vote as a burgess except only as follows; that is to say, that the Mayor shall, if required by any two burgesses, put to any voter at the time of his delivering in his voting paper, but not afterwards, the following questions, or any of them, but none other:—

(a.) Are you the person whose name is signed as A.B. to the voting paper now handed in by you?

(b.) Are you the person enrolled under the following description in the burgess roll for this City (*here read entry in roll in full*)?

(c.) Have you already voted at the present election in this or in any other ward?

(2.) The vote of a person required to answer any of these questions shall not be received until he has answered them.

(3.) If any person makes a false answer to any such question, he shall be guilty of a misdemeanour, and liable to imprisonment for any term not exceeding one year.

(4.) Save as by this Ordinance authorised, no enquiry shall be permitted at any election as to the right of any person to vote.

77.—(1.) The Mayor and his assessor shall forthwith at the close of every election proceed to examine the voting papers delivered as aforesaid for the purpose of ascertaining which of the several persons voted for have been elected; and the person, (or, if there be more than one Councillor to be elected in the same ward,) the persons, who shall have received the greatest number of votes in each ward shall be deemed to have been duly elected for that ward. Result of election.

(2.) In case of an equality in the number of votes given for any two or more persons voted for in any ward, the Mayor shall select and declare which of such persons shall be Councillor for that ward; and the person so selected by the Mayor shall be deemed to have been duly elected for such ward.

(3.) The Mayor shall cause the voting papers to be kept in the office of the Town Clerk during a period of three months at the least after each election. Voting papers to be kept.

78. The Town Clerk shall, not later than two o'clock in the afternoon of the day next following the date of any election, publish a list of the names of the Councillors so elected, specifying the ward for which each such Councillor has been elected. Publication of names of persons elected.

#### *Election of Aldermen.*

79.—(1.) The ordinary day of election of Aldermen shall be the 5th day of November. Election of Aldermen.

(2.) The election of Aldermen shall be held immediately after the election of the Mayor.

(3.) An outgoing Alderman, although Mayor elect, shall not vote.

(4.) A person entitled to vote may vote for any number of persons not exceeding the number of vacancies by signing and personally delivering at the meeting to the Chairman a voting paper containing the surnames and other names and the places of abode and descriptions of the persons for whom he votes.

(5.) The Chairman, as soon as all the voting papers have been handed to him, shall openly produce and read them or cause them to be read and shall then deliver them to the Town Clerk to be kept for 12 months.

(6.) In case of equality of votes, the Chairman, although an outgoing Alderman or otherwise not entitled to vote in the first instance, shall have the casting vote.

(7.) The persons not exceeding the number of vacancies who shall have the greatest number of votes shall be declared by the Chairman to be, and shall thereupon be, elected.

*Election of the Mayor.*

Election of  
Mayor.

80.—(1.) The ordinary day for the election of the Mayor shall be the fifth day of November in every year.

(2.) The election of the Mayor shall be the first business transacted at the meeting of the Council held on that day.

(3.) In case of an equality of votes, the Chairman, although not entitled to vote in the first instance, shall have a casting vote.

*Supplemental and exceptional provisions.*

Right of  
women to vote.

81. For all purposes connected with and having reference to the right to vote at elections, words in this Ordinance importing the masculine gender include women, whether married or single.

Time for filling  
casual  
vacancies.

82.—(1.) On a casual vacancy in a corporate office, an election shall be held within fifteen days after notice in writing of the occurrence of such vacancy has been given to the Mayor or to the Town Clerk by two burgesses.

(2.) Where the office vacant is that of Mayor, the notice of the meeting of the Council for the election shall be signed by the Town Clerk.

(3.) In all other cases, the notice of the day for the election shall be signed by the Mayor.

83. If the Mayor is dead or is absent or otherwise incapable of acting in the exercise of his powers and duties as to elections under this Ordinance, and if the Deputy Mayor is also incapable of acting for any of the reasons hereinbefore specified, the Council shall forthwith choose an Alderman or a Councillor to execute those powers and duties in place of the Mayor.

Illness, etc. of Mayor.

84. If a person is elected Councillor in more than one ward, he shall within three days after notice thereof, choose, by writing signed by him and addressed to and delivered to the Town Clerk, or in his default the Mayor shall, within three days after the time for choice has expired, declare for which of those wards he shall serve, and the choice or declaration shall be conclusive.

Election of Councillor in more than one ward.

85.—(1.) If an election is not held on the appointed day or within the appointed time, it may be held on the day next after that day or the expiration of that time.

Omission to hold election, or election void.

(2.) If an election is not held on the appointed day or within the appointed time, or on the day next after that day or the expiration of that time, or become void, the Corporation shall not thereby become dissolved or be disabled from electing, but the Supreme Court may, on motion, grant a *mandamus* for the election to be held on a day appointed by the Court.

(3.) Thereupon public notice of the election shall, by such person as the Court directs, be fixed on the outer door of the Town Hall, or in some conspicuous place therein, and shall be kept so fixed for at least six days before the day appointed for the election; and in all other respects the election shall be conducted as directed in this Ordinance respecting ordinary elections.

86.—(1.) If a burgess list is not made or revised in due time, the corresponding part of the burgess roll in operation before the time appointed for the revision shall be the burgess list until a burgess list has been revised and become part of the burgess roll.

Burgess roll to be in operation until revision of new roll.

(2.) If a burgess roll is not made in due time, the burgess roll in force before the time appointed for the revision shall continue in force until the new burgess roll is made.

Election valid unless questioned within 3 months.

87. Every election not called in question within three months after the election, by information in the nature of a *quo warranto*, shall be deemed to have been to all intents a good and valid election.

Offences in relation to lists and elections.

88.—(1.) If the revising barrister neglects or refuses to revise a burgess list, or a Mayor, or barrister appointed to act as assessor, refuses or neglects to conduct or declare an election as required by this Ordinance, he shall for every such offence be liable to a fine not exceeding one hundred pounds, to be recoverable by action, with full costs of suit in the Supreme Court by any person who will sue for the same.

(2.) If,—

(a.) the Town Clerk neglects or refuses to prepare, print, or publish a burgess list or a list of claimants and respondents as required by this Ordinance; or

(b.) the Town Clerk neglects or refuses to allow any such list to be inspected by any person having a right thereto;

he shall for every such neglect or refusal be liable to a fine not exceeding fifty pounds, recoverable by action in the Supreme Court with full costs of suit by any person who will sue for the same.

(3.) An action under this section shall not lie after three months from the neglect or refusal.

(4.) A moiety of any fine recovered under this section shall be paid to the plaintiff, and the rest to the Town Clerk for the use of the Corporation.

#### PART IV.

##### CORRUPT PRACTICES

Inter-pretation.

89. In this part of this Ordinance the term "elector" includes any person entitled to vote at an election; and the term "election" includes any election held under this Ordinance.

Personation.

90. Any person who votes or attempts to vote in the name of another person at an election, whether the name is that of a person living or dead or of a fictitious person, is liable to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding fifty pounds.

91. Any person who, being an elector, votes or attempts to vote at an election oftener than he is entitled to vote at the election, is liable to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding fifty pounds. Double voting.

92. Any person who—

- (1.) Corruptly, before, during, or after an election, provides, or pays in whole or in part the expense of providing any food, drink or lodging, to or for any person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at the election in the capacity of an elector; or
- (2.) Being an elector, corruptly receives any food, drink, or lodging, on account of any such act or omission;

Treating.

is liable to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding fifty pounds.

93. Any person who—

- (1.) Uses or threatens to use any force or restraint, or does or threatens to do any temporal or spiritual injury, or causes or threatens to cause any detriment of any kind, to an elector in order to induce him to vote or refrain from voting at an election, or on account of his having voted or refrained from voting at an election; or
- (2.) By force or fraud prevents or obstructs the free exercise of the franchise by an elector, or by any such means compels or induces an elector to vote or refrain from voting at an election;

Undue influence.

is liable to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding fifty pounds.

94. Any person who—

- (1.) Gives, confers or procures, or promises or offers to give or confer or to procure or attempt to procure, to, upon, or for any person any property or benefit of any kind on account of anything done or omitted to be done, or to be afterwards done or omitted to be done, by an elector at

Bribery.

- an election in the capacity of an elector, or on account of any person acting or joining in a procession during an election, or in order to induce any person to endeavour to procure the return of any person at an election, or the vote of any elector at an election ; or
- (2.) Being an elector, asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him at an election in the capacity of an elector ; or
  - (3.) Asks, receives, or obtains, or agrees to or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of a promise made by him or any other person, to endeavour to procure the return of any person at an election, or the vote of any person at an election ; or
  - (4.) Advances or pays any money to or to the use of any other person with the intent that such money shall be applied for any of the purposes hereinbefore in this section mentioned, or in discharge or repayment of money wholly or in part applied for any such purpose ; or
  - (5.) Corruptly transfers or pays any property or money to any person for the purpose of enabling that person to be registered as an elector, and thereby of influencing the vote of that person at a future election ; or
  - (6.) Is privy to any such transfer or payment as last mentioned which is made for his benefit ; or
  - (7.) Being a candidate at an election, convenes or holds a meeting of electors or of his committee in a house licensed for the sale of fermented or spirituous liquors ;

is liable to imprisonment with or without hard labour for any term not exceeding six months or to a fine not exceeding fifty pounds.

95. Any person convicted of any of the offences defined in the last five preceding sections committed with respect to an election becomes incapable for seven years from the date of the conviction of being registered as an elector or voting at any election or of holding any corporate office, and if he holds any such office, the office is vacated.

Further  
penalty for  
corrupt  
practices.

#### PART V.

#### MEETINGS AND PROCEEDINGS OF THE COUNCIL.—APPOINTMENT OF COMMITTEES.

96. The following Rules with respect to meetings and proceedings of the Council shall be observed:—

Procedure at  
meetings.

(1.) The Council shall hold monthly meetings for the transaction of general business.

(2.) The monthly meetings shall be held at such hour and on such days as the Council may from time to time determine by standing orders.

(3.) The Mayor may at any time call a meeting of the Council.

(4.) If the Mayor refuses to call a meeting after a requisition for that purpose signed by five members of the Council has been presented to him, any five members of the Council may forthwith on that refusal call a meeting. If the Mayor (without so refusing) does not within three days after such presentation call a meeting, any five members of the Council may on the expiration of those three days, call a meeting.

(5.) Two clear days at least before any ordinary meeting of the Council a summons to attend a meeting specifying the business proposed to be transacted thereat and signed by the Town Clerk, shall be left at the usual place of business or abode of each member of the Council.

(6.) Want of service of the summons on any member of the Council shall not affect the validity of a meeting.

(7.) Except by leave of the Council no business shall be transacted at a meeting other than that specified in the summons relating thereto.

(8.) The Mayor shall be ex-officio Chairman of the Council and shall preside at all meetings of the Council at which he is present. In case of his absence, and that of the Deputy Mayor, the members present and constituting a quorum shall elect a Chairman from among their number.

Mayor to be  
Chairman.

## Quorum.

(9.) At any meeting of the Council five members shall form a quorum for the transaction of business.

(10.) All acts of the Council, and all questions coming or arising before the Council may be done and decided by the majority of such members of the Council as are present and vote at a meeting held in pursuance of this Ordinance, the whole number present at the meeting not being less than five members.

(11.) In case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

## Standing Orders.

(12.) Subject to the foregoing provisions, the Council may make such standing orders as they may think proper for the regulation and conduct of the proceedings of their meetings, and may by such standing orders provide that the minutes of the proceedings of any meeting may, when copies thereof have been circulated to members, be taken as read, and may also provide for the postponement of the confirmation of the minutes of the proceedings of any meeting.

(13.) The standing orders of the Board with respect to the proceedings at meetings of the Board in force at the commencement of this Ordinance shall, so far as they are not inconsistent with the provisions of this Ordinance, continue to be in force after the commencement of this Ordinance until altered or revoked by the Council.

## Appointment of Committees.

97.—(1.) The Council may, from time to time, appoint out of their own body such and so many Committees, either of a general or a special nature, and consisting of such number of persons as they shall think fit, for any purposes which, in the opinion of the Council, would be better regulated and managed by means of such Committees.

(2.) The quorum of every Committee shall be fixed by the Council at the time of appointment of such Committee.

(3.) Every Committee of the Council shall, unless otherwise expressly authorised by the terms of its reference, submit its proceedings and recommendations to the Council for approval.

(4.) The proceedings and recommendations of every Committee of the Council shall be submitted to the Council in the form either of minutes of the proceedings

at the meetings of such Committee, or of a formal report signed by the Chairman of such Committee.

(5.) Any recommendations in any such report, when adopted by a majority of the members present, shall become and be deemed to be resolutions of the Council.

98. The Council may delegate to any Committee or Committees appointed by them any of the powers or duties vested in or imposed upon the Corporation by this or any other Ordinance for the time being in force, and may, if the Council think fit, direct that the acts and proceedings of such Committee or Committees need not be submitted to the Council for approval. In every such case the acts done and the proceedings taken by the Committee or Committees in relation to the powers and duties so delegated to such Committee or Committees shall be done and instituted in the name of the Corporation and shall be as valid and binding on all parties as if such acts had been done and such proceedings taken by the Council.

Delegation of powers of the Council to Committees.

99. The reasonable travelling expenses of every Committee incurred for the purpose of inspecting premises and places in connection with the matters referred to such Committees shall be paid out of the ordinary revenue of the Corporation.

Travelling expenses of Committees.

100. No act or proceedings of the Council or of any Committee shall be invalidated by reason of any vacancy or vacancies in their body, or by any defect in the mode of appointment of such Committee.

No act to be questioned on account of vacancy.

101. A minute of the proceedings at a meeting of the Council or of a Committee signed by the Chairman, or by a member of the Council or Committee describing himself as or appearing to be Chairman of the meeting at which such minute is signed, shall be received in evidence without further proof.

Minutes signed by chairman to be evidence.

102. Until the contrary is proved, every meeting of the Council or of a Committee in respect of the proceedings whereof a minute has been so made, and every meeting of a Committee the proceedings whereof are embodied in a report signed by the Chairman of such Committee and received by the Council, shall be deemed to have been duly convened and held, and all the members of the meeting

Due constitution of Council and Committees.

shall be deemed to have been duly qualified; and where the proceedings are proceedings of a Committee the Committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute or in the report, as the case may be.

Pecuniary  
interest.

103. A member of the Council shall not vote or take part in any matter before the Council or a Committee in which he has directly or indirectly, by himself or his partner, any pecuniary interest.

#### PART VI.

##### HOUSE RATE.

Definitions.

104. In this part of this Ordinance, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:—

(1.) "Rateable Hereditament" means any dwelling house, warehouse, store, shop, counting-house, manufactory, factory, workshop, stable, shed and any other building whatsoever in the City, and the lands on which the same respectively are built, erected or standing, together with any other lands appurtenant to or occupied with the same respectively; and includes every vacant parcel of land in the City not appurtenant to or occupied with any house, warehouse, store, shop, counting-house, manufactory, factory, workshop, stable, shed, or any other buildings; but shall not include:—

(a.) Buildings occupied solely as churches, chapels and places of public worship of any religious denomination;

(b.) School houses, offices and playgrounds of any school established under the Elementary Education Ordinances; or

(c.) Hospitals, whether public or private, asylums, almshouses and institutions for the relief of the poor, whether occupied for such purposes by public officers or by private persons.

(2.) "Premises" means rateable hereditament as defined above.

(3.) "Annual Rateable Value" means the gross annual rental value subject only to such deductions and allowances as the Corporation may make under this Part of this Ordinance.

105.—(1.) There shall be raised, levied and collected by and paid to the Corporation upon and in respect of every rateable hereditament an annual rate or tax of seven and a half per centum of the annual rateable value of such hereditament as determined by the Corporation in accordance with the provisions of this Part of this Ordinance.

Annual House  
Rate to be  
paid.

(2.) It shall be lawful for the Corporation from time to time, if they think fit, by resolution to prescribe that in respect of any specified year or years the rate or tax to be levied and paid under this part of this Ordinance shall be at a higher rate than seven and a half per centum; Provided that the rate so leviable and payable shall in no case exceed ten per centum of the annual rateable value of any hereditament liable to such rate.

Power to  
increase rate  
up to 10 per  
cent.

106.—(1.) In determining the annual rateable value of any rateable hereditament for the purposes of this Ordinance the Corporation shall, whether such hereditament be actually rented or not, consider in every case what amount of annual rent a tenant may be reasonably expected to pay for such hereditament, having regard to the purpose for which such hereditament is actually used or, in case it is not actually used or occupied, the purpose or purposes for which it is reasonably suitable.

Mode of fixing  
annual rate-  
able value.

(2.) Where any rateable hereditament is leased or rented to a tenant who is under obligation to pay any rates in respect thereof, the annual rateable value of such hereditament shall be the amount of the valuation thereof ascertained in accordance with Sub-section (1) of this section with the addition of a sum equal to the rate computed on such valuation.

107. The Corporation in valuing any rateable hereditament for the purposes of this Part of this Ordinance may in their discretion make such deductions or allowances, but in respect of voids and loss of rent only, as they may think proper.

Power to make  
deductions.

108. The Corporation may, from time to time, by resolution of the Council, appoint from amongst the members of the Council an Assessment Committee of not less than four members (two to form a quorum) and may delegate to such Committee all or any of the powers or duties vested in or imposed upon the Corpora-

Assessment  
Committee.

tion by this Part of this Ordinance. The Corporation may, in appointing such Committee, declare that the acts and proceedings of such Committee in relation to all or certain specified powers and duties so delegated need not be submitted to the Council for approval or confirmation; and in such case, the acts done or proceedings taken by the Committee in relation to the powers and duties so delegated to them shall be as valid and binding against all parties as if such acts had been done and such proceedings taken by the Corporation.

Corporation to employ valuers and assistants for the purpose of valuation.

109. The Corporation or the Assessment Committee may from time to time employ at such remuneration and upon such terms and conditions as they may think fit, such valuers and other persons as the Corporation or such Committee may consider necessary to assist the Corporation or the Committee in the work of valuing rateable hereditaments for the purposes of this Part of this Ordinance, and for any other work in relation to the duties of the Corporation under this Part of this Ordinance.

Saving valuations under Ordinance 51-1912.

110. Notwithstanding the repeal by this Ordinance of the Port-of-Spain House Tax Ordinance, 1912, the valuations in the house rate book for the triennial period 1913-15 in force at the commencement of this Ordinance, and all powers conferred on the Board by the said repealed Ordinance shall continue to be in force for all purposes and be exercisable by the Corporation until new valuations are made by the Corporation under this part of this Ordinance.

New valuations to be made every three years.

111. In the year 1915, and in every subsequent third year, the Corporation shall cause new valuations to be made of all rateable hereditaments in the City in accordance with the provisions of this part of this Ordinance, and the valuations made in the first year of each triennial period, and entered in the House Rate Book for such period, shall with and subject to such additions and alterations as may be made by the Corporation pursuant to the powers conferred by this Ordinance or in consequence of any decision of a court of competent jurisdiction, be the valuations in force for such triennial period, and shall continue in force until new valuations in substitution for the same are made by the Corporation under this Ordinance.

112. Every valuation made by the Corporation under the provisions of this Part of this Ordinance and the annual rate to be paid in respect of every rateable hereditament, shall be entered in a book or books, to be collectively called the "House Rate Book," and there may also be entered in the House Rate Book the names of the owners or reputed owners of every such hereditament and such other particulars as the Council may from time to time think proper.

Valuations and rates to be entered in House Rate Book.

113. Every House Rate Book prepared under this Part of this Ordinance shall be completed on the thirty-first day of March in the first year of every triennial period. Provided that the Corporation may, by resolution of the Council, extend the time for the completion of such book to a date not later than the thirtieth day of April of such year.

Date when House Rate Book is to be completed.

114. The House Rate Book to be prepared under this Part of this Ordinance shall be according to the form "A" in the fifth schedule to this Ordinance. Provided that the Corporation may by resolution of the Council alter or vary, amend or add to such form as they shall think proper.

Form of House Rate Book.

115. Every House Rate Book prepared under this Part of this Ordinance shall, when completed, be signed by the Mayor or the Chairman of the Assessment Committee, and laid before the Council.

Authentication of House Rate Book.

116.—(1.) As soon as may be after such House Rate Book has been laid before the Council, notice of the completion thereof shall be published twice a week at the least for three consecutive weeks in not more than two local daily newspapers circulating in the city, and once at least in the *Royal Gazette*; and every person claiming to be either the owner or the occupier of any premises included in the House Rate Book, or the agent of any such owner or occupier, shall at any time during the twenty-one days following the first publication of the notice of completion of the House rate book, be at liberty to inspect such House Rate Book and to make extracts therefrom without charge.

Public notice of completion of House Rate Book.

(2.) The notice may be according to the form "B" in the fifth schedule to this Ordinance, with such additions or alterations as the Corporation may from time to time prescribe.

117.—(1.) The Corporation shall, in the first year of every triennial period, as soon as may be after fixing the annual

Notice of assessment to be served on owner.

rateable value of every rateable hereditament, serve or cause to be served on the owner of every such hereditament a notice in writing specifying the annual rateable value of such hereditament as fixed by them, the amount of the annual rate or tax to be paid in respect thereof, the time when such rate or tax is to be paid and the name of the owner or reputed owner of such hereditament, and such other matters as the Corporation may from time to time direct.

(2.) The notice may be according to the form "C" in the fifth schedule hereto.

The provisions  
of this section  
to be directory  
only.

(3.) Provided that any default or neglect in complying with the provisions of this section, or the non-receipt of a notice of assessment by the owner of any rateable hereditament shall not affect the liability of such hereditament or of the owner thereof to the rate payable in respect thereof, nor shall it affect the validity of any act, proceeding or sale which may be done, taken or effected for the recovery of such rate.

Date when  
rate due and  
payable.

118. Except where otherwise expressly prescribed by resolution of the Council in those cases where the Corporation are authorised by this Ordinance to fix a different date, the annual house rate or tax payable under this Part of this Ordinance shall be due and payable on the first day of June in each and every year.

Incidence of  
Rate.

119. The annual rate or tax to be paid in respect of every rateable hereditament under this Part of this Ordinance shall be borne and paid by the owner of such hereditament, but the amount of such rate may be collected from and paid by the tenant or occupier of such hereditament or any part thereof, and such tenant or occupier may deduct the amount so paid from the rent payable by him in respect of such hereditament; Provided that nothing herein contained shall affect any contract between landlord and tenant with respect to the payment of such rate.

Objection to  
valuation or  
alteration of  
valuation.

120.—(1.) The owner of any rateable hereditament who is dissatisfied with any valuation or alteration of valuation of his premises made by the Corporation, may at any time not later than twenty-one days next after the service of the notice of such valuation or alteration of valuation give notice in writing to the Corporation of his objection thereto.

(2.) Where no notice of assessment has been served on

the owner of any rateable hereditament, the notice of objection under this section may be given by the owner not later than twenty-one days next after the date of first publication of the notice of completion of the House Rate Book.

121. The Corporation shall consider every such objection and may either confirm the valuation objected to, or may reduce or increase such valuation and make such other amendments in relation thereto as the Corporation may think proper. Consideration of objection.

Notice in writing of the decision of the Corporation on every such objection shall be given to the objector.

122.—(1.) The decision of the Corporation on every objection to any valuation or alteration of valuation made by the Corporation shall be final and binding on all parties and for all purposes unless the owner who has objected to such decision shall, within seven days next after the decision shall have been communicated to him, lodge a notice of appeal against such decision with the Commissioner, and at the same time serve on the Corporation a copy of such notice of appeal. Appeal from Corporation's decision on objections to assessment.

Provided that on any such appeal the exercise by the Corporation of their discretion under Section 107 of this Ordinance in making or not making any deductions or allowances or as to the sufficiency of such deductions or allowances, if they have made any, shall not be subject to review. Proviso.

(2.) The Commissioner shall appoint a day for the hearing of such appeal not earlier than twenty-one days after the lodging of the notice of appeal with him; and he shall forthwith give notice in writing to the Corporation and to the appellant of the day so appointed. Provided that the Commissioner may, if he thinks fit in the interests of justice, postpone or adjourn the hearing of any appeal for such time, and upon such terms, if any, as he shall think fit. Commissioner to appoint day for hearing of appeal.

(3.) On any such appeal the Commissioner shall have power to summon and compel the attendance of witnesses, to examine witnesses on oath and to administer such oath, to require the production by either party of any book or books containing entries relating to the rent charged or paid Commissioner may summon witnesses and inspect premises.

in respect of the hereditaments to which the appeal relates ; and if necessary to enter and inspect such hereditaments ; and such Commissioner may either confirm such valuation or, subject to the provisions of Section 106 of this Ordinance and to the proviso to Sub-section (1) hereof, alter or amend the same as he may think fit.

Appeal from  
decision of  
Commissioner.

123.—(1.) In case the Corporation or any owner shall be dissatisfied with the decision of the Commissioner on any appeal to such Commissioner against the decision of the Corporation on such owner's objection to any assessment made by the Corporation, the Corporation or such owner may appeal from the decision of the Commissioner to the Full Court ; provided that, unless notice of such appeal shall be given within fourteen days of the date of such decision, the decision of the Commissioner shall be final and binding and conclusive against all parties.

Signature and  
form of notice  
of appeal.

(2.) The notice of appeal shall be signed by the appellant or his counsel or solicitor, shall state the grounds on which the appeal is based and shall be according to the form "D" or the form "E" in the fifth schedule to this Ordinance.

Appellant to  
enter into  
recognisance.

124. Within five days after giving such notice the appellant shall enter into a recognisance before some Justice of the Peace with a surety or sureties in the sum of £30 at least, conditioned to appear and prosecute such appeal at the next sitting of the Full Court and to abide the order of and to pay such costs as shall be awarded by such Court at such sitting or any adjournment thereof. Such recognisance shall be according to the form "F" in the fifth schedule to this Ordinance.

Proviso.

Provided that in the event of any appeal by the Corporation, it shall not be necessary for the Corporation to enter into any recognisance whatever.

Copy of notice  
of appeal to be  
sent to  
respondent.

125. The Chief Clerk in the office of the Commissioner shall cause to be served upon the respondent or his solicitor a copy certified under his hand of the notice of appeal and shall notify the appellant and the respondent or their solicitors respectively of the day on which the appeal will in the ordinary course of business be on the list for hearing before the Full Court.

126. Where the valuation of any rateable hereditament has been altered or amended by a Court of competent jurisdiction, or where the Corporation have under the powers conferred by this Part of this Ordinance, altered the valuation of any rateable hereditament, the Corporation shall cause such alteration or amendment to be made and entered in the House Rate Book in such places therein and in such manner and form and with such references across or opposite any entry or entries therein as they may consider necessary or convenient.

Altered valuations to be entered in Rate Book.

127.—(1.) No rateable hereditament omitted from any cause whatever to be assessed or to be entered in any House Rate Book shall by reason of such omission be relieved from the liability to be rated under this Part of this Ordinance, and the Corporation may at any time value such hereditament and enter the same and the annual rateable value thereof and the rate payable thereon in the House Rate Book in force and may levy and collect the rate to which the same is liable under this Part of this Ordinance, and fix the date on which such rate shall be due and payable.

Omission to enter in Rate Book or to assess not to affect liability to rate.

(2.) Notice of the valuation of such hereditament shall be given to the owner thereof, and the provisions contained in Sections 120 to 126, both inclusive, of this part of this Ordinance relating to the owner's objection to valuations made by the Corporation and to appeals from decisions of the Corporation and of the Commissioner in relation to such valuations, shall apply to the valuations made under and by virtue of this section.

(3.) Such notice may be according to the form "G" in the fifth schedule to this Ordinance.

128.—(1.) Whenever, at any time after the completion of any House Rate Book and before the commencement of the next triennial period a new house is erected in the City, the Corporation may at any time after the completion of such house fix the annual rateable value thereof for the purposes of this Part of this Ordinance. The rate payable in respect of such new house for the year in which it was erected shall be a proportion of the amount of the yearly

New houses erected after completion of rate book.

rate, corresponding to the period from the date of the completion of such house to the end of the said year, and such proportionate rate shall be due and payable on such date as the Corporation may fix.

Notice of valuation of new house.

(2.) Notice of the valuation of every such new house shall be given to the owner thereof. The notice may be according to the form "H" in the fifth schedule to this Ordinance.

(3.) Where a new house is valued under this section, the rate appearing in the house rate book in force as payable in respect of the rateable hereditament bearing the same description as the new house shall be reduced to a proportion of such rate corresponding to the period from the commencement of the house rate year to the date of the completion of the new house, and such proportionate rate as well as the rate payable in respect of the new house, shall be a charge on such new house; and the necessary entries and alterations shall be made in the house rate book in force.

Alteration of valuations in House Rate Book.

129.—(1.) It shall be lawful for the Corporation at any time in the months of January, February and March in each of the last two years of any triennial period to alter the valuation of any hereditament contained in the House Rate Book for the time being in force, where, in the opinion of the Corporation, there has been a substantial increase or a substantial decrease in the rateable value of such hereditament since the last valuation thereof by the Corporation.

Time when alterations made under this section take effect.

(2.) Alterations made under this section in the valuation of any hereditaments shall come into force and have effect as from the first day of January of the year in which such alterations are made, and shall continue in force until a new valuation for the next triennial period, or until further alterations (if any) are made by the Corporation by virtue of the powers conferred by this section.

Notice to owner of alteration.

(3.) Whenever any alteration of the valuation of any rateable hereditament is made by the Corporation pursuant to the provisions of this section notice of such alteration shall be given to the owner of such hereditament.

(4.) The notice of any such alterations may be according to the form "I" in the fifth schedule hereto.

(5.) The altered valuations made under this section, during the time that they are in force shall be deemed to be the valuations of the rateable hereditaments to which they relate.

130. The production of the House Rate Book for the time being in force shall be received as sufficient evidence of the due making and validity of the valuations and rates therein contained. Rate Book to be evidence of valuations and rates.

131. Any rates due under this Part of this Ordinance together with any statutory increase which may have accrued under the provisions of this Ordinance shall, until paid, be a charge on the rateable hereditament in respect whereof such rate is due and payable; and, without prejudice to such charge, and to the power of sale conferred by the Public Authorities (Rates and Charges Recovery) Ordinance 1913, the amount of such rates, together with the statutory increase (if any), may be recovered from the owner for the time being of such rateable hereditament by action in any Court of competent jurisdiction or by distress on any goods and chattels (including any moveable tenement standing on land forming part of the rateable hereditament) which may be found in or upon such rateable hereditament. Rates to be a charge on premises and recoverable by action or distress.

Provided that where the rateable hereditament consists of a removable tenement and the land on which it stands, and such tenement is removed before the rate due in respect of such rateable hereditament is paid, such rate shall remain charged on the land on which such tenement stood, and may, without prejudice to such charge and to the statutory power of sale for the enforcement thereof, be recovered from the owner of such land by action in any court of competent jurisdiction. Proviso.

132.—(1.) No error, misnomer or mis-description in any notice or House Rate Book, and no omission to enter therein the names of owners or reputed owners nor any error in the names entered therein as those of the owners or reputed owners of any rateable hereditament, shall in any way vitiate any such notice or any valuation or assessment contained in such House Rate Book or in any way affect the liability of any rateable hereditament to any rate payable in respect thereof. Errors, etc., not to affect liability to rate.

Corporation may correct errors in notice or House Rate Book.

(2.) The Corporation may at any time, and from time to time correct any such errors, misnomers or mis-descriptions and supply any such omissions and make such other alterations in any notices, valuations and House Rate Book as may be necessary to correct any errors therein or to make such notices, valuations and House Rate Book and all the particulars therein conformable to fact, to any resolutions of the Corporation relating to any entries to be made therein, and to the provisions of this Part of this Ordinance.

Change of ownership may be noted in House Rate Book.

133. The Corporation may from time to time cause to be noted or entered in the House Rate Book for the time being in force in such places therein and in such manner and form as they may think proper, any changes duly notified to them in the ownership of any rateable hereditament contained in such House Rate Book.

Corporation may require returns from owners.

134.---(1.) The Corporation or any officer of the Corporation duly authorised in that behalf by the Corporation may at any time require any person who is the owner or the agent of the owner of any rateable hereditament in the City, to send to the Corporation a return in writing giving the following particulars: namely, the names of the several tenants by whom any rent is payable in respect of such hereditament, the amount payable by such tenants respectively and such other particulars respecting such hereditament as the Corporation may require for the due execution of this Part of this Ordinance: and every such owner or agent shall comply with such order within fourteen days after the service thereof on him.

Corporation may require returns from occupiers.

(2.) The Corporation or any officer of the Corporation duly authorised in writing in that behalf by the Corporation may at any time require the occupier of any rateable hereditament in the City to send to the Corporation a return in writing stating the name of the owner of the premises occupied by him, or the person to whom such occupier pays rent in respect of such premises, the amount of the rent payable by such occupier and such other particulars respecting such hereditament as the Corporation may require for the due execution of this Part of this Ordinance, and every such occupier shall comply with such requisition within fourteen days after service thereof upon him.

(3.) The Corporation or any of their officers duly authorised in that behalf may, for the purposes of this part of this Ordinance, and after reasonable notice to the occupier of any rateable hereditament, enter and examine such hereditament for the purpose of inspecting the same and of ascertaining full particulars thereof, including the number and size of the internal divisions thereof, and of any out-houses used in connection therewith.

Entry on pre-  
mises for  
examination.

135. If any owner or any agent of such owner or any occupier required to make a return under this Part of this Ordinance, refuses, fails or neglects to make such return within the prescribed time, or makes a return which is defective or incomplete or which is wilfully untrue in any particular, or if the occupier of any rateable hereditament refuses permission to the Corporation, or to any duly authorised officer, to enter and examine the same for any of the purposes aforesaid, every such owner, agent or occupier shall be guilty of an offence under this Ordinance and shall be liable for every such offence to a penalty not exceeding £10.

Penalties.

*Payments in lieu of rates on Government property.*

136. It shall be lawful for the Governor by Warrant in each year to direct the Receiver-General to pay and the Receiver-General shall accordingly pay to the Town Clerk on behalf of the Corporation the annual sum of £1,750 in lieu of any annual rate or tax that had the same been legally leviable could have been levied in respect of any land or house belonging to His Majesty the King His Heirs and Successors or leased for the public service of the Colony which is so belonging or leased at the commencement of this Ordinance; and also it shall be lawful for the Governor from time to time by like warrant to authorize in addition the payment of such further sum by way of and in lieu of rates in respect of any land or house hereafter to be acquired by or leased by the Governor for the public service of the Colony as would have been payable if the same had remained the property of or in the occupation of any private person, to the intent that the sum to be levied and collected in respect of house rate shall not be subject to diminution by reason of any such land or house having been so acquired or leased.

Payment of  
annual sum by  
Govt. in lieu  
of rate.

## PART VII.

## FINANCIAL.

*Annual Estimates of Revenue and Expenditure.*

Estimates to  
be approved by  
Legislative  
Council.

Supplemental  
Estimates to  
be approved by  
Governor in  
Executive  
Council.

137. The Corporation shall on or before the first day of March, in each year, prepare and submit to the Governor a true estimate of the income receivable and the expenditure to be incurred during the financial year commencing on the first day of April next following, and the Governor shall submit the same to the Legislative Council, which may approve or amend the same; and no further sums shall be expended in any year thereafter than as provided in such estimates, unless the same shall have been included in a supplemental estimate of expenditure to be from time to time submitted to the Governor, who shall lay such supplemental Estimate before the Legislative Council which may approve or amend the same. Provided that if the Legislative Council is not in Session such supplemental Estimate shall be submitted for approval to the Governor in Executive Council.

Proviso.

Provided that the Corporation may at any time during the year authorise a saving under any sub-head of expenditure in such estimates to be applied to meet an excess under another sub-head.

Proviso.

Provided always that in respect of any portion of such year as may have elapsed before the sanction of the estimate for such year, it shall be lawful for the Corporation provisionally to expend in each week in respect of any matter any sum not exceeding one fifty-second part of the estimate for similar work, services or salaries in the previous financial year, or by leave of the Governor any such further sum as the Governor may sanction.

*Application of Corporate Funds.*

Application of  
Funds.

138. The funds or moneys belonging or payable to and collected by the Corporation under and by virtue of this Ordinance shall be applicable towards payment of the annual allowance if any, of the Mayor, the salaries and other remuneration of the Town Clerk and the other officers of the Corporation, the payment of the fees payable to the Revising Barrister appointed to revise the Burgess List, the payment of the fees payable to the barrister appointed to act as the Mayor's assessor at elections under this

Ordinance, the payment of the superannuation allowances and gratuities granted under this Ordinance, the payment of the expenses of prosecuting offenders against this or any other Ordinance and any bye-laws, rules or regulations made by the Corporation, and towards repairing, draining, cleaning and lighting the streets, footways, squares and other public places vested in the Corporation, the maintenance and management of markets, slaughter-houses, and cemeteries under the control of the Corporation, the maintenance and management of an almshouse and asylum for infirm and indigent persons residing within the City, the disposal and destruction of street and house refuse and rubbish, the maintenance and preservation of all corporate property, the payment of any sums payable by the Corporation under any judgment of any Court of Law, and generally towards the payment of all expenses of and incidental to the carrying out of the provisions of this Ordinance and of all works and matters incidental thereto.

*Banking accounts, receipt and payment of moneys and audit.*

**139.**—(1.) All moneys of the Corporation shall be paid in to some bank or banks appointed by resolution of the Council. Moneys to be paid into approved banks.

(2.) The Town Clerk shall every day, so far as practicable, pay into such bank or banks all moneys received by him before the closing hour of such bank or banks, save and except such sum as he may be authorised by resolution of the Council to retain in his hand to meet immediate payments.

**140.** The Corporation may from time to time by resolution of the Council make regulations as to all or any of the following matters:— Management of accounts.

- (a.) As to the title of any account with any bank into which the moneys of the Corporation may be paid in pursuance of a resolution of the Council, the custody of the pass book and paid cheques, and generally as to all matters necessary for the proper keeping of the account;
- (b.) Authorising the transfer from such account of any sum to a deposit account, or the re-transfer of any sum from such deposit account to the current account.

Signature of  
cheques.

141. Cheques against any banking account of the Corporation shall be signed by the Town Clerk and countersigned by the Mayor.

Payments to be  
made on  
vouchers pass-  
ed and signed  
by the Mayor.

142. No payment out of corporate funds, except petty disbursements, shall be made by the Town Clerk except upon vouchers duly passed and signed by the Mayor, or by the Mayor and such one or more Councillors as the Council may by resolution appoint for the purpose.

Signature of  
receipts.

143. Receipts issued for moneys paid to the Corporation may be signed for the Town Clerk by the officer appointed by the Corporation to receive such moneys.

Audit of  
Accounts.

144. The accounts of the Corporation shall be subject to audit by the Auditor-General in all respects as if the Corporation were a department of the Public Service of the Colony accountable to the Governor in respect of moneys received or expended in the business of such department, and with the same right of surcharge against the Mayor as if he were the chief of such Department authorizing the expenditure thereof, or if he shall have recorded his dissent from any expenditure, against such members of the Council as shall have authorized the same.

The Corporation shall pay from its income in each year in respect of such audit such amount as may from time to time be fixed by the Legislative Council.

*Separate accounts for Waterworks, Sewerage works and Woodbrook Estate.*

Waterworks,  
Sewerage and  
Woodbrook  
Accounts.

145. The Corporation shall keep an account or accounts, in such form and manner as may be approved by the Governor, of the revenue from rates, charges and other sums payable to the Corporation under Part XVI (Waterworks) and under Part XVII (Sewerage works) of this Ordinance, and also of the revenue from rents, sale of grass or other produce from the Woodbrook Estate and the expenditure in respect thereof according to the approved estimates relating thereto.

*Temporary Departmental Advances.*

Temporary  
advances from  
one fund to  
another.

146. It shall be lawful for the Corporation, from time to time and on such terms as they may think fit, to advance temporarily from the moneys forming part of any of their separate funds such sum or sums as may be required for

works or services properly chargeable against any other of such funds: Provided that all such advances shall be repaid before the end of the financial year in which they are made.

### PART VIII.

#### BORROWING POWERS.

147.—(1.) The Corporation may, with the sanction of the Governor and Legislative Council, from time to time borrow such sum or sums of money as they shall deem necessary for the execution of any permanent works or of any works which they are authorised to execute under this Ordinance or any other Ordinance for the time being in force, or for any repayment of any loans or any part thereof, or for any other purpose whatsoever, whether of the same nature as those above specified or not.

Power to borrow subject to the Governor's sanction.

(2.) Every application for the sanction of the Governor and Legislative Council to the raising of any loan shall state the amount proposed to be borrowed, and the rate of interest proposed to be paid in respect of such loan, the purposes to which the proposed loan is intended to be applied, the period within which it is proposed that such loan shall be repaid, the method of repayment of such loan, whether by equal annual instalments of principal or of principal and interest combined on the annuity system, or otherwise, the security, if any, to be given for the repayment of the proposed loan, and, where no security is intended to be given, the provision intended to be made for the repayment of the loan and interest thereon from the ordinary revenue of the Corporation.

Particulars to be given in application for leave to borrow.

148. The Governor and Legislative Council may, from time to time, on the application of the Corporation, sanction the application of any loan funds, or any part thereof to purposes other than those to which such funds are allocated under any Ordinance, or by the terms of any sanction given by the Governor and Legislative Council under this Ordinance.

Power to alter allocation of loan funds.

149. The Corporation may, with the sanction of the Governor in Executive Council borrow, as temporary advances, such sum or sums of money as they think proper for defraying expenses included in the approved Estimates payable out of the ordinary revenue of the Corporation;

Temporary advances.

and they may, with the like sanction, enter into arrangements with the Manager of any Bank with which they have a current account, for allowing the Corporation to overdraw their account to such extent as may, in each case, be specified in such sanction.

Proviso.

Provided always that every such advance shall be repaid before the expiration of the financial year in which the same shall have been made to the Corporation.

Power to apply ordinary revenue in or towards repayment of loans.

150. It shall be lawful for the Corporation to apply such portion of their ordinary revenue as may be required to give effect to the terms and conditions of any sanction given by the Governor and Legislative Council or Governor in Executive Council, as the case may be, under this Ordinance in or towards the payment of the principal of any loan or the interest thereon or of both principal and interest.

#### PART IX.

##### ACQUISITION AND ALIENATION OF CORPORATE PROPERTY.

###### *Acquisition of Lands.*

Power to acquire land with the approval of the Governor.

151. The Corporation may, with the approval of the Governor in Executive Council, purchase or otherwise acquire or may take on lease any land for such purposes and on such terms and conditions as the Governor in Executive Council may approve, and the same may be conveyed or leased to and held by the Corporation accordingly.

###### *Power to sell or lease land.*

Power of sale, etc.

152. It shall be lawful for the Corporation with the consent of the Governor under the seal of the Colony but not otherwise to sell and alienate any land vested in them, and to demise any such land for any term exceeding ten years from the time when such lease shall be made. And it shall be lawful for the Corporation without such consent to lease or demise any such land for any term not exceeding ten years, provided the full rental value in respect of the same be reserved year by year on such lease or demise and no premium be payable in respect of the same.

#### PART X.

##### STREETS.

Streets vested in Corporation.

153. All streets being or which at any time become repairable by the Corporation, and the pavements, stones

and other materials thereof shall vest in and be under the management and control of the Corporation.

154. The Corporation shall from time to time cause all such streets to be levelled, paved, metalled, flagged, altered or repaired as occasion may require; and they may from time to time cause the soil of such street to be raised, lowered or altered as they may think fit, and may place and keep in repair fences and posts for the safety of foot passengers.

Maintenance  
and repair of  
streets.

155. No person shall break up or open the pavement, surface or soil of any street in the city for laying wires, or erecting posts, poles, hoardings or barricades, or for any other purpose whatsoever, without the previous consent of the Corporation, and every person offending against this enactment shall be liable to a penalty not exceeding five pounds, and any wires, posts, poles, hoardings or barricades so laid or erected without such consent as aforesaid, may be removed by the Corporation at the cost of the person so offending.

Breaking up or  
opening pave-  
ment.

Provided that this section shall not apply to the Director of Public Works or anyone authorized by him while discharging any duty imposed upon him by any Ordinance or other law.

Proviso.

156. Any damage done by the breaking up or opening of the pavement, surface or soil of any street shall be made good by the person interested in such operation, or may at the option of the Corporation be made good by them at the expense of such person, and such expense may be recovered in a Court of competent jurisdiction by action in the name of the Corporation.

Restoration of  
pavement.

157.—(1.) If any person shall encroach upon any street or any part thereof by:—

Encroachment  
upon streets.

(a.) building thereon, or any part thereof, any house or structure,

(b.) erecting, planting or digging thereon, any fence, hedge, ditch, arch, bridge, or drain,

(c.) in any other manner whatsoever,

every such person shall be guilty of an offence under this Ordinance, and shall be liable for every such offence to a penalty not exceeding twenty pounds.

(2.) It shall be lawful for the City Engineer to remove

every such obstruction or to cause such building or other structure, hedge, ditch, arch, bridge or drain or other encroachment to be removed taken down or filled up or opened at the cost of the person so offending.

Bridge over  
side drain.

158. It shall be lawful for the Corporation to remove any bridge or other structure erected or standing over the side drains of any street without the consent of the Corporation.

Fencing lands  
adjoining  
street.

159. The Corporation may, by written notice to the owner of any land adjoining any street, require such owner within a time to be specified in such notice to cause such land to be properly fenced to their satisfaction and, where the fence of any such land is allowed to be, or to remain, out of repair, to require such fence to be repaired to their satisfaction.

Penalty for  
non-compliance  
with notice.

160. An owner who makes default in complying with the requirements of any notice served upon him under the preceding section shall be liable to a penalty not exceeding £10 and to a further penalty of five shillings for every day that the default continues after written notice thereof from the Corporation.

Fountains,  
statues and  
monuments.

161. The Corporation may from time to time authorise the erection in any street or public place in the City of any fountain, statue or monument, and may maintain the same, as also any fountain, statue or monument erected within the City before the commencement of this Ordinance; and they may at any time remove any fountain, statue or monument erected in the City.

Corporation  
may plant  
trees in  
streets.

162. The Corporation may, if they think fit, plant and maintain trees in any streets vested in them, or in any squares under their control, and may from time to time, as they think fit, cut down, trim or remove such trees or any of them, and may erect guards for the protection of any trees planted by them.

Corporation  
may maintain  
or cut down  
trees.

163. The Corporation may also continue to maintain, trim and remove, as they shall think fit, all or any of the existing trees in any streets vested in them, or in any squares under their control.

*Private Streets.*

164. It shall be lawful for the Corporation, if they shall think fit, on the application of the owner of any lands adjoining any street not repairable by the Corporation, to agree with such owner to take over such street and to declare the same a street repairable by the Corporation, upon such terms and conditions as the Corporation shall think fit.

Corporation may take over streets not maintainable by them.

165. Where on an application made under the preceding section, the Corporation requires any works to be executed by the owner as a condition to their taking over any street not maintainable by them, the Corporation may agree with such owner to undertake themselves the execution of such works upon such terms and conditions as may be agreed upon between the Corporation and such owner; and the expenses incurred by the Corporation in the execution thereof shall be a debt due to the Corporation from the owner for the time being of the lands and premises abutting on such street, and, until repayment, shall be a charge on such lands and premises.

Execution of works prescribed as a condition of taking over private streets.

166.—(1.) Where any street within the City, (not being a street repairable by the Corporation) or any part of such street is not laid out, levelled, paved, metalled, drained, channelled and made good to the satisfaction of the Corporation, the Corporation may, by notice addressed to the respective owners of the premises fronting adjoining or abutting on such street or part thereof as may require to be levelled, paved, metalled, drained, channelled, or made good, require them to level, pave, metal, drain, channel or make good the same within a time to be specified in such notice.

Corporation may compel owners to pave, metal, &c., streets.

(2.) Before giving such notice the Corporation shall cause plans and sections of any structural works intended to be executed under this section, and an estimate of the probable cost thereof, to be made by the City Engineer; and such plans, sections and estimate, when approved by the Corporation, shall be deposited in the office of the City Engineer, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time specified in such notice; and a reference to such plans and sections in such notice shall be sufficient without requiring

Plans, &c., of intended works to be kept in City Engineer's Office.

any copy of such plans and sections to be annexed to such notice.

Corporation may execute works on owner's default; costs to be a charge on premises.

(3.) If such notice is not complied with within the time specified, the Corporation may, if they think fit, execute the works mentioned or referred to therein, and the expenses incurred by the Corporation in so doing, together with interest thereon at a rate not exceeding five per centum per annum from the date of the completion of the works, shall be a debt due to the Corporation by the owners for the time being of the premises mentioned or referred to in such notice in such proportion as shall be settled by the City Engineer and approved by the Corporation, and, until payment thereof to the Corporation, shall be a charge on the respective premises to the extent of the amount apportioned against each respectively.

Provisional apportionments of expenses among owners of premises affected by the notice.

(4.) Before commencing any works in such notice mentioned or referred to, the Corporation shall cause to be prepared by the City Engineer, as respects each street or part of a street in which it is intended to execute any such works, a provisional apportionment of the estimated expenses among the owners, and such apportionment shall be submitted to the Corporation, who may by resolution approve the same with or without modification as they may think fit.

Publication of resolution approving provisional apportionment.

**167.**—(1.) The resolution approving such provisional apportionment shall be published once at least in each of two successive issues in some local newspaper circulating within the City, and copies of such resolution shall be served on the owner of the premises shown as liable to be charged in such provisional apportionment, within ten days after the date of the first publication.

Objection to apportionment.

(2.) The owner of any premises shown in the provisional apportionment as liable to be charged with any part of the expenses of executing the works may, at any time within one month from the service of the resolution, by written notice served on the Corporation, object to the proposed works and the provisional apportionment on any of the following grounds; that is to say:

That the proposed works are insufficient or unreasonable, stating in what respect such works are considered by the objector to be

insufficient or unreasonable, or that the estimated expenses are excessive ;

That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection, or, (where the provisional apportionment is made with regard to other considerations than frontage as hereinafter provided) in respect of the degree of benefit to be derived by any person, or the amount and value of any work already done by the owner or occupier of any premises.

168.—(1.) The Corporation, shall, at the expiration of the said month, consider any objection made by any owner or owners of any premises shown in the provisional apportionment, and may make such amendments as they may think fit to the plan, specification, estimates and provisional apportionment. Corporation may amend plans, &c., after considering objections.

(2.) Where by reason of any amendments made by the Corporation, the amount apportioned upon any premises as shewn in the provisional apportionment served upon the owner or owners is increased, notice of such increased apportionment shall be served upon the owner or owners of the premises affected thereby, and objections may be made to such increased apportionment within such time as shall be fixed by resolution of the Council, and if made within such time, shall be dealt with and determined in like manner as objections to the provisional apportionment.

169. The Corporation may include in any works to be done under this part of this Ordinance with respect to any street or part of a street any works which they think necessary for bringing the street, or any part of the street, as regards drainage, level, or other matters, into conformity with any other streets whether repairable or not by the Corporation. Incidental works.

170. The Corporation in any estimate of the expenses of works under this part of this Ordinance may include a commission not exceeding £5 per centum on the estimated actual cost. Commission of 5 per cent.

171. In a provisional apportionment of expenses of any works carried out by the Corporation, the apportionment of expenses against the premises fronting, adjoining, or abutting on the street or part of a street in respect of which Apportionment of expenses.

the expenses are to be incurred shall, unless the Corporation otherwise resolve, be apportioned according to the frontage of the respective premises ; but the Corporation may, if they think just, resolve that in settling the apportionment regard shall be had to the following considerations ; that is to say :

- (a.) The greater or less degree of benefit to be derived by any premises from such works :
- (b.) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also if they think just, include any premises which do not front, adjoin, or abut on the street or part of a street, but access to which is obtained from the street through a court, passage or otherwise, and which in their opinion will be benefited by the works, and may fix the sum or the proportion of the expenses to be charged against any such premises accordingly.

Corporation  
may execute  
works.

172.—(1.) At any time after the expiration of one month from the date of the first publication of the resolution approving any provisional apportionment, and after any objections have been considered and dealt with by the Corporation, the Corporation may proceed to execute the works shown in the specifications, plans, sections, estimates and provisional apportionment, and when such works have been completed and the cost thereof ascertained, the City Engineer shall prepare a statement of the total cost of the works so completed and shall make a final apportionment of such expenses among the premises liable to be charged under this Ordinance.

Statement of  
total cost and  
final appor-  
tionment.

(2.) Such statement and final apportionment shall be submitted by the City Engineer to the Council, who, by resolution may approve the same with or without modification or addition as they shall think fit ; and such statement and apportionment, when so approved, shall be binding on all parties and conclusive for all purposes ; and notice of such final apportionment shall be served on the owners of the premises affected thereby.

Charge on  
premises.

(3.) Any premises included in the final apportionment and all estates and interests therein shall stand and remain charged with the sums finally apportioned on them respectively as from the date of the final apportionment,

with interest at the rate of £5 per centum per annum, computed from the completion of the works.

(4.) The Corporation shall keep a register of the charges under this part of this Ordinance, and of the payments made in satisfaction thereof, and such register shall be open to inspection by all persons at all reasonable times on payment of a sum not exceeding one shilling for each property or name searched for.

Register of charges.

173. The Corporation may, by order, declare any expenses apportioned upon any owner of any premises comprised in any final apportionment to be payable by instalments within such period not exceeding five years, as they may, in each case, think fit, with interest at a rate not exceeding £5 per centum per annum computed as aforesaid until the whole amount be paid.

Corporation may declare apportionment charge to be payable by instalments.

174. The Corporation, if they think fit, may at any time either before commencing any works which they are authorised to execute under Section 172 of this Ordinance or after the completion of such works, resolve to contribute a portion not exceeding one half of the expenses of any such works, or resolve, upon motion carried by not less than two-thirds of the whole number of members of the Council, to contribute any greater portion or the whole of such expenses out of the rates.

Corporation may contribute the whole or a portion of the cost of street works.

175. Where any premises are charged with a portion of the expenses of any work carried out by the Corporation under the foregoing sections, and (a) the owner of such premises has sold or agreed to sell a portion of such premises or (b) such premises have been or are about to be divided into separate premises, the Corporation may from time to time on the application of the owner and upon such terms and conditions as they shall think fit, apportion the sum charged on the original premises in such proportions as to them shall seem just.

Apportionment of charges on alienation or severance of portion of premises charged.

Every apportionment made under this section shall be binding on all parties and shall be conclusive for all purposes.

176. The Corporation, if they think fit, may from time to time (in addition and without prejudice to any other remedy) recover as a simple contract debt in any court of competent jurisdiction from the owner for the time being of

Power to recover expenses by action.

any premises in respect of which any sum is due and on which any such sum is charged for the expenses of any works executed under this part of this Ordinance, the whole or any portion of such sum, including any interest chargeable on such sum under this Ordinance.

*New streets.*

Every new street to conform to regulations in schedule.

177.—(1.) From and after the commencement of this Ordinance a new street shall not be laid out or constructed in any part of the City otherwise than subject to and in accordance with the regulations set out in the sixth schedule to this Ordinance, or any other regulations made under the powers conferred by this Ordinance in substitution for or in addition to such regulations.

Power to make new regulations in substitution for, or in addition to regulations in schedule.

(2.) Subject to the approval of the Legislative Council, to be expressed by Resolution, the Corporation may vary or revoke any of the Regulations in this section referred to, and may make all such other and further Regulations as may be necessary for the carrying out of this Part of this Ordinance, and may attach a penalty not exceeding £20 to the breach of any Regulation made under the provisions of this part of this Ordinance, and may attach a continuing penalty not exceeding £5 for every day during which such breach may continue after written notice thereof from the Corporation.

Power to vary position and direction and to fix beginning and end of new streets.

178.—(1.) The Corporation may, on the deposit of the plans and sections of any new street in pursuance of any regulations for the time being in force relating to the laying out and construction of new streets, by order vary the intended position, direction or termination or level of any such new street so far as is necessary for the purpose of securing a more direct, easier, or more convenient means of communication with any other street, or intended street, or for the purpose of securing, at either end of the new street an adequate opening, or of securing compliance with any enactment or regulation in force in the City for the regulation of streets and buildings.

(2.) The Corporation may also, by their order, fix the points at which the new street shall be deemed to commence or end, and the limits of the new street as determined by points so fixed shall have effect for the purposes of this Ordinance and of any Regulations relating to new

streets made by the Corporation under this or any other Ordinance.

(3.) Where the Corporation make an order under this section, a person shall not lay out or construct a new street<sup>e</sup> otherwise than in compliance with such order.

(4.) If any person acts in contravention of the provisions of this section he shall for every such offence be liable to a penalty not exceeding £10, and in the case of a continuing offence, to a further penalty not exceeding forty shillings for every day during which such offence shall continue. Penalty.

*Naming of streets and numbering of buildings and lots.*

179. The Corporation shall from time to time name all streets in the City and may from time to time rename any existing streets therein; and they shall number all new buildings and may from time to time renumber existing ones, and may also, from time to time, whenever they shall deem it expedient to do so, number and renumber any vacant lots in the city. Naming of streets, and numbering of houses.

180. The Corporation may cause the name of any new street to be painted on some conspicuous part of any building or erection in such street, or they may cause street name plates bearing the names of any streets named by them to be affixed on a conspicuous part of any building in such streets, and may also affix on a conspicuous part of any building a number plate bearing the number of such building. Painting up street names, and affixing of number plates.

181. The Corporation shall, as soon as possible, after they have named or renamed any street or numbered or renumbered any building or vacant lot of land, cause to be published in the *Royal Gazette*, and in at least one local newspaper circulating in the city, the resolution relating to the naming and renaming of such streets and numbering or renumbering of such houses or vacant lots, and shall also cause a sealed copy of every resolution to be deposited in the following places, that is to say;— Publication of resolution relating to naming or numbering.

One in the office of the Registrar-General.

One in the office of the Sub-Intendant of Crown Lands.

One in the office of the Registrar of the Supreme Court.

One in the office of the Colonial Secretary.

One in the office of the Town Clerk.

Evidence.

182. In any court of law and for all purposes the production of any one of such sealed copies or of a copy of the *Royal Gazette* containing a notice of such resolution shall be conclusive evidence that the name or number of any street, building or vacant lot of land has been altered as specified in such resolution; and the several premises therein mentioned shall be entered in the House rate book and the jury list by the numbers and names therein specified as the proper numbers and names by which to identify the same after the renaming or renumbering; and in the construction of all legal assurances or documents posterior in date to any such resolution the description of any premises according to the altered designation specified in such resolution shall be taken to apply to and comprise the same premises as were intended and included under the designation referred to in such resolution as that under which such premises were known before the date of such resolution.

Penalty for removal of, or defacing number or name plates.

183. Every person who destroys, pulls down or defaces any number plate or any street name plate put up by the Corporation, or who puts up any number plate or street name plate different from the number plate or street name plate put up by the Corporation, shall for every such offence be liable to a penalty not exceeding forty shillings; and in every such case it shall be lawful for the Corporation to pull down or remove any such number plate or name plate.

*Stoppage of Traffic during repairs of Streets, &c.*

Stoppage of traffic during repairs and for public safety.

184—(1.) It shall be lawful for the Mayor from time to time to order that during the execution of works and repairs in any street, or bridge, or any part thereof respectively, the traffic on any such street or bridge or part thereof shall cease and that such street or bridge or part thereof shall be closed to traffic during such time as the Mayor may deem requisite for the public safety or for the proper and efficient performance of such works or repairs; and notice of such order shall be publicly posted in or near the street or bridge to which such order relates.

Penalty.

(2.) Any person who shall pass over, or be in or upon any such street or bridge or any part thereof in contraven-

tion of such notice shall be guilty of an offence and shall on conviction thereof be liable to a penalty not exceeding forty shillings.

*Removal of Poles, &c.*

135. Where, in the opinion of the Corporation it is necessary or expedient on public grounds, or for any purpose, that any post or pole erected in any street of the City should be removed from its present position, it shall be lawful for the Corporation to give notice to that effect to the person by whom such post or pole was erected, and in such notice to require such person to remove such post or pole within a fixed time to be specified in such notice, not being less than seven days from the date of the service of such notice: and if such person shall refuse or neglect to comply with such notice, he shall be liable to a penalty not exceeding ten pounds, and to a further penalty not exceeding five pounds for each day during which the posts or poles so required to be removed shall remain unremoved.

Corporation may order removal of posts.

136. When any person authorised by any special Ordinance to erect any posts or poles on any streets vested in and under the control of the Corporation intends to erect any post or pole in any such street, such person shall make application in writing to the Corporation stating the circumstances which render necessary the erection of such posts or poles, and the purpose for which they are intended, and specifying the name of the street and the particular part thereof in which such post or pole is to be erected, and the day on which the work is proposed to be commenced (not being less than seven days from the date of the application): and such person shall not erect any such post or pole except with the consent of the Corporation, and every post or pole so erected shall be erected at such particular part or place in the street as the City Engineer shall approve of, and under his superintendence. Provided that where such consent is refused or withheld, it shall be lawful for such person within ten days of such refusal to appeal therefrom by Memorial addressed to the Governor in Executive Council, (a copy of

Application to erect poles.

which shall at the same time be delivered to the Corporation) and the Governor may make such order in the matter as to him may seem just, and his decision shall be conclusive and binding on all parties.

Erecting pole  
without pre-  
vious consent  
of Corporation.

187. If any person shall erect any post or pole without the previous consent of the Corporation in any street in the city not approved of by the City Engineer, such person shall be liable to a penalty not exceeding ten pounds, and to a further penalty of five pounds for each day during which any such post or pole shall be left standing.

#### *Obstruction of Drains.*

Penalty for  
obstructing  
drains, etc.

188. If any person shall impede the free flow of water in, or dam or fill up or otherwise obstruct

(a.) any ditch or drain in or adjoining any street, or

(b.) any ditch, drain or watercourse from any street which shall be connected with any ditch, drain or watercourse being in or upon any land, or

(c.) any ditch, drain or watercourse on any land into or through which the water of any ditch, drain or watercourse in the last preceding sub-section mentioned shall flow, or

(d.) any ditch, drain or watercourse under any street,

every such person shall be guilty of an offence under this Ordinance, and shall forfeit and pay for every such offence any sum not exceeding ten pounds.

#### *Footways.*

Owner of  
premises may  
pave footway.

189. It shall be lawful for the owner of any premises to pave the footway of any street on which such premises shall abut with such materials and in such manner as the City Engineer shall approve. Before commencing such paving such owner shall give notice in writing to the City Engineer of his intention to pave such footway, specifying in such notice the extent of footway proposed to be paved, and the day on which it is proposed to commence the work, not being less than ten days from the date of such notice :

and one half of the expenses incurred in such paving shall be paid to such owner by the Corporation upon the certificate of the City Engineer that the work has been executed to his satisfaction and that the expenses incurred for the same are fair and reasonable.

190. Whenever any footway or any part thereof in any street in the City is not, in the opinion of the Corporation properly paved, or requires to be repaved, it shall be lawful for the Corporation to pave or repave the same with such materials and in such manner as they shall think fit, and one half of the expenses incurred by the Corporation in executing such paving or repaving works shall be borne by the owners of the premises fronting, adjoining or abutting on such footway according to the frontage of their respective premises and in such proportion as shall be settled by the City Engineer and approved by the Corporation, and, until payment, shall be a charge on the said several premises to the extent of the apportioned share of such expenses in respect of each of such premises respectively.

Corporation  
may pave or  
repave  
footways.

Provided always that after any such footway shall have been paved or repaved under the provisions of this section the owner or occupier of the premises fronting or adjoining or abutting on such footway shall not be again chargeable with any other repavement thereof.

Proviso.

191.—(1.) Before commencing any work under the preceding section the City Engineer shall by notice addressed to the respective owners or occupiers of the premises fronting, adjoining or abutting on such footway or parts of footway as it is intended to pave or repave, notify them of the intention of the Corporation to pave or repave the same, and shall prepare an estimate of the probable cost of the paving or repaving works, such estimate to be kept in the office of the City Engineer and to be open at all reasonable hours of the day for the inspection of all persons interested during the period of time specified in such notice.

Engineer to  
notify owner  
of intention to  
pave.

(2.) When the paving works contained in the estimate of the City Engineer have been completed and the expenses thereof ascertained, the City Engineer shall prepare a statement of the total cost of the paving works so completed,

Apportion  
ment of cost  
of work.

and shall make an apportionment of one half of such expenses among the premises liable to be charged therewith under this Ordinance; and this statement and apportionment shall be submitted to the Corporation, who may approve the same with or without modification or addition as they may think fit, and such statement and apportionment when so approved, with or without modification or addition, as the case may be, shall be conclusive and binding on all parties; and the sum appearing in such apportionment as payable by the owner of each of the premises mentioned as fronting, adjoining or abutting on the footway or portion of the footway included in such statement and apportionment shall be payable by each such owner by three equal yearly instalments (the first of such instalments to be paid one year from the date of the service on such owner of the notice of such apportionment) together with interest at a rate not exceeding six per centum per annum until the whole apportioned sum is paid: and any such instalment with interest thereon, or any part thereof respectively, may without prejudice to the power of sale conferred by the Public Authorities (Rates and Charges Recovery) Ordinance, 1913 be recovered by action in any Court of competent jurisdiction from the present or any future owner, or from any tenant or occupier, for the time being, of such premises.

(3.) The notice of apportionment to be served on the owner under this section may be according to the form in the seventh schedule to this Ordinance.

(4.) Any tenant or occupier paying any such instalment and interest may deduct the amount so paid by him from the rent payable by him in respect of such premises or recover the same from the owner for the time being as money paid at the request of such owner.

Power to alter  
line of and to  
widen or  
lessen  
footpath.

192. The Corporation in order to secure a regular line and satisfactory width and level for the footpaths in any street, may after notice to the owner of the premises fronting, adjoining or abutting on such street, alter the line of the footpath, cut down, reduce or level up any portion thereof, widen or lessen such footpath and carry out such other operations as may be necessary or desirable for the

improvement of the footpath: Provided always that when any such operations shall necessitate the removal of any wall or other structure on the premises of any such owner or cause any damage thereto, the Corporation shall make good and repair all damages caused by such operations.

193. It shall be lawful for the Corporation to make such regulations as they shall think proper, prescribing the means and conditions by and under which carriages, carts and other vehicles shall be allowed to pass over any footway to go into and come out of any premises adjoining or abutting on such footway, and to impose penalties for the breach of all or any of such regulations.

Regulations as to carriages entering and leaving premises.

194. All regulations made under this part of this Ordinance shall be published in the *Royal Gazette*.

Regulations to be Gazetted.

#### *Signboards.*

195. It shall not be lawful for any person to retain, erect, fix or hang to, on, or along any building, any signboard, flagstaff, or other matter or thing, except at a height of not less than ten feet from such footway and in alignment with the building and so that the same do not project from such wall more than twelve inches over any footway measured at right angles to the face of such wall.

Certain signs prohibited.

196. It shall not be lawful for any person to hang or allow to project over any street any blind, shade, or awning.

Awnings.

197. It shall not be lawful for any person to hang or allow to project over any footway any blind, shade or awning at a less height than ten feet from any footway.

Length of awning.

198. It shall not be lawful for any person to use any blind, shade or awning as an advertisement, or advertise or suffer or allow to be advertised any matter or thing thereon except the name of the person or firm in occupation of the building to which it is attached.

Advertising on awning.

199. It shall not be lawful for any person to write, paint, stencil or otherwise mark or cause to be written, painted, stencilled or otherwise marked any advertisement, matter, or thing on any footway or street.

Advertising on footways, &c.

**Hanging goods over footway.** **200.** It shall not be lawful for any person to fix, hang, or expose any merchandise so that the same projects or hangs over any part of any footway or street.

**Signs contrary to Ordinance may be removed.** **201.** If any sign-board, matter or thing is erected or retained contrary to the provisions of this Ordinance, it shall be lawful for the Corporation to cause the same to be removed and taken away after giving six hours' notice in writing to the occupier of the premises of the Corporation's intention so to do, and the expenses of and incidental to such removal shall be recovered in a summary manner as a fine in addition to the penalty incurred for breach of the provisions hereof.

**Interpretation.** **202.** In Sections 195 to 201 (both inclusive) the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:—

“Sign-Board” means any sign, board, frame or other contrivance or thing employed wholly or in part for the purpose of an advertisement or announcement.

“Footway” means the space between any line of buildings and the inner line of the side drain of a roadway.

“Street” means the space between the side drains of any roadway and shall include such side drains.

**Penalty.** **203.** Any person offending against any of the provisions of Sections 195 to 201 (both inclusive) of this Ordinance shall for every such offence be liable to a penalty not exceeding £5, and to a further daily penalty not exceeding twenty shillings for every day during which he shall continue such offence after service on him of a notice by the Corporation in writing requiring him to remove any sign-board, matter or thing erected or retained contrary to the provisions of this part of this Ordinance.

**Recovery of Penalties.** **204.** All offences under this part of this Ordinance, or any regulations made thereunder, and all forfeitures, penalties, costs and expenses recoverable in respect thereof, shall be prosecuted and recovered in a summary manner on information or complaint before the Commissioner, and the proceedings in all such cases shall be according to the Summary Conviction Offences (Procedure) Ordinance No. 1,

and such Commissioner shall, for this purpose, have all the powers and jurisdiction conferred on a Magistrate under the provisions of the last mentioned Ordinance.

All such penalties, forfeitures, costs and expenses shall be paid to the Commissioner for the use of the Corporation.

## PART XI.

### BUILDINGS.

#### *Definitions.*

205. In and for the purposes of this Part of this Ordinance, the following words and expressions shall have the meanings hereinafter assigned to them, that is to say:—

(1.) "Builder" means the person who is employed to build or to execute any work on a building or structure; or, where no such person is so employed, the owner of the building or structure.

(2.) "Building of the Warehouse Class" means a warehouse, factory, manufactory, brewery, distillery, foundry, and every other building not being either a domestic or a public building.

(3.) "Domestic Building" means a dwelling house or an office building or other out-building appurtenant to a dwelling house, whether attached thereto or not, or a shop or any other building not being a public building or of the warehouse class.

(4.) "Dwelling House" means a building used or constructed or adapted to be used wholly or principally for human habitation.

(5.) "Habitable Room" means a room constructed or adapted to be inhabited.

(6.) "Inhabited"; the expression "inhabited" applied to a room means a room in which some person passes the night, or which is used as a living room, including a room with regard to which (until the contrary is proved), there is a presumption that some person passes the night therein or that it is used as a living room.

(7.) "Public Building" means a building used or constructed or adapted to be used either ordinarily or occasionally, as a church or chapel, or other place of public

worship, or as a hospital, workhouse, college, school (not being merely a dwelling house so used), theatre, public hall, public concert room, public ball room, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto by tickets or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any public purpose.

*Alteration of Buildings.*

Additions to  
and alter-  
ations of  
buildings.

206.—(1.) Every addition to or alteration of any building, and any other work made or done for any purpose in or upon any building, (except that of necessary repair not affecting the construction of any external or party-wall) shall, so far as regards such alterations or additions or such other work, be subject to the provisions of this Part of this Ordinance and of the regulations in the eighth schedule to this Ordinance, or any other building regulations made hereunder.

(2.) It shall not be lawful (except with the consent of the Corporation) to make any alterations to any building in such a manner that, when so altered, it will, by reason of such alteration, not be in conformity with the provisions of this Ordinance or of any regulations herein contained or made under any powers conferred by this Ordinance.

*New Buildings.*

New building  
to conform to  
regulations.

207. From and after the commencement of this Ordinance a new building shall not be constructed in any part of the City otherwise than subject to and in accordance with the regulations set out in the eighth schedule to this Ordinance, or any other regulations made under the powers conferred by this Part of this Ordinance in substitution for or in addition to such regulations.

“New Build-  
ing” extended  
definition of.

208. For the purposes of this part of this Ordinance and of the regulations in the eighth schedule hereto, and of any regulations made in addition to or in substitution for such regulations, each of the following operations, namely:

- (a.) The re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest story of the

- building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest story ;
- (b.) The conversion into a dwelling house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only ;
- (c.) The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house ;
- (d.) The making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only ; and
- (e.) The roofing or covering over of an open space between walls or buildings ;

shall be deemed to be the erection of a new building.

209. Subject to the approval of the Legislative Council, to be expressed by resolution, the Corporation may vary or revoke any of the regulations in the Eighth Schedule to this Ordinance and may make all such other and further regulations as may be necessary for the carrying out of this part of this Ordinance, and may attach a penalty not exceeding £20 to the breach of any regulation made under the provisions of this part of this Ordinance, and may attach a continuing penalty not exceeding £5 for every day during which such breach shall continue, and may vary and annul any such regulations.

Power to make Regulations.

210. On the application of any building owner the Corporation, in any case in which they shall think it expedient so to do, may dispense with the observance of any of the regulations contained in the Eighth Schedule hereto on such terms and conditions as they may think proper, and in case of the non-observance of any terms or conditions upon which the Corporation may have dispensed with the observance of any such regulations, such liabilities shall be incurred by the building owner and such proceedings may

Power to dispense with Regulations on such terms as the Corporation may impose.

be taken by the Corporation as if such terms and conditions had been enacted by such regulations.

Certificate of compliance with building regulations.

211. It shall not be lawful to let or occupy, or suffer to be occupied, (except by caretakers not exceeding two in number), any new building or any building in course of construction at the date of the commencement of this Ordinance unless the City Engineer shall have certified in writing that such building complies in every respect with the provisions of this part of this Ordinance, and of all regulations made by the Corporation with respect to new buildings.

Corporation may remove or pull down works executed contrary to Ordinance or regulations.

212.—(1.) If any building is commenced or completed, or any work to which any of the provisions of this Ordinance or any regulations contained in this Part of this Ordinance or made hereunder may apply is begun or done in contravention of any of the provisions of this Part of this Ordinance or of any such regulations, the Corporation may, by notice in writing served upon or delivered to the person by whom such building shall be commenced or completed, or such work begun or done, require such person on or before a day to be specified in such notice, by a statement in writing under his hand and addressed to and duly served upon the Corporation, to show cause why such building or such work shall not be removed, altered, or pulled down: or require such person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised in writing in that behalf before the Corporation and show sufficient cause why such building or such work should not be removed, altered or pulled down.

(2.) If such person shall fail to show sufficient cause why such building or such work should not be removed, altered or pulled down, the Corporation may remove, alter, or pull down the same, and the expenses incurred by the Corporation in removing, altering or pulling down such building or such work shall be repaid by such person, and shall be a debt due to the Corporation by the owner and, until repayment, shall be a charge on the premises on which such building shall have been commenced or completed, or such work executed, in contravention of the provisions of this part of this Ordinance or of any such regulations.

(3.) The power conferred by this section shall be in addition and without prejudice to any other remedy provided by this Part of this Ordinance or by any such regulations for the recovery of any penalties for breach of any building regulations contained in this Ordinance or any other regulations made hereunder.

Power conferred by this section to be in addition to any other remedy for breach of Regulations.

213.—(1.) The deposit of any plans or sections of any building, in pursuance of this Part of this Ordinance or of the regulations relating to new buildings for the time being in force, may, by notice in writing to the person by whom the plans or sections have been deposited, be declared by the Corporation to be of no effect if the work to which the plans or sections relate is not commenced within twelve months from the deposit of such plans or sections.

Plans deposited to be of no effect if building is not commenced within 12 months.

(2.) The Corporation shall attach a notice of the provisions of this section to their approval of every such intended work in relation to which plans and sections have been deposited with them.

Corporation to attach notice of the above provisions to their approval of plans.

214. No piece of land shall be used as a site for the erection of any building unless such site is of such a shape that the front of the building can be made parallel to the line of the street which such building faces, or as nearly parallel to such line as the Corporation may consider practicable.

Building sites—Requisites of.

215. No person shall erect any building or structure, or construct any foundation of any building or structure, upon any site which shall have been filled up with any material impregnated with faecal matter or impregnated with any animal or vegetable matter, or upon which any such matter may have been deposited, unless and until such matter shall have become innocuous or been properly removed by excavation from such site, nor until all holes caused by such excavation shall have been filled up with hard brick, dry inorganic material, concrete, or other suitable material to be approved of by the City Engineer.

Buildings on land impregnated with faecal matter—Conditions on which allowed.

216. No building shall be constructed over any drain, ravine, or storm water channel, except with the written permission of the Corporation, and upon such conditions as the Corporation may impose.

Building over drains not allowed except by special leave.

Notice of  
intention to  
erect new  
building.

217.—(1.) Every person who intends to erect a new building or alter a building shall give to the Corporation notice in writing of such intention, which shall be delivered or sent to the City Engineer at his office at the Town Hall, and he shall at the same time deliver or send to the City Engineer at his office aforesaid complete plans and sections of every floor of such building, which shall be drawn in duplicate, in ink, on tracing linen to a scale of not less than one inch to every eight feet, and shall show the position, form and dimensions of the several parts of such building, and of every water closet, earth closet, privy, gully and drain and of every appurtenance, and in which the building shall be so described as to show whether it is intended to be used as a dwelling house or otherwise.

Deposit of  
plans and  
Sections.

(2.) Such person shall, at the same time, deliver or send to the City Engineer at his office aforesaid, a description in writing of the materials of which it is intended that such building shall be constructed, and of the intended mode of drainage.

(3.) Such person shall, whenever required by the Corporation, at the same time deliver or send to the City Engineer at his office aforesaid, a block plan of such building, which shall be drawn to a scale of not less than one inch to every forty-four feet, and shall show the position of the building and of the appurtenances of the buildings immediately adjoining, the width and level of the streets abutting thereon, the level of the lowest floor of such building, and of any yard or grounds belonging thereto.

(4.) Such person shall also show on such plan the intended lines of drainage of such building, and the intended size, depth and inclination of each drain.

(5.) The City Engineer shall, within seven days after the delivery to him of any notice, plan, section or description of any work required by the provisions of this Part of this Ordinance, or by any Regulations made hereunder to be submitted to him for approval, signify in writing his approval or disapproval of the intended work to the person proposing to execute the same.

218. Every person who shall intend to erect or alter any building or otherwise to execute any work to which any of the Regulations contained in or made under this Part of this Ordinance relating to new buildings may apply, shall before beginning to erect such building or to execute such work, deliver or send to the City Engineer at his office aforesaid a notice in writing in which shall be specified the date on which such person will begin to erect such building or to execute such work.

Notice of day  
on which work  
will commence.

219. Where a person who shall erect or alter a building or shall execute any other work to which any Building Regulations contained in or made under this Part of this Ordinance may apply, shall at any reasonable time during the progress or after the completion of the erection of such building or of the execution of such work receive from the City Engineer notice in writing specifying any matters in respect of which the erection of such building or the execution of such work may be in contravention of any such Regulations and requiring such person within a reasonable time, which shall be specified in such notice, to cause anything done contrary to any such Regulations to be amended or to do anything which by any such regulations may be required to be done but which has been omitted to be done, such person shall, within the time specified in such notice, comply with the several requirements thereof so far as such requirements relate to matters in respect of which the erection of such building or the execution of such work may be in contravention of any such regulations, and shall within a reasonable time after the completion of any work which may have been executed in accordance with such requirements, deliver or send to the City Engineer at his office notice in writing of the completion of such work, and shall at all reasonable times within a period of three days after such notice shall have been so delivered or sent afford the City Engineer free access to such work for the purpose of inspection.

Contravention  
of Regula-  
tions; Notice  
by City  
Engineer.

220. Every person who shall erect or alter a building or shall execute any other work to which any building regulations contained in or made under this Part of this Ordinance shall apply, shall at all reasonable times during the erection of such building or the execution of

Access to  
works by City  
Engineer.

such work, afford the City Engineer and his duly authorised assistants free access to such building or work for the purpose of inspection.

Notice of completion of Building.

221. Every person who shall erect or alter any building shall within fourteen days after the completion of the erection of such building deliver or send to the City Engineer at his office at the Town Hall notice in writing of the completion of the erection or alteration of such building, and shall at all reasonable times within fourteen days after such notice, and before such building shall be occupied, afford the City Engineer and his assistants free access to every part of such building for the purpose of inspection.

Penalty for breach of regulations with respect to new buildings.

222. Any person who shall erect or who shall alter any building without giving the notices or without delivering the plans and sections required to be given and delivered by this Part of this Ordinance; or who shall erect any new building or who shall alter any building without having the plans thereof approved by the Corporation; or who shall erect any new building or alter any building in any wise contrary to the plans and sections which have been approved by the Corporation; or who shall otherwise offend against any of the provisions of this Part of this Ordinance or of any Building Regulations contained in the Eighth Schedule to this Ordinance relating to new buildings, or any other regulations made under this Part of this Ordinance, shall for each offence be liable to a penalty not exceeding £20, and in case of a continuing offence to a further penalty not exceeding £5 for every day during which such offence continues after notice thereof from the Corporation.

Owner as well as builder to be liable for contravention of regulations.

223.—(1.) The owner as well as the builder shall each be liable for any act, matter or thing done or omitted to be done in contravention of any of the provisions of this Ordinance or of any regulations in force relating to new buildings.

(2.) Provided that this enactment shall not prejudice any remedy of an owner or other person against the builder.

Authenticat-  
tion of notices,  
&c.

224. All notices or orders under this part of this Ordinance or under any regulations for the time being in force relating to new buildings shall be sufficiently authenticated if signed

by the City Engineer, or by any officer duly authorised in that behalf by the Corporation.

225. All notices served by the Corporation or the City Engineer on the Builder shall be as valid and binding against the owner by whom such builder is employed as if such notice had been served on such owner.

Notice served on builder to be binding on owner.

226.—(1.) Where any person deems himself aggrieved by any order or requirement of the Corporation under this Part of this Ordinance or under any regulations relating to new buildings for the time being in force, such person may within seven days after the service of such order or requirement appeal to the Commissioner, and such Commissioner may confirm or vary such order or requirement, and may make such order in the matter as to him may seem proper.

Appeal by person aggrieved.

(2.) If such order is not complied with, the person on whom it is made shall be guilty of an offence under this Ordinance, and shall be liable for every such offence to a penalty not exceeding £10 and to a further penalty not exceeding forty shillings for every day during which such non-compliance shall continue.

227. Where any person deems himself aggrieved by an order, determination or conviction of the Commissioner under this part of this Ordinance, such person may appeal therefrom to the Full Court, subject to the conditions and regulations following:—

Appeal to full Court.

(1.) The Appellant shall, within ten days from the date of the order, determination or conviction give notice to the other party and to the Commissioner of his intention to appeal, and along with such notice he shall give a statement in writing of his grounds of appeal.

(2.) Within seven clear days after giving such notice as aforesaid, the appellant shall enter into a recognizance before a Magistrate or Justice with a surety or sureties in the sum of £30 at least, conditioned to appear and prosecute such appeal at the next sitting of the Full Court, and to abide the order of and pay such costs as shall be awarded by such Court at such sitting or any adjournment thereof.

Provided that in the event of any appeal by the Cor- Proviso.

poration it shall not be necessary for the Corporation to enter into any recognizance whatsoever.

(3.) The Chief Clerk in the office of the Commissioner shall forthwith cause to be served upon the respondent or his solicitor a copy certified under his hand of the notice of appeal, and shall notify the appellant and the respondent or their solicitors respectively of the day on which the appeal will in the ordinary course of business be on the list for hearing before the full Court.

Proviso.

Provided always that the appellant shall not be heard in support of such appeal unless such notice and statement have been given and such recognizance entered into as aforesaid, nor, on the hearing of the appeal, shall he go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

*Public Buildings.*

Public Building—  
Precautions  
for safety of  
the public.

228. Every person who shall erect a public building shall cause the same to be erected and maintained with such precautions for the safety of the public as, having regard to the special purpose for which such building is intended to be used, shall be prescribed or approved by the Corporation.

Engineer may  
enter and  
inspect.

229. The City Engineer, and any other person authorized in that behalf by the Corporation, may, at all reasonable times during the construction and after the completion of any public building, and at all times during which any building shall be used as a public building, enter and inspect the same for the purpose of ascertaining whether such building is in conformity with the provisions of this Ordinance or any regulations made by the Corporation with regard to public buildings.

Public build-  
ings not to be  
used until  
approved.

230.—(1.) No public building shall be used as such unless and until the Corporation by notice in writing addressed to the owner thereof, shall have declared their approval of the construction thereof, and of its suitability for the purpose for which it is proposed to be used.

Alteration to  
be approved  
by Corpora-  
tion.

(2.) After the Corporation shall have declared their approval, no work affecting or likely to affect such building, shall be done to, in or on such building without the approval of the Corporation.

231. Where it is proposed to convert or alter any building, erected for a purpose other than a public purpose, into a public building, such conversion or alteration shall be carried out, and such building shall be constructed, in such manner as shall be approved by the City Engineer, and the provisions of this part of this Ordinance and of any regulations made by the Corporation applicable to public buildings shall apply to such alteration or construction, as if it were the construction of a public building.

Conversion into a public building of building erected for other purposes.

232.—(1.) Whenever it appears to the Corporation that any place in the City used as a public building is not so constructed or maintained as to afford necessary protection to all persons who may resort thereto, the Corporation may by notice in writing require the owner of such place, within a reasonable time to be specified in such notice, to make such alterations therein or thereto as shall be approved by the Corporation.

Corporation may require alterations necessary for safety of the public.

(2.) In case such owner fails to comply with the requirements of such notice within the prescribed time, he shall be liable to a penalty not exceeding £20, and to a further penalty not exceeding £5 for every day after the first day after the expiration of such reasonable time as aforesaid during which such default continues.

Penalty.

(3.) The Corporation may, in lieu of such notice, or concurrently therewith, or at any time thereafter, and without prejudice to the recovery of penalties for the non-compliance therewith, by notice in writing served upon the owner of such place, require such owner on or before a date to be specified in such notice, by statement in writing under his hand addressed to the Corporation, to show cause why such building should not cease to be used as a public building, or require such person, on such date and at such time and place as shall be specified in such notice, to attend personally or by an agent duly authorized in writing in that behalf before the Corporation, and show sufficient cause why such building should not cease to be used as a public building.

Owner may be required to show cause why building should not cease to be used as a public building.

(4.) If such owner shall fail to show sufficient cause why such building should not cease to be used as a public building, the Corporation may by order addressed to the

Failure to show cause.

owner thereof, prohibit the use of such place as a public building.

Penalty.

(5.) Every person who, after notice of a prohibition order issued by the Corporation under this section, uses or allows or suffers such building to be used as a public building, shall be liable to a penalty not exceeding £20 for every day during which he allows or suffers the same to be used, or during which he uses the same, (as the case may be), after such notice of prohibition.

*Verandahs, Balconies, Sunshades, &c.*

Verandahs,  
etc., projecting  
over street.

**233.** No person shall put up any verandah, balcony, sunshade, weather-frame, or the like, so as to project over any street, except with the permission of the Corporation, and in the event of such permission being given, then under and subject to such terms and conditions as shall be therein prescribed.

Provided that in no case shall any such verandah, balcony, sunshade, weather-frame, or the like projection, be supported on pillars resting on the street.

Doors not to  
open over  
public  
thoroughfare.

**234.** It shall not be lawful for any person to make any door, window or gate in such manner as to open over a public thoroughfare, nor to project any doorstep or landing into or across any public footpath nor to extend or affix any sunshade, signboard, lamp, grating, gutter or other unauthorized projection from any building in such manner as shall cause obstruction, danger or annoyance in any street or to passengers thereon or so as to cause encroachment on or over any street; provided that in the case of theatres and other public buildings the doors may with the consent of the Corporation be made to open outwards over a public thoroughfare; and provided further that, with respect to all buildings, the mouldings, cornices, or other architectural embellishments and eave gutters may project over a street to an extent not exceeding eighteen inches.

*Dangerous Buildings.*

Dangerous  
building—  
Notice to  
Owner.

**235.—(1.)** Whenever any structure abutting on any street shall be deemed by the City Engineer to be dangerous to passengers along such street, the City Engineer shall give notice in writing to the owner of such structure requiring him forthwith to take down, secure or

repair the same, as the case may require, within a time to be specified in such notice, and if such owner shall not begin to take down, repair, or secure such structure within the space of three days after service upon him of such notice, and complete such repairs, or take down or secure such structure within the time specified in such notice, the City Engineer may make complaint thereof before the Commissioner, and it shall be lawful for such Commissioner to order the owner to take down, secure or repair, to the satisfaction of the City Engineer, the same or such part thereof as appears to such Commissioner to be in a dangerous state, within a time to be fixed by him in such order.

(2.) The term "structure" in this section includes "Structure." any building, wall or other structure, or anything affixed to or projecting from any building, wall or other structure.

(3.) If such order is not complied with within the time therein prescribed, the person on whom such order is made shall be guilty of an offence under this Ordinance, and shall be liable to a penalty not exceeding £20, and to a further penalty not exceeding forty shillings for every day during the continuance of such non-compliance. Penalty on noncompliance with order.

(4.) Whenever it shall be made known to the Corporation that any internal part of any building, (including any wall, partition or ceiling of any building) is in a state dangerous to any occupier of such building or of any neighbouring building, the Corporation shall cause the same to be surveyed and examined by the City Engineer, and if the City Engineer, on such survey and examination shall be satisfied that such structure is in a state dangerous to any such occupiers as aforesaid, he shall serve a notice in writing on the owner of such building requiring him forthwith to have the same shored up or otherwise secured for the protection of such occupier and to take down, secure, or repair the same, as the case may require, within a time to be specified in such notice. Dangerous internal part of building.

(5.) If the owner shall fail, within the time therein specified, to comply with any notice served upon him under this section, the City Engineer may make complaint thereof before the Commissioner, and it shall be lawful Failure to comply with notice.

for such Commissioner to order the owner to take down, secure or repair to the satisfaction of the City Engineer, the same or such part thereof as shall appear to such Commissioner to be dangerous to any occupier, within a time to be fixed by him in such order.

Penalty.

(6.) If such order is not complied with within the time therein prescribed, the owner on whom such order is made shall be guilty of an offence under this Ordinance, and shall be liable to a penalty not exceeding £20, and to a further penalty of forty shillings for every day during the continuance of such non-compliance.

Demarcation  
of lands  
appurtenant  
to buildings.

**236.** The owner of any lands in the City shall, whenever required by the Corporation by notice in writing, cause to be prepared and delivered to the Corporation within a period of fourteen days from the service of the notice, a plan of such lands showing the boundaries thereof in relation to some fixed point, and in case any portion of such lands has been leased or let in plots whereon any building or buildings have been erected, showing also the boundaries of every such plot, and the building or buildings, (if any), standing on such plot.

Any owner who makes default in complying with the requirements of any notice served upon him under this section shall be liable to a penalty not exceeding £10 and to a further penalty not exceeding five shillings for every day during which such non-compliance continues after written notice thereof from the Corporation.

### *Hoardings.*

Hoardings,  
&c., not  
allowed on  
footway or  
street, except  
by permission  
of City  
Engineer.

**237.**—(1.) Except with the permission of the City Engineer, who may grant such permission upon a written application and upon such terms and conditions as he may consider necessary to provide for the safety and convenience of passengers and of the occupiers of adjoining premises, no public footway or thoroughfare shall during any building operations or otherwise be occupied by any hoarding or scaffolding or by any building materials whatever.

Ground  
occupied by  
hoarding, &c.,  
to be enclosed.

(2.) In all cases the ground so occupied shall be enclosed by the person obtaining such permission with a hoarding for the protection of passengers, and the side drains

shall in no way be obstructed by any such hoarding or by any building materials or any building debris.

*Notice of intention to remove buildings.*

**238.**—(1.) It shall not be lawful for any person to pull down or to remove any building from the site on which it stands unless he shall, not more than fourteen days and not less than two days, before such removal, have given to the City Engineer notice in writing of his intention to pull down or remove such building. No building to be pulled down or removed except after notice to the Corporation.

(2.) The notice to be given under this section may be according to the form "A" in the ninth schedule to this Ordinance, or in such other form as may hereafter from time to time be prescribed by the Corporation. Form.

(3.) The owner of the land from which any house shall have been removed shall within seven days after such removal notify the City Engineer thereof, and shall within the same period of time, send in to the Town Clerk a return of ownership in respect of the land on which such house formerly stood. Owner of land to notify removal of house therefrom.

(4.) The notice to be given by such owner shall be according to the form "B" in the ninth schedule to this Ordinance. Form.

(5.) Every owner of any land who shall fail or neglect to give such notice within the time prescribed by this section shall for every such offence be liable to a penalty not exceeding £5.

**239.**—(1.) Any person who shall pull down or remove any building from its site, and any owner of any building who shall cause, permit or suffer any building to be removed from such site without having first given the notice prescribed by the preceding section, shall be guilty of an offence, and shall be liable on conviction thereof to a penalty not exceeding £10. Penalty for removing or pulling down building without notice.

(2.) Every building pulled down or removed in contravention of this section shall be deemed to have been pulled down or removed by the owner thereof.

**240.** All offences under this part of this Ordinance, or any regulations made thereunder, and all forfeitures, penalties, Recovery of penalties.

costs and expenses recoverable in respect thereof, shall be prosecuted and recovered in a summary manner on information or complaint before the Commissioner; and the proceedings in all such cases shall be according to the Summary Conviction Offences (Procedure) Ordinance, No 1, and such Commissioner shall, for this purpose, have all the powers and jurisdiction conferred on Magistrates under the provisions of the last mentioned Ordinance.

All such penalties, forfeitures, costs and expenses shall be paid to the Commissioner for the use of the Corporation.

## PART XII.

### MARKETS, SLAUGHTER-HOUSES AND COLD STORES.

#### *Markets.*

#### Definitions.

**241.** In and for the purposes of this part of this Ordinance the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:—

“Clerk of the Market” means the person appointed by the Corporation to keep any market, or any other person for the time being acting as Clerk of the Market or performing the duties of such clerk under the authority of the Corporation.

“Cold Stores” means any premises or place used for keeping and preserving by a refrigerating process any fresh meat, game, fish, fruit, vegetables or other articles intended for the food of man.

“Fresh Meat” means meat of any cattle, sheep, goat, pig or turtle, slaughtered for sale, and includes imported fresh meat.

“Marketable Commodities” means fresh meat, fish, ground provisions, vegetables and fruit.

“Public Market” means any place appointed a public market by the Corporation under this part of this Ordinance for the sale of marketable commodities, and includes all buildings, works, sheds, covered and open spaces and grounds comprised within the place so appointed.

242.—(1.) It shall not be lawful to hold any public market for the sale of fresh meat, fish and other marketable commodities in any place in the city not being a Public Market. Markets to be held only in places appointed.

(2.) The Markets already established and known respectively as the "Eastern Market" and the "Southern Market" are hereby declared to be and to have been public markets from the dates when they were respectively established, and markets may be held therein respectively on such days and during such hours each day as before the commencement of this Ordinance were fixed by the Board for the purpose, or on such days and during such hours as the Council may hereafter from time to time fix by resolution. Existing Markets.

243. It shall be lawful for the Corporation with the consent of the Governor in Executive Council to appoint any place or places within the City to be a Public market or Public markets, and to construct such market house or houses and other conveniences in connection therewith, and to provide all such matters and things as may be necessary for the convenient use of such Market House or Houses. Power to appoint places as Public Markets.

244. For all or any of the purposes in the last preceding section mentioned, and also for the purpose of enlarging or improving any existing or future Public Markets, it shall be lawful for the Corporation to set apart and appropriate any land belonging to them which they may deem fit and proper for such purposes or any of them, and with the consent of the Governor in Executive Council to purchase or take on lease any lands which they deem necessary for such purposes or any of them. Setting apart and acquisition of land.

245.—(1.) Before any Public Market other than the established Markets mentioned in this Part of this Ordinance shall be opened for public use, the Corporation shall give not less than seven days, notice of the time when the same will be opened, and such notice shall be given by the publication thereof in the *Royal Gazette* and also in at least one local newspaper circulating in the City. Notice of opening new Market.

Fixing Market hours and goods to be sold.

(2.) The Corporation may from time to time appoint and fix the days on which and the hours during which such Markets shall be opened and kept open, and also the commodities which may be sold or offered or exposed for sale therein.

Power to discontinue Markets.

**246.** It shall be lawful for the Corporation at any time or times to discontinue the use of any existing or future Public Market or Markets, or any part thereof as such, and with the consent of the Governor in Executive Council to sell or dispose of the same or any part thereof or to use and convert the same or any part thereof to or for any other purpose whatsoever.

Keeper and other officers.

**247.** The Corporation may from time to time appoint a fit and proper person to be Clerk of any Public Market, and such other officers and servants as the Corporation may consider necessary for the proper and efficient working and management of any such Market, and any such Clerk and other officers or servants so appointed shall hold office during the pleasure of the Corporation.

Assaulting or obstructing officers.

**248.** Every person who shall assault or obstruct the Clerk of any Public Market or other person authorised by the Corporation to receive any stallages, rents, tolls and charges payable in respect of such market, or any person employed to superintend such market or to keep order therein whilst in the execution of his duty, shall for every such offence be liable on conviction to a penalty not exceeding five pounds.

Stallages, rents and tolls.

**249.**—(1.) It shall be lawful for the Corporation to demand and take from every person occupying or using any stall, stand, table, shed or place in any Public Market or bringing into any such Market any marketable commodities or any other article or thing which the Corporation may permit to be sold therein, or using any weighing machine kept in any such market, such stallages, rents, tolls and charges as the Corporation shall from time to time appoint and fix by resolution of the Council.

When and to whom to be paid.

(2.) The several stallages, rents, tolls and charges payable in respect of any Public Market shall be paid at such times and in such manner as the Corporation shall from time to time prescribe to the Clerk of the Market or

any other person authorised by the Corporation to receive the same.

(3.) If any person liable for the payment of any stallage, rent, toll or charge does not pay the same when required by the Clerk of the Market or other person duly authorised to receive the same, the Clerk of the Market or other person so authorised may recover the same by distress and sale of a sufficient part of any marketable commodities in the market which belong to the person liable to pay such stallage, rent, toll or charge ; or such stallage, rent, toll or charge may be recovered as a debt due to the Corporation in any Court of competent jurisdiction.

Recovery of  
stallages,  
rents, &c.

250.—(1.) The Corporation may from time to time make such bye-laws as they may think fit for all or any of the following purposes, that is to say :—

Bye-Laws.

- (a.) For regulating the use of Public Markets and directing the manner of occupying and using the several stalls, stands, tables, sheds and places therein respectively.
- (b.) For prescribing the pattern and description of the scales to be used by occupiers of stalls, stands, tables and places in the markets.
- (c.) For prescribing the conditions subject to which the several stalls, stands, tables, sheds and places shall be held occupied or used by the persons hiring or using the same, and for imposing on such persons such duties as the Corporation may deem necessary for ensuring that the stalls, stands, tables, sheds and places occupied by them and all blocks, axes, saws and other implements or instruments and all scales used by them are properly cleaned and kept clean by them.
- (d.) For regulating the use of weighing machines belonging to the Corporation and used in such markets, and preventing the use of false or defective weights, scales or machines by any person selling in any such markets.
- (e.) For preventing nuisances or obstructions in any such markets or in the immediate approaches thereof.

- (*f.*) For imposing on the occupier of any stall, stand, table, shed or place in the markets the duty of taking such steps and using such means as may be prescribed by the Corporation for protecting from contamination by flies and dust any articles of food offered or exposed for sale in or on such stall, stand, table, shed or place, occupied by him.
- (*g.*) For maintaining order and preventing disturbance in any such Markets by fighting or disorderly behaviour.
- (*h.*) For excluding and removing from any such Markets any person suffering from any infectious or contagious disease.
- (*i.*) And generally such other bye-laws as may be deemed necessary for the good government of such markets, and for carrying into effect the provisions of this part of this Ordinance.

(2.) Any such bye-laws may, so far as they are applicable, be embodied in the conditions which the Corporation are authorized to prescribe in any license issued under Section 254 hereof.

Bye-Laws to be exhibited in Market.

(3.) All bye-laws made by the Corporation under this Section shall be printed and a copy thereof exhibited in a conspicuous part of every public market to which such bye-laws respectively relate.

Existing tolls, &c., to continue to be payable.

**251.** All stallages, rents, tolls and charges fixed by the Board and payable at the commencement of this Ordinance in respect of each of the existing Markets shall continue in force and be payable in respect of such Markets respectively as if such stallages, rents, tolls and charges had been fixed under this Ordinance.

Penalty for sale of unsound meat, etc.

**252.** No person shall sell, expose or offer for sale in any market or in any premises licensed by the Corporation for the sale of fresh meat or fish, any fresh meat, game, fish, poultry or other victuals or provisions which is or are putrid, unsound, unwholesome, or otherwise unfit for the food of man.

Every person who offends against the provisions of this section shall be liable to a penalty not exceeding £5.

**253.**—(1.) It shall not be lawful for any person to sell or offer or expose for sale any marketable commodity in any street of the City within those portions thereof described in Part I of the tenth schedule to this Ordinance.

Marketable commodities not to be sold in certain streets.

(2.) Every person who shall act in contravention of the provisions of this section shall be liable on conviction to a penalty not exceeding £5.

**254.**—(1.) It shall not be lawful for any person to sell or offer or expose for sale any fresh meat within the limits of the City or within one mile from any part of the limits thereof except in a Public Market, or in such shops or premises as are licensed by the Corporation in that behalf

Fresh Meat to be sold only in Market or Licensed Premises.

(2.) The Corporation may from time to time if they shall think fit grant to any person or persons a license to sell or offer or expose for sale fresh meat in any place in the City other than a Public Market; and every such license shall be granted for such periods, and on payment of such sums, and upon such terms and conditions as the Corporation shall from time to time prescribe.

Licenses for sale of Meat elsewhere than in Market.

(3.) Every person who shall act in contravention of the provisions of this section shall be liable on conviction to a penalty not exceeding £10.

**255.**—(1.) No person, whether owner of the meat or not, shall ply or act as salesman of meat at any stall, table or place in any Public Market without having first obtained a license for the purpose from the Corporation.

Licence to salesman of meat.

(2.) Every such license shall be granted for one quarter, and for every such license there shall be paid to the Corporation the sum of Two Shillings and Sixpence.

(3.) Every person who offends against the provisions of this section shall be liable on conviction to a penalty not exceeding £5 for each day that he so offends.

**256.**—(1.) No fish for sale shall be landed on any part of the foreshore between the Southern Market and the Petroleum Warehouse Jetty except on the landing stage of the said Market; provided that this enactment shall not apply to fish imported into the Colony in vessels of not less than ten tons.

Landing of fish for sale.

(2.) Every person who shall act in contravention of the provisions of this section shall be liable on conviction to a penalty not exceeding £5 for each offence.

Sale of fish.

**257.**—(1.) It shall not be lawful for any person to sell or offer or expose for sale any fish within the limits of the City except in a Public Market or under and in accordance with the terms of a license in that behalf granted by the Corporation.

License to sell fish outside of Markets.

(2.) The Corporation may from time to time grant to any person a license to sell or offer or expose for sale fish in any premises in the City; and every such license shall be granted for such period on payment of such sums and upon such terms and conditions as the Corporation shall from time to time prescribe.

License to sell fish in streets.

(3.) The Corporation may from time to time grant to any person a license authorising such person to offer or hawk about for sale or sell fish in any street of the City without the areas thereof described in Part II of the tenth schedule to this Ordinance, and every such license shall be granted for such period, on payment of such sums, and upon such conditions as the Corporation shall from time to time prescribe.

(4.) Any person who shall act in contravention of the provisions of this section shall be liable on conviction to a penalty not exceeding £5.

*Cold Stores.*

Premises used as Cold Stores to be licensed.

**258.** It shall not be lawful for any person to use any premises or places in the City as Cold Stores without having first obtained from the Corporation a license for that purpose.

Corporation may issue licenses.

**259.** The Corporation may grant a license for the use of any premises or places in the City as cold stores, and such licenses may be granted for such terms, upon such conditions and upon payment of such license fees as the Corporation may from time to time appoint by resolution of the Council.

Issue and duration of license.

**260.** Every license issued under this part of this Ordinance shall be under the hand of the Town Clerk and shall state the period during which such license shall remain in force.

261. Every person who shall use or permit to be used any premises or places in the City as cold stores without having first obtained a license for that purpose from the Corporation shall forfeit and pay a sum not exceeding £50. Penalty for using un-licensed premises.

262. It shall not be lawful for any licensee of any cold stores to sell any fresh meat at or from such cold stores without having first obtained from the Corporation a license for that purpose. License to sell fresh meat.

263. The Corporation may grant to the licensee of any cold stores a license to sell fresh meat at or from such cold stores, and such licenses may be granted for such terms and subject to such conditions and to the payment of such license fees as may from time to time be appointed by resolution of the Council, such license fees not to exceed the license fees for the time being payable in respect of shops or premises licensed for the sale of meat under this part of this Ordinance. License to sell fresh meat.

264. Every license granted under this Ordinance to sell fresh meat at or from any licensed cold stores shall be under the hand of the Town Clerk and shall state the period during which such license shall remain in force. Idem.

265. Any fresh meat delivered from any cold stores, whether such delivery be made in pursuance of a contract of sale or otherwise (except meat delivered at any premises licensed for the sale of meat under this part of this Ordinance or at any public market in the City) shall be deemed to be sold within the meaning of this Part of this Ordinance. Selling meat—what it includes.

266. The licensee of any premises or places used as cold stores shall pay to the Corporation, in respect of all fresh meat sold from such cold stores, tolls or dues at such rates as may from time to time be appointed by resolution of the Council, but not exceeding in any case the tolls or dues payable in respect of meat sold in the public markets, and in premises licensed for the sale of meat under this Part of this Ordinance. Dues payable on meat sold from licensed cold stores.

267. Every person who shall sell any fresh meat from any cold stores without having first obtained a license for that purpose from the Corporation, shall be liable for each such offence to a penalty not exceeding £50. Penalty for selling meat without license.

Bye-laws and  
Regulations.

268. The Corporation may from time to time make such bye-laws and regulations as they may think proper for enforcing cleanliness in all cold stores in the City, for fixing the hours during which any fresh meat may be delivered therefrom, for imposing on the licensee of any cold stores the obligation of making such returns as to the quantities and the description of any fresh meat from time to time received into such cold stores and from time to time delivered therefrom, and the destination of any fresh meat from time to time delivered therefrom, as the Corporation may deem necessary for the purpose of this Part of this Ordinance, and generally for giving effect to and more effectually carrying out the provisions of this part of this Ordinance relating to cold stores.

*Slaughter-Houses and Detention Station.*

Bye-laws and  
Regulations.

269.—(1.) The Corporation may from time to time make bye-laws and regulations for regulating the use of any slaughter-houses provided by them and of all buildings, stalls, pens, slaughtering places, or other parts thereof, and the approaches thereto and any pastures attached thereto, and specifically for all or any of the following purposes, namely:—

- (a.) For fixing the tolls, rents and other charges to be paid thereat, and for regulating the rights and liabilities of owners of any animals brought therein and the right of access to such slaughter-houses and appurtenant grounds or any part thereof.
- (b.) For regulating the manner of occupying and using such slaughter-houses, and the inspection and slaughtering of animals therein.
- (c.) With respect to the licensing of slaughter-men and the suspension, revocation and cancellation of such licenses.
- (d.) For fixing the hours at which such public slaughter-houses shall be opened and closed.

- (e.) For fixing the hours when, and prescribing the conditions and requirements under and subject to which, animals are to be slaughtered therein.
  - (f.) For fixing the time when and prescribing the conditions and requirements under and subject to which carcasses and other parts of any animals slaughtered in such public slaughter-houses shall be removed therefrom.
  - (g.) For prescribing the description and make of the carts to be provided by the owners of carcasses of animals slaughtered in such slaughter-house, for the removal of such carcasses therefrom.
  - (h.) For dealing with any animal which may be found to be diseased.
  - (i.) For regulating the feeding and watering of animals brought therein and for preventing cruelty therein.
  - (j.) For regulating the landing of animals intended to be taken direct from the landing place to any such slaughter-house, and prescribing the precautions to be observed by the owners of such animals in bringing such animals into the slaughter-house or any part thereof.
  - (k.) For regulating and fixing the charges for the use of any scales provided by the Corporation.
  - (l.) For preventing nuisances and obstructions in any such slaughter-houses or any part thereof, or the approaches thereto or the grounds around the slaughter-house buildings, and for the summary ejection from such slaughter-houses, approaches, or grounds of any person or persons found fighting or behaving in a disorderly or riotous manner or creating any disturbance therein.
- (2.) The Corporation may make such bye-laws and

regulations as they may think proper with respect to the management, good government and use of the Detention Station held by the Corporation under a lease from His Majesty the King, and they may by such bye-laws and regulations fix the charges to be made for the landing, the lairage, and the slaughtering of animals therein.

*Inspection of Meat, &c.*

Appointment  
of Inspectors.

**270.** The Corporation may appoint such and so many fit and proper persons to be Inspectors of meat and other articles of food, with such salaries or other allowances as the Corporation may think fit; and such Inspectors shall hold office during the pleasure of the Corporation.

Powers of  
Inspectors.

**271.** Any Inspector appointed under this part of this Ordinance may at any time or times between the hours of six in the morning and eight in the evening inspect and examine any animal, carcase, meat, poultry, game, fish, vegetables or provisions exposed for sale or deposited in any market or in any place in the City for the purpose of sale, or deposited in any Cold Stores in the City, and intended for the food of man, the proof that the same was not exposed or deposited in any such market or place, or in any cold stores, for any such purpose, or was not intended for the food of man, resting with the party charged. And if any such animal, carcase, meat, poultry, game, fish, vegetables or provisions or any of them or any part thereof appears to such Inspector to be diseased or unsound or unwholesome or unfit for the food of man, he may seize and carry away the same himself or by his assistants and cause the same to be destroyed, or may order the same or any part thereof to be kept apart and dealt with according to his directions.

Penalty for  
obstructing  
Inspector.

**272.** Any person who in any manner prevents any Inspector from entering any premises or place for the purpose of making such inspection and examination as is authorized under this Ordinance, or who refuses to give such Inspector the means of access to such premises or place for the purpose of making such inspection and examination, or who obstructs or impedes any such Inspec-

tor when carrying into execution his duties under this part of this Ordinance, shall be liable to a penalty not exceeding £5 for each such offence.

### PART XIII.

#### CEMETERIES.

273. The Lapeyrouse Cemetery and the Western Cemetery, licensed as burial grounds under the Burial Grounds Ordinance, No. 138, are hereby declared to be vested in the Corporation. Vesting Cemeteries in Corporation.

274. In and for the purposes of this part of this Ordinance the expression "any Cemetery under the control of the Corporation" means the Lapeyrouse Cemetery, the Western Cemetery, and any other place vested in the Corporation which may hereafter be licensed as a Burial Ground under the Burial Grounds Ordinance, No. 138. Interpretation.

275. The Corporation may from time to time make such bye-laws and regulations as to them shall seem proper for the good government of any Cemetery under their control, and for the management, regulation and use thereof and of the graves, vaults, and monuments therein ; and they may by such bye-laws and regulations prohibit any vehicles entering such Cemetery, or prescribe the conditions under which and the times during which any vehicle or any specified description of vehicles shall be allowed to enter and remain in such cemetery. Bye-laws and Regulations.

276. The fees and charges for burials in any cemetery under the control of the Corporation shall be those set forth in the eleventh schedule to this Ordinance ; but the Corporation may by resolution of the Council vary or amend such fees and charges as they shall think fit. Fees and charges.

277. The Corporation may appoint a Keeper, grave-diggers, and other servants necessary for the care and use of any cemetery under their control, and may pay them such wages and allowances as the Corporation may think fit, and may remove them or any of them at their pleasure. Appointment of Keeper, etc.

Power of grant  
of exclusive  
right of burial.

278.—(1.) The Corporation may sell, subject to such conditions as they think fit, the exclusive right of burial in any portion of any Cemetery under their control, and they may sell the right of placing any monument or gravestone or tablet in such Cemetery.

Form of grant.

(2.) The grant of such exclusive right of burial may be made in the form "A" in the twelfth Schedule to this Ordinance.

Exclusive  
right of burial  
to be deemed  
personal  
estate.

279.—(1.) The exclusive right of burial in any part of any Cemetery under the control of the Corporation shall be considered as the personal estate of the grantee, and may be assigned in his lifetime and bequeathed in his will.

Assignment of  
right.

(2.) Every assignment made in the lifetime of the assignor shall be by deed in which the consideration shall be truly set forth, and may be in the form "B" in the Twelfth Schedule to this Ordinance.

(3.) A copy of every such assignment duly certified under the hand of the Registrar-General, shall be produced to the Keeper of the Cemetery, and an entry or memorial of such assignment shall be made in a book to be kept by the Keeper (hereinafter called the register); and for every such entry there shall be paid such fee as may from time to time be fixed by the Corporation.

(4.) The personal representative of the person who for the time being is entered in the register as the owner of an allotment or grave space wherein the exclusive right of burial has been granted shall, as soon as may be after the probate of the will of such person, or, in the case of intestacy, after the grant of letters of administration in respect of such person's estate, deposit with the keeper of the Cemetery a certified copy of such probate or grant of administration (as the case may be), and the Keeper shall forthwith make an entry thereof in the register; and until such entry no exclusive right of burial shall be acquired under such will or by devolution on such intestacy.

Burials where  
exclusive  
right.

280. No body shall be buried in any allotment or grave space wherein the exclusive right of burial shall have been granted by the Corporation, except upon the written order or with the consent in writing of the owner for the time being of such allotment or grave space.

Provided that nothing herein contained shall make it unlawful for the Corporation, on the death of the person appearing in the register as the owner or as the last assignee of any such allotment or grave space, to allow the body of such person to be buried therein. Proviso.

281.—(1.) Every person to whom the exclusive right of burial has been granted shall, within six months from the date of such grant, cause the area included in such grant to be enclosed with a proper enclosure to the satisfaction of the Corporation, and shall cause his name to be marked in a suitable manner on some part of the allotment to be approved by the Corporation. Enclosure of allotment.

(2.) Any person who makes default in complying with the requirements of this section shall be liable to a penalty not exceeding Five pounds, and to a further penalty not exceeding Forty shillings for every day that such default continues after written notice thereof from the Corporation.

282. It shall not be lawful to remove any body which may have been interred in any Cemetery under the control of the Corporation except under a license given by the Corporation for that purpose, and with such precautions and subject to such conditions as may be prescribed in such license. No exhumation without license.

283. The Corporation may make such regulations as they think fit with respect to the removal of any body or the remains of any body from any Cemetery under their control ; but such regulations shall not come into force unless and until they have been confirmed by the Governor in Executive Council. Exhumation Regulations.

284. The Corporation may grant a license for the removal of any body or the remains of any body from any cemetery under their control, whether for transportation to any place outside the Cemetery or from one part of the Cemetery to another, provided that every such license shall be granted subject to the regulations for the time being in force applicable to the case. Exhumation licenses.

285. Any person who shall remove any body or the remains of any body contrary to the provisions of this part of this Ordinance or to any regulations made thereunder, or who shall neglect to observe the precautions or comply Removing body contrary to law.

with the conditions prescribed in any license for removal, shall be liable for every such offence to a penalty not exceeding Ten Pounds.

Penalty for  
damaging,  
injuring,  
defacing, etc.

**286.** Every person who shall wilfully destroy or injure any building, wall or fence belonging to any Cemetery under the control of the Corporation, or destroy or injure any tree or plant therein, or put up any bill therein or on any wall thereof, or wilfully destroy, injure or deface any monument, tablet, inscription or gravestone within such Cemetery, or do any other wilful damage therein shall forfeit and pay for every such offence a sum not exceeding Five Pounds.

Disturbances  
and nuisances.

**287.** Every person who shall play at any game or sport, or discharge any firearms, save at a military funeral, in any Cemetery under the control of the Corporation, or who shall unlawfully disturb any persons assembled in any such cemetery for the purpose of burying any body therein, or who shall commit any nuisance within such cemetery, shall be liable for every such offence to a penalty not exceeding Five Pounds.

Crematorium.

**288—(1.)** The Corporation may provide and maintain a crematorium in any Cemetery under their control; provided that no human remains shall be burnt in any such crematorium until the plan and site thereof have been approved by the Governor in Executive Council and until the crematorium has been certified by the Corporation to the Governor to be complete, built in accordance with such plans, and properly equipped for the purpose of disposal of human remains by burning.

(2.) The Corporation may make regulations prescribing under what conditions the burning of human remains may take place, and may fix the charges to be paid for the use of the crematorium and prescribe the forms of the notices certificates and declarations to be given or made before any such burning takes place. Such regulations shall not be of any force or effect until they have been approved by the Governor in Executive Council and published in the *Royal Gazette*.

(3.) Every person who shall contravene any regula-

tions made under this section, or shall carry out or procure or take part in the burning of any human remains except in accordance with such regulations and the provisions of this part of this Ordinance, shall (in addition to any liability or penalty which he may otherwise incur) be liable to a penalty not exceeding £50.

289. The Corporation may lay out the Western Cemetery in such manner as they shall think fit, and may erect and execute therein such buildings and works as to them may appear fitting and proper, and may build thereon a suitable chapel or chapels for the performance of burial services.

Laying out  
Western  
Cemetery and  
execution of  
works.

290. The Corporation may set apart and appropriate such parts of the Western Cemetery as they think fit as burial places for persons of different religious denominations.

Places for  
different de-  
nominations.

291. It shall be lawful for the Corporation, with the approval of the Governor in Executive Council, to sell, lease or let any portion or portions of the lands forming the Western Cemetery in which no interment shall have taken place and which it may appear to the Corporation may be properly sold, leased or let.

Power to sell,  
etc., lands not  
wanted.

292. The Corporation may set apart such portions of the Western Cemetery as they think fit for the purpose of granting exclusive rights of burial therein.

Place set apart  
for exclusive  
rights of  
burial.

293. The Corporation shall cause a plan of the Western Cemetery to be made upon a scale sufficiently large to show the situation of every burial place in all parts of such Cemetery in which an exclusive right of burial has been or may be granted; and all such burial places shall be numbered, and such numbers shall be entered in the register, and such register shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any place of burial has been granted by the Corporation; and no place of burial with exclusive right of burial therein shall be made in such Cemetery without the same being marked out in such plan and a corresponding entry made in the register; and the said plan and register shall be kept by the Keeper of such Cemetery.

Plan and  
register of  
Western  
Cemetery.

## PART XIV.

## PORTERS, PEDLARS, HAWKERS AND HUCKSTERS.

License to ply  
as or follow  
trade of a  
Porter or  
Huckster.

294.—(1.) It shall not be lawful for any person, without having first obtained a license from the Corporation under the hand of the Town Clerk :—

- (a.) To ply, hire or engage himself as a porter for hire or reward either on shore within the limits of the City or in any boat or vessel within the harbour of Port-of-Spain.
- (b.) To follow the trade or business of a pedlar, hawker or travelling huckster, or as such pedlar, hawker or travelling huckster to sell or barter or offer or expose for sale or barter any merchandise, goods or provisions, save and except the merchandise, goods, provisions and things specified in the thirteenth schedule to this Ordinance.

(2.) Any person acting in contravention of this section shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding £10.

Duration of  
Licenses.

295.—(1.) Licenses granted under this Part of this Ordinance may be either yearly, half-yearly or quarterly, and every such license shall bear the date of and commence on the day on which the same shall be issued, and every such license, whensoever issued, shall expire, in the case of :—

- (a.) A yearly license, on the thirty-first day of December next following the date of issue.
- (b.) A half-yearly license, on the thirtieth day of June or the thirty-first day of December next following the date of its issue.
- (c.) A quarterly license, on the thirty-first day of March, thirtieth day of June, thirtieth day of September or thirty-first day of December next following the date of its issue.

(2.) There shall be paid to the Town Clerk for the use of the Corporation in respect of such licenses the license fees specified in the fourteenth schedule to this Ordinance.

**296.** The Town Clerk shall in a proper book to be by him kept for the purpose, enter the name of every person taking out such license, the number of every such license, the date of its issue and the date on which it expires and the sum paid for the same. Register of Licenses.

**297.** It shall be lawful for the Corporation, subject to the approval of the Governor and Legislative Council, from time to time as they may think fit by resolution of the Council to increase, reduce, or otherwise alter all or any of the license fees made payable under the Fourteenth Schedule hereto; provided that no such resolution shall come into force until one month after the first publication thereof in the *Royal Gazette* and in one local newspaper circulating in the city. Alteration of Fees.

**298.**—(1.) Before any license under this Part of this Ordinance is granted a requisition for the same shall be made and signed by the person applying to be licensed. Requisition for license.

(2.) In every such requisition shall be set forth the christian name and surname of the person applying to be licensed and his place of residence.

(3.) Every such requisition shall be left at the office of the Town Clerk.

**299.**—(1.) Every such requisition shall be received as evidence and be deemed proof of all matters therein contained as against the party applying for such license. Evidence.

(2.) Every person who on applying for a license does not set forth truly in such requisition any of the particulars hereby required to be set forth, shall be guilty of an offence and on conviction thereof shall be liable for each offence to a penalty not exceeding Forty Shillings. False particulars.

**300.** Every license shall contain the following particulars:— Form of license.

(1.) A distinguishing number.

(2.) The christian name and surname of the licensee and his place of residence.

**301.**—(1.) As often as any licensee changes his residence or office of business he shall forthwith give notice thereof in writing signed by him to the Town Clerk and shall at the same time produce the license to the Town Clerk, who Change of abode of Licensee.

shall thereupon endorse a memorandum specifying the particulars of such change.

(2.) Every licensee failing to comply with the provisions of this section shall be guilty of an offence and on conviction shall be liable for each offence to a penalty not exceeding Forty Shillings.

Forging or  
counterfeiting  
License.

**302.** Every person who shall forge or counterfeit or cause or procure to be forged or counterfeited any license under this part of this Ordinance shall be guilty of felony, and on conviction thereof shall be liable to be imprisoned with or without hard labour for any term not exceeding twelve months.

Porter's badge.

**303.**—(1.) Every person licensed to follow the trade of a porter shall bear on a conspicuous part of his right arm a metal plate or badge having the word "Porter" and the distinguishing number of his license painted thereon in letters and figures not less than one inch in height and of a different colour from the ground upon which the same is painted.

Huckster's  
name to be on  
box, etc.

(2.) Every person licensed as a pedlar, hawker or travelling huckster shall cause his name and the words "Licensed Huckster," "Licensed Hawker," or "Licensed Pedlar," as the case may be, and the distinguishing number of his license to be painted on some conspicuous part of the outside of every trunk, box, tray, basket or other receptacle or thing in which he shall carry about or expose any goods for sale, in letters and figures not less than one inch in height.

Fares.

**304.** Every licensed porter shall be entitled within the limits of the City or the harbour of Port-of-Spain to demand for his hire the fares set forth in the fourteenth schedule to this Ordinance.

Porter bound  
to hire  
himself.

**305.** Every licensed porter while wearing his badge shall be obliged and compelled to hire himself to any person desirous of hiring him; provided that no porter shall be compelled to carry any heavier load than fifty-six pounds.

Refusing to  
pay fare.

**306.** If any person refuses or omits to pay to any licensed porter his legal fare, it shall be lawful for a Magistrate to grant a summons, or if it appears to him necessary a warrant, for bringing before him or any other Magistrate such

defaulter, and any such Magistrate may award reasonable compensation to the party complaining for his fare and costs, and also a reasonable compensation for his loss of time in attending to make and establish such complaint, and upon the refusal of such defaulter to pay or make such satisfaction it shall be lawful for such Magistrate to commit him to prison, there to remain for any time not exceeding one month with or without hard labour unless the amount of such satisfaction together with costs, be sooner paid.

- 307.** Every licensed porter who while plying for hire— Offences by porters.
- (1.) Refuses any fare without lawful excuse, or
  - (2.) Demands more than his legal fare;

shall be guilty of an offence under this Ordinance and shall on conviction thereof be liable to a penalty not exceeding forty shillings.

**308.** Informations and complaints against any person Who may lay information. for any offence against any of the provisions of this Part of this Ordinance may be laid or made by and in the name of any city constable or any officer of the Corporation authorised in that behalf.

## PART XV.

### SANITARY PROVISIONS.

#### *Sanitary Conveniences.*

**309.**—(1.) The Corporation may, if they think fit, provide and maintain in proper and convenient situations, sanitary conveniences in any street, square or public place vested in them, and may employ and pay attendants and make reasonable charges for the use of any sanitary convenience (other than a urinal) so provided. Sanitary conveniences.

(2.) The Corporation may make regulations with respect to the management of any sanitary conveniences provided by them, and may make bye-laws as to the decent conduct of persons using the same.

(3.) The expression "Sanitary Conveniences" in this section includes urinals, water closets, earth closets, privies, ashpits, and every similar convenience.

Existing  
sanitary  
conveniences.

**310.** The sanitary conveniences erected by the Board are hereby vested in the Corporation, and all the powers conferred on the Corporation by the preceding section with respect to sanitary conveniences that may be provided by the Corporation after the commencement of this Ordinance shall extend and apply to such existing sanitary conveniences.

*Receptacles for deposit of rubbish.*

Power to provide receptacles for deposit of rubbish

**311.** The Corporation may, if they think fit, provide in proper and convenient situations receptacles for the temporary deposit and collection of house and street rubbish; and they may also provide buildings and places for the deposit of any rubbish collected by them.

*Cleaning of Privies.*

Bye-Laws.

**312.** The Corporation may make bye-laws with respect to all or any of the following matters, namely:—

- (a.) For prescribing the time for the removal or carriage through the streets of any fœcal or offensive or noxious matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or from without or through the City;
- (b.) For providing that the vessel, receptacle, cart or carriage used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;
- (c.) For compelling the cleansing of any place whereon such matter or liquid has been dropped or spilt in such removal or carriage.

Corporation may undertake cleansing, etc.

**313.** The Corporation may, on the application of the owner or occupier of any premises, or the agent of the owner or occupier, themselves undertake the cleansing and disinfecting of privies, dustbins and drains, and the collection, removal and disposal of nightsoil at such charges and on such terms as to payment as the Corporation may in each case think fit, and they may before undertaking such work, require the deposit of such sum as they may deem sufficient and requisite to cover the charge made in each case.

314.—(1.) No fœcal matter and no offensive or noxious matter or liquid shall be conveyed through the City in any vessel or receptacle except such as shall have been previously approved by the Corporation. Conveyance of fœcal matter.

(2.) Any person who shall carry or convey along any street in the City any fœcal matter or other offensive or noxious matter or liquid in any vessel or receptacle not previously approved by the Corporation for the purpose, shall be liable to a penalty not exceeding £5.

(3.) No person shall engage in the business of carrying or removing fœcal matter or offensive or noxious matter or liquid from any premises in the City without a permit from the Corporation.

(4.) Any permit issued by the Corporation under this section may be granted for a year or for any less period as the Corporation may think fit, and may be suspended or revoked whenever the Corporation shall deem such suspension or revocation to be necessary or desirable in the interests of the public.

(5.) Every such permit, whensoever issued, shall expire on the first day of January next following the date of its issue, and may contain conditions as to the badge which the holder of such permit shall wear.

(6.) Any person who shall act in contravention of this section shall for every such offence be liable to a penalty not exceeding £5.

*Removal of house refuse.*

315. The Corporation may arrange for the daily removal of house refuse in the City or any part thereof, and may make bye-laws as to the duties of the occupier of any premises in connection with such house refuse, so as to facilitate the removal of it by scavengers of the Corporation; and they may by such bye-laws prescribe the size, material and make of the receptacles to be provided by such occupier, and the place where such receptacles should be placed for removal by the scavengers of the Corporation. Removal of House refuse

*Drainage of premises into side drains of streets.*

Buildings to be provided with suitable gutters and drains under footways.

**316.** Every building and every vacant parcel of land abutting on any street in the City shall be provided to the satisfaction of the City Engineer with proper and suitable gutters and drains under the footway to carry off the storm and other waters from such building and premises through such gutter or drain into the side drain of the street upon which such building or premises shall front or abut, and every such gutter or drain shall be properly covered with such materials and in such manner as the City Engineer shall approve.

Notice to provide gutters or drains under the footway.

**317.**—(1.) Whenever any building or vacant parcel of land abutting on any street in the City is not provided with any such proper and suitable gutter or drain, as required by the last preceding section, or such gutter or drain is not properly covered to the satisfaction of the City Engineer, it shall be lawful for the City Engineer to serve a notice on the owner of such building or premises requiring him within a time to be specified in such notice to provide such gutter or drain or to cover the same as the case may be.

(2.) In case such owner proposes to comply with such notice he shall notify the City Engineer of the day on which he proposes to commence the work, not being less than three days from the date of such notice. One half of the expenses incurred in providing such gutter or drain or in covering the same shall be paid by the Corporation upon the certificate of the City Engineer that the work has been executed to his satisfaction and that the expenses incurred for the same are fair and reasonable.

(3.) In case such owner refuses or neglects to comply with such notice, the City Engineer may construct such gutter or drain, or cover the same as the case may be, and one half of the expenses incurred by him shall be recoverable from the owner in any court of competent jurisdiction.

*Cleansing and flushing of drains across footways.*

Occupier to keep clean drains under the footway.

**318.**—(1.) It shall be the duty of every occupier of every premises, or of any part thereof, abutting on any street in the city to properly clean and keep at all times free from obstruction and in a sanitary condition all gutters and

drains under the footway with which such premises have been provided under this Part of this Ordinance for carrying off the storm and other waters from such premises through such gutter or drain into the side drain of the street upon which such premises front or abut.

(2.) Any occupier of such premises or of any part thereof who fails or neglects to comply with the requirements of this section shall be liable to a penalty not exceeding one pound, and to a further penalty of five shillings for every day during which such offence continues after written notice thereof from the Corporation.

Penalty on occupier failing to cleanse and flush such drains.

319.—(1.) Whenever, in the opinion of the Corporation, any gutter or drain under the footway, provided by the owner of any premises abutting on any street or by the Corporation pursuant to the provisions of this part of this Ordinance, is not properly cleansed or swept, or is not in a sanitary condition, the Corporation, without prejudice to their right to institute proceedings against any occupier for non-fulfilment of the duties imposed upon him by the last preceding section and notwithstanding that such proceedings may have been instituted against any such occupier or any penalties recovered from him, may by order addressed to the owner of such premises require such owner to properly cleanse and flush such drains to the satisfaction of the Corporation within a time to be specified in such order, not being less than forty-eight hours from the time of the service of such order; and in case such owner fails or neglects to do so within the time prescribed in such order, the Corporation may themselves carry out the work, and the expenses incurred by them for the purpose shall be a debt due to the Corporation by the owner, and until payment shall be a charge on such premises.

Corporation may do the work, on default of occupier or owner after notice.

(2.) The Corporation may, for the purpose of carrying out such work, enter such premises and use water from any service pipe therein, and may, if necessary, remove any coverings found over any part of the gutter or drain to be cleansed and swept, and may do all such other acts and things as they may deem necessary for the proper execution of the work.

(3.) Any person who obstructs any officer of the Corporation or any person duly employed by the Corporation in the execution of such work, shall be liable to a penalty not exceeding five pounds.

## PART XVI.

### WATERWORKS.

#### *Definitions.*

Definitions.

**320.** In and for the purposes of this part of this Ordinance the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say :—

(a) “Public Fountain” means any fountain, stand-pipe, dipper, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from the waterworks and erected by the Corporation, or which belongs to or is vested in the Corporation.

(b) “Service” means all pipes, valves, cisterns, cocks, fittings and other appliances (excepting any meter as hereinafter defined) by or through which water flows or is intended to flow from the waterworks, or which are or may be used for the purpose of supplying any tenement or premises with water from the waterworks, and which service is the property of the owner or occupier of such tenement or premises so far as it lies within such tenement or premises.

(c) “Waterworks” means the waterworks vested in the Board at the commencement of this Ordinance and all waterworks which may hereafter be constructed under any of the powers contained in this Ordinance or any other Ordinance.

(d) “Way Leave” means a right to the user of land under, through or upon which any waterworks have been constructed, together with the right of access to and of opening such land from time to time for the inspection, renewal or repair of the waterworks without affecting the ownership of such land.

(e) “Meter” means any appliance used to measure, ascertain or regulate the amount of water taken or used from the waterworks by means of any service, and any

gauge or other appliance used in measuring the flow in or from any part of the waterworks.

(f) "Rateable Hereditament" means any dwelling house, warehouse, store, shop, counting-house, manufactory, factory, workshop, stable, shed and any other building whatsoever in the district, and the lands on which the same respectively are built, erected or standing, together with any lands appurtenant to or occupied with the same respectively; and includes every parcel of land in the district not appurtenant to or occupied with any house, warehouse, store, shop, counting-house, manufactory, factory, workshop, stable, shed, or any other building; but shall not include buildings occupied solely as churches, chapels and other places of public worship of any religious denomination.

(g) "Water for domestic purpose or domestic use" includes water from the waterworks used for drinking, cooking, washing, for baths not exceeding 200 gallons, for water closets, and for watering gardens (where no hose or special tap is used), but does not include water for watering stock or for washing carriages, nor water used for any trade manufacture or business or for fountains or any ornamental purposes.

Provided that the washing of clothes and household Proviso. linen where no machinery is used shall not be deemed a trade or business within the meaning of this definition.

For the purposes of this definition "Stock" shall mean and be limited to horses, mules, donkeys, bulls and cows exceeding two years of age; and "Carriage" shall mean vehicles, whether with two or four wheels, used solely for the conveyance of persons, and motor cars.

(h.) "Water Rate Year" means the period between the first day of August in any year and the thirty-first day of July in the next following year, both days inclusive.

(i.) "The Engineer" means the person appointed to be Engineer of Waterworks as hereinafter provided, and includes the Consulting Engineer appointed by the Governor in Executive Council to advise on questions connected with and relative to the Waterworks.

Waterworks  
vested in  
corporation.

**321.** The waterworks and all lands, easements and buildings belonging thereto or used in connection therewith, and vested in the Board at the commencement of this Ordinance, shall from and after the commencement of this Ordinance be transferred to and vested in the Corporation; and the Corporation shall manage, maintain and supervise the waterworks, and generally carry into effect the provisions of this Part of this Ordinance.

*The District.*

"District."

**322.**—(1.) In and for the purposes of this part of this Ordinance, the "District" means the Port-of-Spain Waterworks district as delineated on the plan prepared by the Director of Public Works dated 8th August, 1904, and deposited with the Sub-Intendant of Crown Lands.

Extension or  
variation of  
the district.

(2.) The district may be extended or varied from time to time by the Corporation with the approval of the Governor in Executive Council.

(3.) A plan shewing any such extension or variation shall be deposited with the Sub-Intendant of Crown Lands.

Appointment of  
of Engineer.

**323.** The Corporation shall, subject to the approval of the Governor, appoint a competent Engineer, who must be a Corporate Member of the Institution of Civil Engineers of England, and possess experience in the design, construction and maintenance of waterworks and sewerage systems.

*Alterations or amendments of waterworks, and construction of additional works.*

Alteration or  
extension of  
works.

**324.**—(1.) The Corporation may from time to time alter or amend the waterworks or may construct additional waterworks for increasing or improving the water supply of the district or any part thereof, and may provide funds for such works by loan or otherwise.

Plans and  
Estimates.

(2.) Provided that before such works are undertaken the Corporation shall submit plans and estimates to and shall obtain the approval of the Governor in Executive Council to such plans and estimates and to the provisions necessary to be made to obtain funds for such works. And the Governor in Executive Council may alter amend or modify such plans and estimates and such provisions for obtaining funds as he shall deem fit and proper before issuing his approval as aforesaid.

(3.) Provided also that in any case where the annual charges payable by the Corporation by reason of the construction of additional waterworks in any portion of the district in which there is no supply or only a partial supply shall exceed the additional annual revenue receivable from the general district and service rates in respect of premises in such portion of the district, the Corporation may make special contracts with the owner or owners of such premises in respect of payment of the cost of laying, maintaining and repairing such additional waterworks upon such terms and conditions as the Corporation may deem fit.

Special contract with owner.

325. All moneys contracted to be paid by any owner or owners under any contract entered into by virtue of the last preceding section shall be a charge upon the premises within such portion of the district.

Charge on premises.

*Power to acquire lands and water rights.*

326. The Corporation may from time to time acquire under the provisions of the Land Acquisition Ordinance (No. 42) or any Ordinance which may for the time being be in force in place thereof, any land, water or water rights, way leaves and easements that may be required for the purpose of carrying out the provisions of this part of this Ordinance.

Acquisition of land.

327. The Corporation may acquire all rights, privileges and easements conferred upon owners under the Ordinances Nos. 18 of 1851 and 25 of 1855, in respect of any free supply of water to any premises: and the Corporation shall for the purpose of computing or assessing the value of the said rights, privileges and easements, assess the premises as if the same were liable to the payment of water rates in respect of any free supply of water given to them as aforesaid, and such assessment shall be capitalized at any rate not exceeding twenty years purchase of such assessment, and be payable to the owner of the premises.

Private water rights.

*Standpipes.*

328. The Corporation may erect, maintain and keep in such places as they may deem proper such standpipes or other appliances for the supply of water for sale in small

Standpipes for sale of water to shipping and to persons

outside  
district.

quantities to the Shipping and to persons not resident within the district at such prices and on such terms and conditions as the Corporation shall think fit.

Standpipes in  
places of  
public resort.

329. Notwithstanding anything herein contained, the Corporation may, upon the application of the owner of any place or places of public resort within the district, and subject to such terms and conditions and at such charge as the Corporation may deem proper, from time to time erect and maintain in such place or places and for such periods of time as the Corporation may think fit, one or more standpipes for the use of all persons frequenting the same.

*Fountains, baths and troughs.*

Public baths,  
fountains,  
and troughs.

330. The Corporation may erect, maintain and keep public fountains, baths and troughs in such places in the district as the Corporation may deem fit, and may from time to time remove the same whenever it shall be deemed necessary.

*Water fittings.*

Supply and  
repair of  
water fittings.

331.—(1.) The Corporation, whenever they shall think necessary, or upon the application of any owner of any premises supplied or about to be supplied with water by the Corporation, shall furnish and from time to time renew repair or alter such cisterns, pipes, valves, ferules, taps, cocks, apparatus, fittings and appliances in connection with such supply as are required or permitted to be used by any Ordinance for the time being in force or by any bye-laws or regulations made thereunder, and shall provide all materials and do all work necessary or proper in that behalf. The cost of all materials and things furnished by the Corporation, with five per centum in addition, and the cost of all labour furnished by the Corporation shall be a debt due to the Corporation by the owner of such premises, and, until repayment, shall be a charge on such premises.

Releathering  
taps.

(2.) Provided that where water taps of the pattern approved by the Corporation are used, the Corporation shall bear the cost of releathering the same.

*Supply of water.*

**332.**—(1.) The Corporation shall, on the written application of the owner of any premises within the district furnish such premises by means of a service pipe with a supply of water for domestic purposes or domestic use upon such conditions as to the payment of the cost of laying such service pipe as the Corporation may think fit. New Services.

(2.) Provided that the part of the service between the waterworks and the outer wall or boundary of such premises shall be laid maintained and kept in repair at the cost of the Corporation, and the part within such outer wall or boundary shall be laid, maintained and kept in repair at the cost of the owner.

(3.) Provided that the Corporation shall not be compellable to lay a water service in any premises assessed at an annual rateable value of less than ten pounds, or in any premises which, by reason of situation or of distance from the waterworks or from any other cause, would entail more expenditure than the average cost of laying a service between the waterworks and the outer boundary or wall of premises in the district. When Corporation not compellable to lay a service.

(4.) Provided always that the Corporation by arrangement with the owner of any premises in which they shall not be compellable to lay a service may, on such terms and conditions as to cost and other matters, or at such enhanced rate as they may think fit, lay a service therein.

**333.** All water supplied by the Corporation to any premises within the district shall, except where otherwise expressly stated, be deemed to be supplied for domestic purposes or domestic use only. Supply to be for domestic use only except where otherwise expressly stated.

**334.**—(1.) The Corporation may, on the written application of the owner of any premises within the district supplied with water by them, permit such water to be used for other than domestic purposes or domestic use, upon such conditions as Supply for other than domestic use.

they may think fit; and in every such case, the Corporation shall at the cost of the owner of the premises fix a meter for measuring the quantity of water used.

(2.) Provided that where water supplied to any premises is used for the purpose of a bath exceeding 200 gallons in capacity, or for a garden tap, or for watering stock or for washing carriages, it shall not be necessary for the owner to have a meter fixed, or to obtain the permission of the Corporation for such use of the water supplied.

Unauthorised  
use of water  
for  
non-domestic  
purposes.

**335.** The occupier of any premises supplied with water from the waterworks who uses or suffers or allows to be used any such water for other than domestic purposes or domestic use without having previously obtained the permission of the Corporation to do so, shall be liable to a penalty not exceeding £5, and to a further penalty not exceeding £1 for every day that he shall continue so to use such water after notice of the offence from the Corporation.

Suspension of  
supply.

**336.** The Corporation may without prejudice to the payment of any water rate, meter rent or other sums due or to become due in respect of any water supply or to any other remedy under the provisions of this Part of this Ordinance or under any Bye-law or Regulation, diminish, withhold, suspend or divert the supply of water through the waterworks either wholly or in part whenever it may be expedient or necessary for the purpose of conserving the supply of water or for extending, altering or repairing the waterworks or for the purpose of connecting services or public fountains or in case of fire.

#### WATER RATES AND CHARGES.

##### *District and Service Rates.*

District and  
Service Rates.

**337.**—(1.) There shall be raised, levied and collected by and paid to the Corporation upon and in respect of every rateable hereditament: (a) an annual tax or rate (hereinafter referred to as the “district rate”) not exceeding three per centum of the annual rateable value thereof, and, (b), when any such rateable hereditament is supplied with water from the waterworks by means of a communicating or service pipe, a further annual tax or rate (herein-

after referred to as the "service rate") not exceeding three per centum of the annual rateable value of such rateable hereditament.

(2.) Provided that no water rate shall be raised and levied on any separate parcel or lot of land outside the limits of the city which is not occupied by a dwelling house, shop, factory or other building. Proviso.

338.—(1.) Except as hereinafter expressly provided, the annual rate or rates payable in respect of any rateable hereditament under this Part of this Ordinance shall not be less than two shillings and sixpence. Minimum amount payable for rates.

(2.) Provided that where any rateable hereditament is situated at a distance of more than one hundred and fifty yards from the nearest standpipe and also above the level at which water can be supplied from the waterworks, the Corporation may levy such a reduced district rate in respect thereof as they may think proper.

339.—(1.) For the purpose of computing the water rates payable under this Part of this Ordinance, the annual rateable value of every rateable hereditament shall for each water rate year be (a) as regards every rateable hereditament situate in the City, the annual rateable value thereof according to the House Rate Book in force at the commencement of such water rate year, and (b) as regards every rateable hereditament situate within the district but outside the limits of the City, the annual rateable value thereof in the assessment roll of the Ward in which the same is situate in force at the commencement of such year. Valuation on which the water rates are to be computed.

Provided that where any building forming part of any rateable hereditament is removed before the commencement of any water rate year, and due notice of such removal has been given to the Corporation by the owner of the land on which such building stood, the Corporation may, for the purpose of computing the water rate payable in respect of such hereditament, make such alteration in the valuation of the hereditament as to the Corporation may appear just and reasonable. Proviso.

Power to assess separately tenements assessed as one property and *vice versa*.

(2.) Provided that the Corporation may, in their discretion, alter and amend any valuations in the said House rate book or assessment rolls where any premises valued and assessed in such House Rate Book or Assessment Roll as one property ought in the opinion of the Corporation for the purposes of this part of this Ordinance to be assessed separately, or where any premises separately assessed in such House Rate Book or Assessment Roll, ought, in the opinion of the Corporation, for the purposes of this part of this Ordinance, to be assessed as one property.

Proportionate service rate where a service is laid after commencement of the water rate year.

340. Where, at any time after the commencement of any water rate year, any premises which up to that time were liable to the district rate only, are supplied with water by means of a service pipe, there shall be paid in respect of such premises, in addition to the district rate, a proportionate service rate calculated for the period from the date of the laying of the service to the end of the current water rate year.

Rates on new house.

341. Where any new house is erected in the City after the commencement of any water rate year there shall be paid in respect of such new house, in addition to any rates already levied and payable in respect of the land on which such new house is erected, an additional district rate calculated for the period from the date of the completion of such house to the end of the current water rate year, upon the difference between the annual rateable value of the premises before the erection of such new house and the annual rateable value thereof after the completion of such house; and in case a service pipe shall be laid in such new house, there shall also be levied a service rate computed on the annual rateable value of such new house for the period from the date of the completion thereof to the end of the current water rate year, and such district and service rates shall be due and payable on such date as may be fixed by the Corporation.

Rates on new houses outside City.

342.—(1.) When any new house is erected within the district but outside the limits of the City after the commencement of any water rate year, the Corporation may at any time after the completion of such house fix the annual rateable value thereof for the purposes of this part of

this Ordinance, and there shall be paid to the Corporation in respect thereof proportionate district and service rates computed on such annual rateable value for the period from the date of the completion of such house to the end of the current water rate year; and such proportionate rates shall be due and payable on such date as may be fixed by the Corporation.

(2.) Notice of the annual rateable value so fixed by the Corporation shall be given to the owner of such new house.

343.—(1.) Where any rateable hereditament situate in the City is not assessed in the House Rate Book for the time being in force and where any rateable hereditament within the district outside the limits of the City is not assessed, or is in the opinion of the Corporation insufficiently assessed in the assessment roll of the Ward in which such hereditament is situate, it shall be lawful for the Corporation to fix the annual rateable value thereof for the purpose of determining the water rates payable in respect thereof, and to fix the date on which the water rates for that year, computed on such valuation, shall be payable.

Premises not assessed in house rate book or assessment roll.

(2.) Notice of the rateable value so fixed by the Corporation and of the date on which such rate is payable shall be given to the owner of such rateable hereditament.

344. Where the Corporation have fixed the annual rateable value of any rateable hereditament under the two immediately preceding sections, the provisions of Sections 120 to 126 (both inclusive) of this Ordinance relating to the owner's right of objection to valuations made by the Corporation for House Rates and to appeals from the decisions of the Corporation and of the Commissioner with respect to such valuations shall apply to the valuations made under the power conferred by the last two preceding sections.

Appeal against valuations made under this Part.

*Rate for non-domestic supply and for the Shipping.*

345.—(1.) The Corporation may levy for a supply of water not for domestic purposes or domestic use such rates and charges as they may in their discretion deem fit.

Rates for non-domestic supply.

(2.) Provided that in no case, except where water is supplied to premises outside the district or to shipping, shall

a greater charge be made than ten pence per thousand gallons of water so supplied.

(3.) For the supply of water to any premises outside the district or to shipping, the Corporation may charge such rates as they may in their discretion deem fit.

*Charges for Garden Taps and Fountains.*

Charges for  
garden taps  
and fountains.

**346.**—(1.) When water is supplied by the Corporation to any premises for a garden tap or for a fountain there may be levied, in addition to the district and service rates, the following annual charges, that is to say:—

For each garden tap, a charge not exceeding £1.

For each fountain, a charge not exceeding £3.

(2.) Where a garden tap is fixed or a fountain erected during the currency of any water rate year, the charge to be made for such garden tap or fountain in respect of that year shall be a proportion of the above charges corresponding to the period from the date of the fixing of such garden tap or the erection of such fountain to the end of the current water rate year.

(3.) Whenever in their opinion the supply of water from the Waterworks is or threatens to be insufficient for the ordinary requirements of the District, the Corporation may by notice addressed to the occupiers of premises having garden taps or fountains require such occupiers not to use the water from such taps or in such fountains for such period as may be specified in such notice or until further order, or may require such occupier to limit the use of the water from such taps or in such fountains to such time during the day as may be specified in such notice.

(4.) Any occupier acting in contravention of the terms of any such notice shall be liable to a penalty not exceeding Ten pounds.

Fountains  
under control  
of Local  
Authorities.

**347.** The Corporation may on such terms and conditions as they shall think fit supply water to any fountain or fountains under the control of any municipal or local authority in any public place or square within the district.

*Stock and Carriage Charges.*

Charge for  
Stock and  
Carrriages.

**348.**—(1.) When water is supplied by the Corporation to any premises on which any stock or carriage is kept, there shall be levied by and paid to the Corporation by the owner

of such premises in addition to the district and service rates, the following annual charge in respect of such premises, that is to say:—

For each head of stock, a charge not exceeding six shillings.

For each carriage, a charge not exceeding six shillings.

(2.) This charge shall be paid quarterly in advance on the first day of August, the first day of November, the first day of February and the first day of May in every year, or on any subsequent day in each quarter on which any stock, carriage or carriages shall be first brought on the premises, and in no case shall less than a quarter's charge be paid in respect of any stock or carriage on any such premises; and the owner shall at the time of making such payment deliver to the Corporation a return in writing under his hand in such form as may be prescribed by the Corporation.

To be paid quarterly in advance.

(3.) The owner of any premises within the district shall, whenever required to do so by the Corporation, make and deliver to the Corporation a return in writing under his hand according to such form as may be prescribed by the Corporation, specifying the number of head of stock and the number of carriages on the premises on the date of such return.

Return by owner.

(4.) Any owner of any premises within the District who shall fail, omit, neglect or refuse to make and deliver such a return or who shall make a return which is untrue in any particular shall be liable to a penalty not exceeding £5.

(5.) When there is any stock or carriage on any premises within the District, the onus of shewing that the water supplied by the Corporation is not used for the purpose of watering such stock or washing such carriage shall lie on the owner of such premises.

*Charge for Baths exceeding 200 Gallons.*

349.—The Corporation shall levy in addition to the district and service rates the following rates for a bath or baths exceeding in the aggregate two hundred gallons in capacity, that is to say:—

Additional rates for baths exceeding 200 gallons in capacity.

For one or more baths containing in the aggregate 201 to 300 gallons, an annual rate not exceeding two pence per gallon of its or their contents in excess of 200 gallons.

For one or more baths containing in the aggregate 301 to 400 gallons, an annual rate not exceeding two and a half pence per gallon of its or their contents in excess of 200 gallons.

For one or more baths containing in the aggregate 401 to 500 gallons, an annual rate not exceeding three pence per gallon of its or their contents in excess of 200 gallons.

For one or more baths containing in the aggregate 501 to 600 gallons, an annual rate not exceeding three and a half pence per gallon of its or their contents in excess of 200 gallons.

Proviso.

Provided always that in the case of premises assessed as one property in the House Rate Book, distinct portions of which are occupied by separate families under distinct tenancies, the Corporation may in their discretion allow in respect of each such portion of the premises a bath not exceeding 200 gallons in capacity.

Baths  
exceeding 600  
gallons.

**350.** It shall not be lawful for the owner of any premises within the district to have or keep therein a bath or baths containing in the aggregate more than 600 gallons, except with the consent in writing of the Corporation and upon such terms and conditions as they may prescribe: Provided that the maximum annual rate for any such bath or baths shall not exceed five pence per gallon of its or their contents.

*Date of payment and incidence of rate.*

Water rates—  
when due.

**351.** Except where otherwise expressly prescribed by resolution of the Council in those cases where the Corporation are authorised by this Ordinance to fix a different date, all rates and charges payable under this part of this Ordinance shall be due on the thirtieth day of September in each year in respect of the year commencing on the next preceding first day of August, and, until paid, shall be a charge on the premises liable for such rates and charges.

Incidence of  
water rates  
and charges.

**352.** All rates and charges payable to the Corporation under this part of this Ordinance shall be borne and paid by the owner of the rateable hereditament in respect whereof such rates and charges are payable, but the amount of such rates and charges may be paid by the tenant or occupier of such rateable hereditament or of any part thereof,

and such tenant or occupier may deduct the amount so paid by him from the rent payable by him in respect of such rateable hereditament.

Provided that nothing herein contained shall affect any contract between landlord and tenant with respect to the payment of such rates and charges.

Saving of |  
contracts  
between  
landlord and  
tenant.

*Rates and charges to be a charge on premises.*

353. All rates and charges and all sums of money whatsoever due and payable to the Corporation under this part of this Ordinance, together with any statutory increase which may have accrued in respect thereof shall, until paid, be a charge on the premises upon or in respect whereof such rates and charges or sums are due and payable; and, without prejudice to such charge and to the power of sale conferred by the Public Authorities (Rates and Charges Recovery) Ordinance 1913, the amount of such rates, charges or sums of money together with the statutory increase (if any) may be recovered by the Corporation from the owner for the time being of such premises by action in any court of competent jurisdiction or by distress on any goods or chattels (including any moveable tenement standing on land forming part of the premises) which may be found in or upon such premises.

Rates and  
charges to be  
a charge on  
premises.

*Water Rate Book.*

354. As soon as may be after the commencement of every water rate year, or at such later period as the Corporation may think fit, the Corporation shall cause to be entered in a book, to be called the "Water Rate Book," the several rateable hereditaments in respect whereof rates are payable under this part of this Ordinance and the water rates payable in respect thereof for the current water rate year; and they may also cause to be entered in the Water Rate Book the names of the owner or reputed owner of each of such premises.

Water Rate  
book.

355. No rateable hereditament omitted from any cause whatever to be entered in any Water Rate Book shall, by reason of such omission, be relieved from liability to any rates or charges payable in respect thereof under this part of this Ordinance, and the Corporation may at any time and from time to time cause such omitted hereditaments to be entered in such Water Rate Book and may levy and collect the rates and charges to which the same are liable.

Omission to  
enter rateable  
hereditament  
not to affect  
its liability to  
water rates or  
charges.

*Government Contribution to Rates.*

Government contribution in lieu of water rates.

**356.** It shall be lawful for the Governor by his warrant to direct the Receiver-General to pay, and the Receiver-General shall accordingly pay to the Corporation such sums as may from time to time be agreed upon by the Corporation and any officer in the Public Service whom the Governor may appoint for the purpose, in respect of water supplied to any public institution or department.

*Meters and Metered Supplies.*

Return of metered supplies.

**357.**—(1.) The Corporation shall at the close of each quarter make a return showing the amount of water consumed by the owner of every premises receiving a metered supply and the value thereof and the rent of any meter furnished by the Corporation to such owner; and every such owner shall at the same time be served with an account showing the quantity of water consumed and its value and the rent of the meter furnished as aforesaid; and such owner shall pay to the Corporation the amount of such account within one month from the date of the service of the account.

(2.) In default of payment of the account within one month from the date of the service thereof on the owner, the Corporation may cut off the water supply of any premises the owner of which has made such default.

Rent of meter.

**358.** The Corporation, whenever a meter is fixed, may charge as rent of such meter such sums as they may by regulations prescribe to be paid as the rent thereof, and such rent shall be paid quarterly and be recoverable with and as part of the charges made for the water supplied under the last preceding section.

Minimum rate where a meter is fixed

**359.** Whenever a meter is fixed in any premises for the purpose of measuring the quantity of water supplied thereto the rates chargeable shall in no case be less than the amount of the general district and service rates calculated on the valuation of the premises so supplied with water; and in calculating the value of the water so supplied a greater charge shall not be made than ten pence per one thousand gallons of water consumed.

Reading of Meters.

**360.**—(1.) Meters shall be read between the hours of 7 a.m. and 5 p.m. at such reasonable times as the Corporation may direct, not less frequently than three times a quarter.

Whenever a meter is read a memorandum of the reading and of the preceding reading shall be left with the occupier of the premises supplied through it.

(2.) For the purpose of calculating the quarterly consumption, the difference between two readings of the meter shall be taken. The first reading may be that observed on any day not more than ten days before or after the calendar date of the commencement of the quarter, or in the case of a newly fixed meter, the first reading of the meter; the second reading may be taken on any day not more than ten days earlier or later than the calendar termination of the quarter, or if the meter is removed or the supply closed during the quarter, then the last reading shall be taken; and the difference between the two readings shall be taken as the quarter's water consumption. If two or more meters have been in use during the quarter, then the quarter's consumption shall be the sum of the quantities indicated by the several meters.

(3.) Provided always that the reading used as the last reading of any quarter, shall be used as the first reading of the ensuing quarter. Proviso.

(4.) If a meter is found to be out of order, or if it be removed for repair or alteration, the fact shall be noted on the memorandum mentioned in Sub-section (1). On fixing a new meter or refixing the old meter a second memorandum shall be handed to the owner of the premises. The consumption for the time that the meter was out of order, or for the time that the service was without a meter, shall be calculated according to the daily average rate of consumption that obtained during the period between any two successive readings, whilst the meter was in good order, immediately preceding the removal of the meter.

(5.) If the consumer doubts the accuracy of the meter which measures the water supplied to the premises owned or occupied by him, then the meter will, on demand, be tested by the Corporation. The consumer or any person appointed by him may be present when the meter is tested. The results of the test shall be binding, both on the Corporation and on the consumer; and the quantity of water indicated by the meter, from the first reading of the quarter as defined in Sub-section (2) shall be corrected, according to the results of the test.

If the meter be found to indicate correctly the measurement of water passing through it, then a fee of one pound shall be paid by the consumer for testing.

A meter shall be deemed to register correctly within the meaning of this Sub-section which registers within five per centum of the amount of water actually passing through it.

(6.) Meters shall be maintained by the Corporation. Repairs which in the opinion of the Corporation are necessitated by any wilful or negligent act shall be paid for by the owner or occupier of the premises in respect of which the damaged meter is fixed, and shall be forthwith recoverable from him in the Port-of-Spain District Court without limit of amount.

(7.) The Corporation may remove any meter for the purpose of testing the accuracy thereof, or for examination or repairs, or in order to replace it by another, and also in case of the discontinuance of the supply.

(8.) Every person who in any way interferes with, or injures or suffers to be injured any meter or any fittings in connection therewith, or alters the index to any meter or prevents any meter from duly registering the quantity of water supplied, shall (without prejudice to any other right or remedy vested in the Corporation) be liable to a penalty not exceeding £5, and the Corporation may, in addition thereto, recover the amount of any damage by them sustained.

(9.) The rent of a meter on any premises shall continue to be payable until notice to the Corporation that such meter is no longer required, such notice to be given in writing not less than three months before the end of the current water rate year.

Meters  
property of  
Corporation.

361. All meters shall be the property of the Corporation and shall not be subject to distress for the rent of any premises or be attached or taken in execution under any power of any court of law or under legal proceedings against or affecting the owner of the premises in which such meters are found.

#### *Waste of Water.*

Liability for  
waste of water.

362. Any occupier of any premises supplied with water who causes, permits, allows or suffers any waste of water on such premises, (not due to a defective service of which the

occupier shall have given due notice to the Corporation) shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding five pounds.

363. Whenever there is waste of water in any premises supplied with water, the Corporation may, without prejudice to any other remedy which they may have against any person liable for such waste of water, cut off and discontinue such supply. Measures for prevention of waste of water.

Provided that such cutting off and discontinuance shall not take place in any premises where there are water closets in connection with the sewerage system, unless such cutting off and discontinuance is effected in such a manner as not to interfere with the supply of water to such water closets. Proviso.

Provided also that such cutting off and discontinuance shall not take place except when, in consequence of there being more than one occupier of the premises supplied with water or from any other cause, the Corporation after making enquiry are unable to ascertain the person liable for such waste of water. Proviso.

Provided also that such cutting off and discontinuance shall not take place until six hours notice shall have been given by the Corporation, and such cutting off and discontinuance shall in no case be for a longer consecutive period than seventy-two hours. Proviso.

Every such notice shall be in writing and shall be signed by the Engineer and shall be deemed to be duly given by being affixed on some part of the premises in respect of which the water supply is to be cut off and discontinued.

364. For the purposes of this part of this Ordinance there shall be deemed to be a "waste of water" in any of the following cases:— "Waste of water."

- (a.) When water is flowing from a tap or cock into a bath or a vessel or utensil which is at the same time overflowing.
- (b.) When water is flowing from a tap or cock into a bath or a vessel or utensil which is at the same time being emptied of its contents.
- (c.) When water is flowing from a tap or cock into a bath or a vessel or utensil which has a defective outlet plug or which is not water-tight.

- (d.) When water is flowing from a tap or cock without being received into some vessel or utensil, and without being used for some domestic purpose.

*Offences other than 'Waste.'*

Offences other than waste.

**365.** Every person who :—

- (1.) Bathes in any part of the waterworks ;
- (2.) Drives, or permits or suffers any animal to be driven or to enter into the waterworks ;
- (3.) Washes in, or throws into, or causes or suffers any animal to be washed in or thrown into the waterworks ;
- (4.) Washes in or throws into the waterworks any dead animal or any part of any dead animal ;
- (5.) Puts or throws or causes or suffers to be put or thrown into the waterworks any rubbish, dirt, filth or any foul, offensive or noisome matter whether solid or liquid ;
- (6.) Washes or cleanses, or suffers or causes to be washed or cleansed in the waterworks any cloth, wool, leather or skin of any animal or any clothes :
- (7.) Causes or suffers the water from any sink, privy, sewer, drain, steam engine or boiler, or any foul or filthy water being and lying upon any land, tenement or premises of which he is the owner or which is under his management and control or under the management and control of his servants or agents, to run or flow into the waterworks ;
- (8.) Does or commits any other thing or act whatsoever whereby any water flowing to or from the waterworks is fouled or polluted, or the flow thereof impeded ;
- (9.) Wilfully or negligently injures or damages, or causes to be injured or damaged any of the works constructed under this part of this Ordinance ;

shall be guilty of an offence against this Ordinance, and on

conviction thereof shall for every such offence forfeit and pay a penalty not exceeding £5, and a further penalty not exceeding £1 for each day after the first that the offence is continued.

In proving interference with the due flow of the waterworks or the pollution thereof, evidence may be given of repeated acts which together cause such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

In this section the term "waterworks" includes any lake, pond, spring, river or stream, from, through, to or along or by which water is conducted or flows to or from the waterworks.

**366.** Every occupier of premises supplied with water who shall suffer any stopcock, pipe or other work to be out of repair without giving notice to the Corporation, so that the water supplied to him shall be wasted, shall forfeit for every such offence a sum not exceeding five pounds.

Allowing  
of cocks, &c., to  
be out of  
repair.

**367.** The owner or occupier of any premises supplied with water from the waterworks who shall use such water or permit or suffer the same to be used for the purposes of any other premises, or who shall supply or dispose of such water to any other person shall be guilty of an offence, and shall upon conviction thereof be liable to a penalty not exceeding £20.

Water to be  
used only for  
purposes of  
premises  
supplied  
therewith.

**368.**—(1.) It shall not be lawful for the owner or occupier of any premises supplied with water by the Corporation or any other person to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the Corporation or to a communication or service pipe belonging to or used by such owner, occupier or other person, or to make any alteration in any such communication or service pipe or in any apparatus connected therewith without the consent in every such case of the Corporation.

Affixing or  
altering pipes,  
&c., without  
consent of  
Corporation.

(2.) If any person acts in any respect in contravention of this section he shall for any such offence be liable to a penalty not exceeding five pounds, without prejudice to the right of the Corporation to recover damages from him in

respect of any injury done to their property, and without prejudice to the right to recover from him the value of any water wasted, misused or unduly consumed.

Unlawfully  
taking water.

**369.**—(1.) No person or persons except those resident within the district in any premises duly assessed for water rates may take or use water from the waterworks.

(2.) Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding Five Pounds.

*Bye-Laws and Regulations.*

Bye-laws and  
Regulations.

**370.** The Corporation may make Bye-Laws and Regulations with respect to all or any of the following matters, that is to say :

- (a.) The materials to be used in constructing, altering and repairing services or any part of them ;
- (b.) The arrangement of services, the size, quality and pattern of all pipes, taps and other fittings and appliances to be used in constructing them and in their alteration and repair ;
- (c.) The situation, size and quality of all cisterns and other receptacles for water, and of all ball-cocks, syphons, overflow and waste pipes and all other appliances in connection therewith ;
- (d.) The number of taps to be allowed in any tenement or premises in respect of the amount paid as water rates and the charge to be made for any taps in addition to those so allowed ;
- (e.) The amount of rent to be paid for meters ;
- (f.) The prices to be paid for all services and for any work of whatever kind connected therewith constructed, laid and repaired by the Corporation ;
- (g.) The suspension of the water supply ;
- (h.) The prevention of waste and the improper use of water supplied from the waterworks ;

- (i.) The forms of all notices required to be given or sent under this Part of this Ordinance and the using and service thereof;
- (j.) The use at public fountains of water taken therefrom.
- (k.) With respect to all such other matters not hereinbefore specially mentioned as may conduce to the better and more effective carrying out of this part of this Ordinance.

*Entry and Inspection.*

371.—(1.) It shall be lawful for the Corporation and the Engineer and any other person authorised in writing by the Mayor or the Engineer, together with any assistants, to enter into and upon and inspect any lands or premises adjacent to or in the neighbourhood of the waterworks, or of any lake, pond, river, spring, stream, reservoir, aqueduct, or water-course, from, to, through or along or by which water is conducted and supplied to the waterworks, and to erect without permission and from time to time to inspect, repair, replace or remove any gauge or other measuring instrument and any level mark, or other appliance that he or they shall deem requisite.

Entry on  
lands adjacent  
to the water-  
works.

(2.) Any person who shall remove or tamper with any gauge or measuring instrument or any level mark or other appliance erected as aforesaid shall be guilty of an offence against this Ordinance, and shall be liable on conviction thereof to a penalty not exceeding Five Pounds.

372.—(1.) The Corporation and the Engineer and any other person authorised by the Corporation may at all reasonable times between the hours of 7 a.m. and 5 p.m. enter any premises supplied with water from the waterworks to inspect and examine the service therein, and may make such excavations and remove such materials as may be deemed necessary for the purpose of such inspection and examination, afterwards making good the same but without being liable to compensation in respect thereof.

Right of entry  
and inspection

(2.) The Corporation and the Engineer and any other person authorised by the Corporation may at all reasonable times between the hours of 7 a.m. and 5 p.m. enter

into any premises supplied with water from the waterworks in order to examine the service therein and see if there is any waste of such water from any cause whatever.

(3.) If any person lawfully claiming admission to any premises in pursuance of this section is refused admission into such premises or otherwise prevented from making such examination, the person so refusing admission to any premises or otherwise preventing the examination of the service shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding Five Pounds.

*Repayment of Loan of £57,000.*

Loan of  
£57,000.

**373.** The Corporation shall be responsible for the sum of £57,000 included in the Railway Extension and Public Works Loan Ordinance No. 34 of 1895 (No. 263 of the Revised Edition), and expended in the construction of the Port-of-Spain Waterworks in accordance with the resolution of the Legislative Council of the 11th February, 1901, and shall on such dates as may be fixed by the Governor pay annually from the water rates collected under the authority of this Ordinance to the Receiver-General to be carried to the credit of the General Revenue of the Colony such amounts as may be fixed by the Governor to meet the charges for Interest and Sinking Fund in respect of the said sum of £57,000.

The interest at the rate of  $3\frac{1}{2}$  per centum per annum on the sums expended on the Port-of-Spain Waterworks from the loans authorised by Ordinances No. 34 of 1895 and No. 28 of 1902 and the Ordinances repealing and re-enacting the same prior to the collection of water rates under the authority of Ordinance No. 13 of 1904 shall be added to the capital cost of the waterworks and shall be repaid by the Corporation to the Receiver-General in such manner as the Governor may prescribe.

PART XVII.

SEWERAGE WORKS.

*Definitions.*

Definitions.

**374.** In and for the purposes of this Part of this Ordinance, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:—

“Sewerage System” means the sewerage system vested

in the Board at the time of the commencement of this Ordinance and all extensions of such sewerage system that may be hereafter constructed under any of the powers contained in this Part of this Ordinance or in any other Ordinance.

“House Sewer” means all sewers, pipes, latrines, water-closets, gullies, flushing-tanks, cisterns and other appliances connected to the street sewers intended to be used for the conveyance of sewage from any premises to the street sewers, and constructed within private property at the cost of the owner and for the maintenance and repair of which such owner is liable.

“Street Sewers” means all sewers, pipes, intercepting sewers, man-holes, gullies, flushing-tanks, ventilating openings or shafts on and under the roads, streets and lands within the district which immediately before the commencement of this Ordinance were vested in the Board, or which may hereafter be vested in the Corporation.

“The District” means such parts of the city and places adjacent thereto as are coloured pink on the plan drawn in duplicate dated the 27th May, 1914, signed by the Town Clerk, whereof one duplicate original is deposited with the Sub-Intendent of Crown Lands and the other in the Town Hall, and also such other areas adjacent thereto as the Governor and Legislative Council, on the application of the Corporation, shall by proclamation published in the *Royal Gazette* declare to be included in the district.

“Rateable Hereditament” means any dwelling house, warehouse, store, shop, counting-house, manufactory, factory, workshop, stable, shed and any other building whatsoever in the district and the lands on which the same respectively are built, erected or standing together with any lands appurtenant to or occupied with the same respectively; and includes every parcel of land in the District not appurtenant to or occupied with any house, warehouse, store, shop, counting-house, manufactory, factory, workshop, stable, shed, or any other building; but shall not include buildings occupied solely as churches, chapels and other places of public worship of any religious denomination.

“Sewerage Rate Year” means the period between the

first day of July in any year and the thirtieth day of June in the next following year, both days inclusive.

“The Engineer” means the same person as is appointed Engineer for the purposes of Part XVI. (Waterworks) of this Ordinance.

*Sewerage System vested in the Corporation.*

Sewerage  
system vested  
in the  
Corporation.

**375.** The sewerage system is hereby declared to be vested in and to be under the management and control of the Corporation.

*Further construction or extension of Sewerage System.*

Further  
construction of  
Sewerage  
system, with  
Governor's  
approval.

**376.**—(1.) No further construction or extension of the sewerage system shall be undertaken by the Corporation except with the approval of the Governor in Executive Council.

(2.) Every application for such approval shall state the reasons which, in the opinion of the Corporation, render such further construction or extension necessary or desirable, and shall be accompanied by a plan shewing the works proposed to be executed for the purpose of such further construction or extension, and an estimate of the cost of such works.

(3.) The Governor in Executive Council may approve of the execution of the further construction works shewn on the plan, on the terms set forth in the application, or with such modifications thereto and subject to such conditions in relation to such works, or to the payment of the expenses thereof as he may think proper.

*Repayment of Loan of £100,000.*

Loan of  
£100,000.

**377.** The Corporation shall be responsible for the sum of £100,000 raised by loan under the authority of Ordinance No. 13 of 1896 (No. 264 of the revised edition), for the construction of the Port-of-Spain Sewerage Works, and shall on such dates as may be fixed by the Governor pay annually from the sewerage rates collected under the authority of this Ordinance to the Receiver-General to be carried to the credit of the General Revenue of the Colony,

such amounts as may be fixed by the Governor to meet the charges for Interest and Sinking Fund in respect of the said sum of £100,000.

The interest at the rate of 4 per centum per annum on the sums expended on the Port-of-Spain Sewerage Works from the loans authorised by Ordinances No. 13 of 1896 and No. 28 of 1902 and the Ordinances repealing and re-enacting the same prior to the collection of sewerage rates under the authority of Ordinance No. 23 of 1901 (No. 219 of the revised edition) shall be added to the capital cost of the said sewerage works and shall be repaid by the Corporation to the Receiver-General in such manner as the Governor may prescribe.

*Regulations.*

378. The Corporation may make regulations with respect to all or any of the following matters:—

Power to  
make  
regulations.

- (a.) With respect to the manner of making application for the construction, extension, alteration and repair of house sewers and water closets, and as to the plans and other documents to accompany such application.
- (b.) With respect to the purposes for which and manner in which house sewers and water closets are to be used and with respect to the keeping of the same and every part thereof in a clean and sanitary condition.
- (c.) With respect to the situation, number, nature, size, pattern and quality of drains, water closets, urinals, sinks, gullies, traps, pipes, and other appliances to be used in connection with any given class of premises.
- (d.) With respect to the materials to be used in house sewers and water closets and surface drains for rain water.
- (e.) With respect to the licensing and controlling of Sanitary Constructors, and the withdrawal of licenses.
- (f.) With respect to the repair of, and the removal of obstructions from, house sewers, water closets

and drains and appliances to be used in connection therewith, and for the inspection of the same from time to time and the fees to be charged for such repairs and removal of obstructions.

- (g.) With respect to the preparation of plans to be submitted to the Corporation for any of the purposes of this part of this Ordinance and the scale on which the same are to be drawn.
- (h.) With respect to the carrying into effect and enforcing the several powers conferred on the Corporation by this part of this Ordinance.

#### *Sewerage Stores.*

Stores to be property of the Corporation.

**379.** All sewerage pipes, materials, plant, machinery, stores and appliances in the possession or under the control of the Board at the commencement of this Ordinance are hereby declared to be the property of the Corporation.

Sale of stores.

**380.** The Corporation may sell to private individuals such materials, appliances and stores as may be required for the construction of house sewers and house drains.

Accounts.

**381.** The Corporation shall establish a complete system of stores accounts and keep the same to the satisfaction of the Governor.

#### *Construction of House Sewers.*

Owner of premises to instal the Sewerage system on receipt of notice.

**382.**—(1.) The owner of premises any part of which is situate within 150 feet of a street sewer laid in any part of the district and proclaimed as completed under this part of this Ordinance shall, on being served with a notice by the Corporation requiring him so to do, proceed within the time specified in such notice, to construct house sewers and provide and fix within his premises such and so many water-closets, urinals, sinks, gullies, traps, pipes and other appliances as may be prescribed in such notice, and shall, within the further period of time specified in such notice complete the works prescribed therein.

(2.) The Corporation may, by notice served on the owner of any premises in the sewerage district, require him within a reasonable time to be specified in such notice, to complete, add to, amend or repair any existing house sewers or water-closets or ventilating pipes in such premises or to construct such additional sinks, ventilating pipes and water-closets, and execute such other works therein as shall, in the opinion of the Corporation be necessary to be executed by the owner in order to satisfy the requirements of this part of this Ordinance or any regulations made hereunder, or as shall be necessary or desirable in the opinion of the Corporation in order to prevent or to abate any nuisance in such premises.

Owner to complete, add to, &c., house sewers, on notice.

(3.) Provided that if the Corporation are satisfied that any contrivance or arrangement in actual operation for the removal of fecal matter is inoffensive and sanitary, the Corporation may in their discretion suspend, for such time as they shall continue to be satisfied with the working and efficiency of such contrivance or arrangement, the construction of any water-closets or house sewers in connection with water-closets on such premises which they may deem to be unnecessary while such contrivance or arrangement remains in effective and sanitary operation.

333. If after the expiration of the period of time prescribed in any notice served by the Corporation under either sub-section (1) or Sub-section (2) of the last preceding section, the owner of the premises fails to comply with the requirements of such notice to the satisfaction of the Corporation, it shall be lawful for the Corporation by their officers and servants to enter upon such premises and execute the works prescribed in such notice.

Corporation may execute works on owner's default.

334.—(1.) When the Corporation shall have executed any works under and in pursuance of the power conferred by the last preceding section, and ascertained the expenses thereof, an account under the hand of the Town Clerk of such expenses, together with ten per centum added, shall be served on the owner of the premises, and the amount of such expenses with ten per centum added thereto shall be a debt due by the owner to the Corporation and shall be paid

Account of expenses to be served on owner, and such expenses to be a charge on premises.

by the owner to the Corporation within twenty-one days after service of such account and, until repaid to the Corporation, shall be a charge on such premises.

(2.) Provided that the Corporation, if satisfied that the owner is unable, from poverty or other inability, to pay the amount of such account within the prescribed time, may allow such owner to pay the same, with ten per centum thereon and interest at the rate of five per centum per annum, within such time not exceeding fifteen years, by such instalments and upon such terms and conditions as the Corporation may think fit.

Corporation may in certain cases execute works at owner's request—Cost may be payable by instalments and to be a charge on the premises.

**385.** Whenever it shall be made to appear to the Corporation, on any representation by the owner of any premises and on due investigation of the circumstances, that such owner is from poverty or other inability unable to defray within the time prescribed by this Part of this Ordinance the cost of any work which he is required to carry out in pursuance of a notice served upon him by the Corporation under this part of this Ordinance, it shall be lawful for the Corporation to undertake the execution of such work; and the expenses incurred in the execution thereof, with ten per centum added thereto, shall be deemed a debt due by such owner to the Corporation, and such debt shall bear interest at the rate of five per centum per annum; and the amount of such debt and interest shall be a charge on such premises and shall be repayable within such time not exceeding fifteen years as the Corporation may allow either by fixed instalments on the annuity system to be computed according to the scale in the fifteenth schedule to this Ordinance or otherwise.

Recovery of instalments in arrear.

**386.** If at any time any instalment payable by any owner in respect of any sum charged on any premises under this part of this Ordinance shall be in arrear and unpaid for the period of three months after the time appointed by the Corporation for the payment of such instalment the whole amount of the debt so charged upon such premises for the time being remaining unpaid shall immediately become payable and may, without prejudice to the power of sale conferred by the Public Authorities (Rates and Charges

Recovery) Ordinance, 1913, be recovered from the owner for the time being by action in any Court of competent jurisdiction.

Provided that where the instalment so in arrear and unpaid is an instalment in respect of a debt made repayable by instalments computed on the annuity system according to the scale in the fifteenth schedule to this Ordinance, the whole amount of the debt charged which becomes immediately payable under this section shall not be the aggregate amount of the outstanding instalments but shall be the whole debt (consisting of the expenses incurred in the execution of the works with ten per cent. added thereto) together with interest thereon at the rate of five per centum per annum computed from the date of the completion of the works to the date of payment of such debt or of the sale of the premises under the power conferred by the Public Authorities (Rates and Charges Recovery) Ordinance, 1913, less the amount of any instalments already paid.

**387.**—(1.) Every person who erects any new house in the district within 150 feet of a street sewer laid and proclaimed, under this part of this Ordinance as being completed and ready for the reception of sewage shall cause such new house to be connected with the sewerage system.

(2.) It shall not be lawful for any person to let or to occupy or suffer to be occupied any building erected after the commencement of this Ordinance unless such building shall be connected with the sewerage system to the satisfaction of the Corporation.

(3.) Any person offending against this section shall be liable for each offence to a penalty not exceeding £20, and to a further penalty not exceeding £1 for every day after written notice of the offence from the Corporation.

**388.** The house sewers in premises within the district shall in addition to serving to remove faecal matter, be so devised, planned and constructed as to carry all waste water from baths washing and otherwise (other than surface rain water) from such premises into the sewers and not into the street surface drains.

Who may construct, extend or alter house sewers.

**389.**—(1.) It shall not be lawful for any person other than the Corporation or a person duly licensed in that behalf by the Corporation to construct, extend, alter or repair house sewers.

(2.) Any person who constructs, extends, alters, or repairs any house sewer without having a license from the Corporation in that behalf in force, and any person who employs or continues to employ for the construction, extension, alteration or repair of any house sewer, a person not having such a license in force, shall be guilty of an offence under this Ordinance, and shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty of one pound for every day that the offence is continued after written notice thereof from the Corporation.

No sewer or drain to be connected with sewerage system, except with the consent of Corporation or Engineer.

**390.**—(1.) It shall not be lawful for any person to make or construct, or to cause to be made or constructed any sewer or drain or to connect or cause to be connected the same with the sewerage system without the consent and approval in writing of the Corporation.

(2.) Any person who acts in contravention of any of the provisions of this section shall be liable to a penalty not exceeding £5, and to a further penalty of £1 for each day that the connection made without such consent and approval remains after written notice from the Corporation or the Engineer to remove the same.

House sewer constructed to serve 2 or more premises.

**391.** Where a house sewer is constructed by the Corporation to serve two or more houses, the expenses of such construction are hereby declared to be and to have always been a charge upon each and every such house, including the land whereon such house stands and any land appurtenant to or used or occupied therewith, and the Corporation may at any time thereafter apportion in such proportions as to them shall seem just the total cost of such house sewer among the premises charged therewith.

Apportionment of cost.

**392.** Where any premises have been connected with the sewerage system under this Ordinance, and (a), the owner of such premises has sold or has agreed to sell a portion of such premises, or (b), such premises have been, or are about to be divided into separate premises, the Corporation may,

on the application of the owner, and upon such terms and conditions as to the Corporation shall seem fit, apportion the cost and charges payable to the Corporation and charged on such premises in such proportions as to the Corporation shall seem just.

**393.** Whenever a house sewer originally constructed to serve two or more houses ceases to be available for use by the occupier of any one or more of such houses, it shall be the duty of the owner or owners of the last mentioned house or houses forthwith to connect the same with the sewerage system, and the Corporation may by notice require such owner or owners to construct house sewers therein; and if at the expiration of the period mentioned in such notice such owner or owners shall have failed or neglected to proceed with the works prescribed in such notice it shall be lawful for the Corporation to execute such works, and the cost thereof, together with ten per centum added thereto, shall be a debt due to the Corporation by the owner for the time being, and, until repayment to the Corporation, shall be a charge on such house or houses and upon the lands appurtenant thereto.

House sewer serving two houses ceasing to be available.

**394.** Every apportionment made under this part of this Ordinance shall be binding on all parties, and shall be conclusive for all purposes.

Apportionment to be binding.

**395.**—(1.) The Corporation may out of moneys to be voted for that purpose by the Legislative Council connect with the sewerage system any premises now occupied or used as an elementary school under the Elementary Education Ordinances which are situated within any part of the district in which street sewers have been laid.

Elementary Schools.

(2.) Provided that after the sewerage system shall have been installed as aforesaid, the owner of such premises shall maintain and keep the same in proper order and condition.

(3.) The expenses incurred in connecting any such premises with the sewerage system shall be a debt due by the owner to His Majesty the King and, until repaid by the owner, shall be a charge on such premises and shall

be repaid by the owner to His Majesty the King in the event of such premises being used for any other purpose than that of an assisted elementary school as aforesaid.

*Licensed Sanitary Constructors.*

Corporation  
may license  
Sanitary  
Constructors.

**396.** It shall be lawful for the Corporation to authorise persons to construct, extend, alter or repair house sewers. Persons thus authorised shall be styled Licensed Sanitary Constructors. Prior to giving any license, the Corporation shall satisfy themselves of the competence of the applicant, who shall enter into an agreement with the Corporation to carry out the provisions of this part of this Ordinance and of any regulations made under the authority thereof, and to obey the orders of the Corporation or of any persons acting under the authority of the Corporation within the meaning and intent of this part of this Ordinance. Licensed Sanitary Constructors shall be responsible in respect of all acts and defaults of persons employed by them or acting under their instructions, as though such acts and defaults were the acts and defaults of the Licensed Sanitary Constructors themselves.

Corporation  
may cancel  
Sanitary  
Constructors'  
licenses.

**397.**—(1.) If, in the opinion of the Corporation, a Licensed Sanitary Constructor does anything contrary to the provisions of this part of this Ordinance or to the regulations made under authority thereof, or in any way fails to carry out any work to the satisfaction of the Corporation, then the license of such Licensed Sanitary Constructor may be revoked by the Corporation: Provided that such revocation shall not prejudice or affect the right of the Corporation or of any other person to sue and recover damages from the Sanitary Constructor whose license has been so revoked for or in respect of any injury, damage, loss or expense suffered or incurred by the Corporation or such other person by reason or in consequence of any act neglect or default of such Sanitary Constructor before the revocation of his license.

(2.) Notice of the revocation of any such license shall be published in the *Royal Gazette* and in at least one local newspaper circulating in the city.

*Sewerage Rates.*

398.—(1.) There shall be raised, levied and collected by, Sewerage Rate  
—Premises  
liable to. and paid to the Corporation upon and in respect of every rateable hereditament an annual rate, hereinafter called the sewerage rate, not exceeding £7 10 0 per centum on the annual rateable value of such rateable hereditament: Provided that the amount to be raised by such annual rate shall in each year be sufficient to pay, in addition to the cost of maintenance, the interest and the instalment on the loan funds repayable in such year.

(2.) For the purposes of this part of this Ordinance the annual rateable value of every rateable hereditament shall, in respect of each year, be (i) as regards every house and every parcel of land situate in the city, the annual rateable value of such house or parcel of land according to the House Rate Book in force for that year, and (ii) as regards every parcel of land bearing houses situate within the district but outside the limits of the city, the annual rateable value thereof in the assessment roll of the Ward in which the same is situated in force at the commencement of such year. Annual  
rateable value  
on which rate  
is to be  
compiled.

Provided that where any building forming part of any rateable hereditament is removed before the commencement of any sewerage rate year, and due notice of such removal has been given to the Corporation by the owner of the land on which such building stood, the Corporation may, for the purpose of computing the sewerage rate payable in respect of such rateable hereditament, make such alteration in the valuation thereof as to the Corporation may appear just and reasonable. Proviso.

(3.) Provided that no sewerage rate shall be raised and levied on any separate parcel or lot of land outside the limits of the city which is not occupied by a dwelling house, shop, factory or other building. Proviso.

(4.) Provided also that no rate shall be levied under this part of this Ordinance on or in respect of any premises in the district until street sewers have been laid in that part of the district in which such premises are situated and until after the publication in the *Royal Gazette* of a proclamation to the effect that such street sewers have been completed and are ready for the disposal of sewage from such premises. Proviso.

Sewerage Rate  
when due.

**399.** The annual rate levied and payable under this part of this Ordinance shall be due and payable in advance on the first day of July in every year in respect of the year commencing on such first day of July.

Sewerage rate  
on new house  
erected in the  
City after  
commence-  
ment of  
Sewerage rate  
year.

**400.**—(1.) When any new house is erected in the city after the commencement of any sewerage rate year, there shall be payable in respect thereof for the sewerage rate year in which such new house was erected a proportion of the amount of the yearly sewerage rate corresponding to the period from the date of the completion of such house to the end of the said year, computed on the valuation of such new house; and such proportionate rate shall be due and payable on such date as the Corporation may fix.

(2.) Notice of the date so fixed for payment of such rate shall be given by the Corporation to the owner of such new house.

Sewerage rate  
on new house  
erected in the  
district outside  
the City after  
commence-  
ment of  
sewerage rate  
year.

**401.**—(1.) When any new house is erected within the district but outside the limits of the city after the commencement of any sewerage rate year, the Corporation may at any time after the completion of such house fix the annual rateable value thereof for the purposes of this part of this Ordinance, and the rate payable in respect thereof for the current sewerage rate year shall be a proportion of the amount of the yearly sewerage rate corresponding to the period from the date of the completion of such house to the end of the said year; and such proportionate rate shall be due and payable on such date as the Corporation may fix.

(2.) Notice of the rateable value so fixed by the Corporation and of the date on which such rate is payable shall be given to the owner of such new house.

Assessment of  
hereditament  
not included in  
Assessment  
Roll.

**402.** When any rateable hereditament situate in the City is not assessed in the house rate book in force, or where any rateable hereditament situate outside the limits of the city is not assessed or is in the opinion of the Corporation insufficiently assessed in the Ward Assessment Roll in respect of any year, it shall be lawful for the Corporation at any time to value such rateable hereditament for the purpose of determining the sewerage rate payable thereon and to fix a day on which the rate computed on such valuation shall be due and payable.

Notice of the annual rateable value fixed by the Corporation shall be given to the owner of such rateable hereditament.

**403.** Where the Corporation have fixed the annual rateable value of any rateable hereditament under the two immediately preceding sections, the provisions of Sections 120 to 126, both inclusive, of this Ordinance relating to the owner's right of objection to valuations made by the Corporation for House Rates and to appeals from the decisions of the Corporation and of the Commissioner with respect to such valuations shall apply to the valuations made under the power conferred by the last two preceding sections.

Appeal against valuations made under this Part.

**404.**—(1.) The annual rate or tax to be paid in respect of every rateable hereditament under this part of this Ordinance shall be borne and paid by the owner of such hereditament, but the amount of such rate may be collected from and paid by the tenant or occupier of such hereditament, or any part thereof, and such tenant or occupier may deduct the amount so paid from the rent payable by him in respect of such hereditament.

Incidence of Rate.

(2.) Provided that nothing herein contained shall affect any contract between landlord and tenant with respect to the payment of such rates.

#### *Sewerage Rate Book.*

**405.** As soon as may be after the commencement of every sewerage rate year, or at such later period as the Corporation may think fit, the Corporation shall cause to be entered in a book, to be called the "Sewerage Rate Book," the several premises in respect whereof rates are payable under this part of this Ordinance and the Sewerage Rates payable in respect thereof for the current Sewerage Rate year; and they may also cause to be entered in the Sewerage Rate Book the names of the owner or reputed owner of each of such premises.

Sewerage Rate Book.

**406.** No rateable hereditament omitted from any cause whatever to be entered in any Sewerage Rate Book shall by reason of such omission be relieved from liability to the rate imposed by this part of this Ordinance, and the Corporation may at any time enter the same and the annual rateable

Omission of rateable hereditament in Rate Book not to affect its liability.

value thereof and the rate payable thereon in the Sewerage Rate Book in force, and may levy and collect any rate to which the same is liable under this part of this Ordinance and fix the dates on which such rates shall be due and payable.

*Rates to be a charge on premises.*

Rates to be a charge on premises.

407. Any rates due under this part of this Ordinance together with any statutory increase which may have accrued under the provisions of this Ordinance shall, until paid, be a charge on the rateable hereditament in respect whereof such rate is due and payable; and, without prejudice to such charge, and to the power of sale conferred by the Public Authorities (Rates and Charges Recovery) Ordinance, 1913, the amount of such rates, together with the statutory increase (if any) may be recovered from the owner for the time being of such rateable hereditament by action in any court of competent jurisdiction, or by distress on any goods and chattels (including any moveable tenement standing on land forming part of the rateable hereditament) which may be found in or upon such hereditament.

*Government Contributions.*

Government Contributions in lieu of Sewerage Rates.

408. For the purpose of assessing the contribution to be paid by the Government of the Colony in lieu of sewerage rates on premises occupied for public purposes by the Government of the Colony, all such premises situate within the City in respect of which the sum of £1,750 per annum is payable to the Corporation by virtue of Section 136 of this Ordinance, shall be deemed for the purposes of assessment to be of the annual rateable value of twenty-three thousand three hundred and thirty-three pounds six shillings and eight pence, and a contribution to sewerage rates shall be payable accordingly to the Corporation by the Receiver-General on the warrant of the Governor in respect of such premises collectively. And all other and further premises occupied for such purposes from time to time within the limits of the city, and all such premises so occupied outside of such limits shall for the purposes of this part of this Ordinance be assessed at such annual rateable value as the Corporation shall with the consent of the Governor determine, and contribution in lieu of Sewerage rates thereon shall be made from the time when each of such premises, if it

£23,333 6 8.

were not occupied for public purposes by the Government of the Colony, would have become liable to pay the rates imposed by this part of this Ordinance.

*Appropriation of Rates.*

409. From the Sewerage Rates collected under this part of this Ordinance or any Ordinance repealing or amending the same, the Corporation, after providing for the annual expenses of carrying out the provisions of this part of this Ordinance properly chargeable to income, shall pay over to the Receiver-General, for the purpose of repayment of loan and the interest thereon as hereinbefore provided, such sums and at such intervals as may be directed by the Governor in Executive Council.

*Entry and Obstruction.*

410. The Engineer or the Corporation may for the purposes of inspection, amendment and otherwise for the purposes of this part of this Ordinance from time to time enter into and upon any premises within the district and make such excavations as may be necessary for such purposes, and shall immediately thereafter replace the soil and make good all such excavations and repair any damage which may be caused thereby.

411. Any person who obstructs or endeavours to obstruct the Engineer or any member of the Corporation or any officer, servant or workman employed by them in the execution of any of the powers in this part of this Ordinance contained, (unless the Magistrate is satisfied that such act or obstruction was done in ignorance that the person obstructed was at the time acting by authority of the Engineer or the Corporation, as the case may be), shall be deemed to commit an offence against this part of this Ordinance and shall be liable to a penalty not exceeding five pounds.

*Miscellaneous.*

412. No person shall connect with any sewer any pipe for conveying steam or hot water at a temperature exceeding 150 degrees Fahrenheit under a penalty not exceeding five pounds for every such offence, and the Engineer or the Corporation may at any time disconnect any pipe con-

nected in contravention of this section, and for the purpose of so doing the Engineer and his assistants and any other officer authorised by the Corporation on their behalf may enter the premises on which such pipe is situate and excavate the soil thereof.

'Injurious matter" not to flow into sewer.

413. If in the judgment of the Corporation matter of any kind solid or liquid would be injurious to the sewerage system, or in the judgment of the Engineer or the Corporation would be prejudicial to the treatment, disposal, or utilization of the sewage, it shall be lawful for the Engineer or the Corporation to prohibit the occupier of any house, premises or place from permitting the same to run into any sewer, and if after such prohibition the same shall be introduced into or allowed to enter any sewer, the occupier of any such house, premises or place and also the person introducing or allowing such sewage to run into any sewer as aforesaid shall be liable to a penalty not exceeding Five Pounds for each day during which the same shall continue to be so introduced into or allowed to run into any such sewer.

Sewage and closet paper alone to be thrown into any receptacle connected with a sewer.

414. If any garbage, hair, ashes, fruit, vegetable, peelings, bottles, rags, tins, refuse or any other matter or thing whatsoever except sewage and the necessary closet paper shall be thrown into or deposited in any receptacle connected with a sewer, either by the occupier of any house, premises or other place, or by any person in such house, premises or place, such occupier and also the person throwing or depositing any such thing in any such receptacle shall be liable for all damages and for all expenses for taking out of the sewer any such thing, and shall also be liable to a penalty not exceeding Five Pounds.

Only water closet to be used in any part of the district where street sewers are laid.

415.—(1.) Subject to the provisions of Sub-section (3) of Section 382 hereof, it shall not be lawful for the owner or occupier to have, use or permit to be used in or upon any premises for which available sewerage accommodation along the public sewers has been provided, any privy not being a water closet, or cause or allow to be discharged along the surface drains from such premises and into the surface drains of the streets of the district any waste water from

any bath, any water holding soap in solution, or any other fluid house refuse.

(2.) Every person offending against the provisions of this section shall be liable, for each offence, to a penalty not exceeding £5 and a further penalty not exceeding £2 for every day during which such offence is continued after notice thereof from the Corporation.

416. Every pipe and drain to be constructed by or with the approval of the Corporation and communicating with the interior of any dwelling house, and every pipe and drain leading from any sink shall at all times be kept securely and effectively trapped, ventilated and aerated according to regulations made hereunder for the time being in force, so as to prevent any ascent of air or gas from such sewers through such pipe or drain. Traps and ventilators.

417. Rain water shall not be permitted to flow from or out of private premises into the sewerage system. And every sink, gully, trap or other opening into private premises communicating with the sewers shall be so constructed or protected as to prevent rain water falling on or flowing off from roofs, yards, gardens, courts, or other open spaces from entering the sewers. Provided that it shall be lawful for the Corporation to suspend the operation of this section in any case partially or wholly and for such time as the Corporation shall deem fit to order, and to vary or revoke any such suspending order from time to time as they shall deem fit. Rain water not to flow into sewers.

418. Any person who shall wilfully or negligently injure or damage or cause to be injured or damaged any of the works constructed under the provisions of this Part of this Ordinance shall be deemed to commit an offence against this Part of this Ordinance, and shall be liable to a penalty not exceeding Five Pounds, and shall be further liable for the cost of making good any such injury or damage. Damage to works.

419. In excavating any land within the district heretofore served by the sewerage system established under the Ordinance No. 20 of 1858, and also in destroying or obliterating cesspits or cesspools on any lands within the district, and generally in the course of any excavations or Precautions to be observed when excavating land or obliterating cesspits.

works hereby authorized, the Engineer and the Corporation respectively shall adopt such measures of precaution and disinfection for the purpose of preventing infectious disease being generated by reason of the disturbance of infected or polluted soil as shall from time to time be required by the Board of Health by notice in writing.

Liability for negligence, etc., in the execution of authorised works.

**420.** If any person shall suffer any injury or any damage to his premises by reason of any negligence, omission or wrongful act or breach of duty done or committed by the Engineer or by the Corporation in the execution of or under any of the powers and authorities conferred by this Part of this Ordinance, or by reason of the default or neglect of the Engineer or the Corporation or of any person employed by him or them in the execution of the several works directed or authorized by this Part of this Ordinance, or otherwise by reason of the default or neglect of the Engineer or of the Corporation or any person employed by them to perform and complete any of the acts matters and things by this Part of this Ordinance required, compensation for such injury or damage shall be recoverable by action in any Court of competent jurisdiction.

Proviso.

Provided that the Corporation when acting at the request of or on the default of any such person shall not be liable to such person in respect of any of the matters aforesaid.

Contractor to be deemed servant of Engineer.

**421.** For the purposes of the last preceding section any contractor executing work under this Part of this Ordinance shall be deemed to be a servant of the Engineer or of the Corporation as the case may be, and the bond of each such contractor shall contain a sufficient indemnity to the Engineer or the Corporation, as the case may be, against any damages, expenses and costs that may be occasioned by reason of any breach of duty, default or neglect of such contractor.

Powers of General Board of Health.

**422.** Nothing in this Part of this Ordinance contained shall be deemed to lessen any of the powers of the General Board of Health, save that the Corporation shall alone be deemed the local authority within the district to enforce this Part of this Ordinance in respect of the provision and management of sewerage, water-closet, or privy accommodation, and the accumulation of water, manure and dirt or

other offensive matter, and escape of water—not being storm water—from houses and premises which are drained and sewered by or situate within 150 feet of any sewer actually made and actually in connection with the outfall works, without affecting the powers of the Corporation or the Warden or of the Medical Officer of Health of the district in respect of any other of the matters in the Public Health Ordinances mentioned, or in respect of premises other than such as are in this section mentioned; and save as herein expressly provided, the local authority for any district shall continue to exercise all powers under the said Ordinances as heretofore.

Provided that the Board of Health shall not within the District exercise the powers vested in them by Section 11 of the Public Health Ordinance No. 187 except with the concurrence of the Corporation. Proviso.

423. Any sum or sums due to the Corporation for the expenses incurred by the Corporation in removing any chokes or obstructions in the house sewers in any premises or for any other work executed by the Corporation in connection with the house sewers in such premises, shall be a debt due to the Corporation by the owner of such premises and until repayment thereof shall be a charge on the premises in which such chokes or obstructions were found, or where such works have been executed. Chokes and obstructions in house Sewers—Recovery of expenses.

## PART XVIII.

### BYE-LAWS, RULES, &C.

424.—(1.) The Corporation may make, in addition to any other bye-laws, rules or regulations which they are authorised to make under this Ordinance, such bye-laws, rules and regulations as to them shall seem meet for the good rule and government of the City, and for the prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Ordinance in force throughout the City. Bye-laws for good rule and government of the City.

(2.) A bye-law, rule or regulation shall not be made, altered, amended or repealed unless at least two-thirds of the whole number of the Council are present.

425. The Corporation may, by any bye-laws, rules or regulations made by them under this Ordinance or any Penalty for breach of Bye-laws.

other Ordinance, whether passed before or after the commencement of this Ordinance, impose on offenders against the same such penalties as they think fit, not exceeding £10 for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day during which such offence shall continue after written notice thereof from the Corporation, and in default of payment of such penalties, imprisonment with or without hard labour for any term not exceeding three months.

Bye-laws to be confirmed by the Governor in Executive Council.

**426.**—(1.) Bye-laws, rules or regulations made by the Corporation after the commencement of this Ordinance shall not take effect unless and until they have been confirmed by the Governor in Executive Council.

Publication of Bye-laws in *Royal Gazette*.

(2.) All bye-laws, rules or regulations made by the Corporation shall, when confirmed by the Governor in Executive Council, be published in the *Royal Gazette*, with a statement of the confirmation thereof by the Governor and of the date in which they shall come into force; and production of a copy of the *Royal Gazette* purporting to contain such bye-laws, rules or regulations with such statement as aforesaid shall be sufficient evidence of the tenor, due making, confirmation, and existence of such bye-laws, rules and regulations and of the date on which they shall come into force.

(3.) This section shall not apply to any rule or regulation made by the Corporation relating to the duties, rights or conduct of their officers or servants, or with respect to the proceedings at meetings of the Council or of any Committee thereof and the form or order of their debates; and all such rules and regulations shall have effect without being confirmed by the Governor in Executive Council or otherwise.

Bye-laws may apply to whole or part of City.

**427.** Where by this or any other Ordinance now in force the Corporation are empowered to make bye-laws, rules or regulations affecting premises or imposing any duties on the owners or occupiers thereof, the Corporation may make such bye-laws, rules or regulations for the whole or for any part of the area under their jurisdiction, and may make separate and different bye-laws, rules or regulations for different parts of such area.

## PART XIX.

## LEGAL PROCEEDINGS.

*Summary Proceedings for Offences, Penalties, &c.*

428.—(1.) All offences under this Ordinance or under any bye-laws, rules or regulations made under this Ordinance shall be deemed to be offences punishable on summary conviction under the Summary Conviction Offences (Procedure) Ordinance, No. 1; and all such offences, and all penalties, forfeitures, costs and expenses under any such Ordinance, bye-law, rule or regulation directed to be recovered in a summary manner or the recovery of which is not otherwise provided for, may be prosecuted and recovered in a summary manner upon information or complaint before any Magistrate, and the procedure in all such cases shall be according to the Summary Conviction Offences (Procedure) Ordinance, No. 1, and the Magistrate may order that, in default of payment of any penalty adjudged by him to be paid in respect of any such offence, the person convicted thereof shall be imprisoned with or without hard labour for any term not exceeding three months.

Recovery of Penalties.

(2.) All penalties fines and costs recovered for offences under this Ordinance or under any such Bye-laws, Rules and Regulations shall be received by the Magistrate for the use of the Corporation.

Penalties to be payable to Corporation.

(3.) Any information or complaint for any offence against the provisions of this Ordinance or of any other Ordinance for the time being in force for breach of the provisions whereof the Corporation may institute proceedings, or for breach of any Bye-laws, Rules or Regulations made by the Corporation, may be laid or made in the name of the Corporation by any officer or officers of the Corporation duly authorised in that behalf by resolution of the Council either generally or in respect of offences against the provisions of specified enactments or of specified Bye-laws, Rules and Regulations; and any officer or officers of the Corporation authorised in that behalf by resolution of the Council may conduct the proceedings before the Magistrate and before the Commissioner in all cases in which the Corporation are either complainants or defendants.

Complaints or informations may be made or laid by officers of the Council duly authorised.

429.—(1.) An action to recover a fine from any person for acting in a corporate office without having made the

Procedure in penal actions against

corporate  
officers.

requisite declaration, or without being qualified or after ceasing to be qualified, or after becoming disqualified, may not be brought except by a burgess of the City and shall not lie unless the plaintiff has, within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

(2.) The Court or Judge shall, on the application of the defendant within fourteen days after he has been served with the writ of summons in the action, require the plaintiff to give security for costs.

(3.) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs, to be taxed as between solicitor and client.

(4.) Where any such action is brought against a person on the ground of his not being qualified in respect of estate, it shall lie on him to prove that he was so qualified.

(5.) A moiety of the fine recovered shall, after payment of the costs of action, be paid to the plaintiff.

*Quo*  
*Warranto and*  
*mandamus.*

**430.**—(1.) An application for an information in the nature of a *quo warranto* against any person claiming to hold a corporate office shall not be made after the expiration of three months from the time when he became disqualified after election.

(2.) In the case of such an application, or of an application for a *mandamus* to proceed to an election of a corporate officer, the applicant shall give notice in writing of the application to the person to be affected thereby (in this section called the respondent) at any time not less than ten days before the day in the notice specified for making the application.

(3.) The notice shall set forth the name and description of the applicant, and a statement of the grounds of the application.

(4.) The applicant shall deliver with the notice a copy of the affidavits whereby the application will be supported.

(5.) The respondent may show cause in the first instance against the application.

(6.) If sufficient cause is not shown, the Court, on proof

of due service of the notice, statement and copy of affidavits used in support of the application, may if it thinks fit make the rule for the information or *mandamus* absolute.

(7.) The Court may, if it thinks fit, direct that any writ of *mandamus* issued shall be peremptory in the first instance.

*Recovery of expenses from owners.*

431.—(1.) Where the Corporation have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is liable under any of the provisions of this Ordinance, or under any agreement with the Corporation, such expenses may be recovered, together with interest thereon at the rate of five per centum per annum computed from the date of the service of a demand for the same to the date of payment, from the owner for the time being of such premises, and until recovery of such expenses and interest, the same shall be a charge on the premises for or in respect of which they were incurred.

Recovery of expenses from owners.

(2.) The Corporation may, by order, or in any agreement with such owner, declare such expenses to be payable by annual instalments within a period not exceeding five years with interest at five per centum per annum until the whole is paid; and such instalments and interest or any part thereof may, without prejudice to the power of sale vested in the Corporation by virtue of the Public Authorities (Rates and Charges Recovery) Ordinance, 1913, be recovered by action in any Court of competent jurisdiction from the owner or the occupier for the time being of such premises, and if paid by or recovered from the occupier may be deducted by him from the rent due or accruing due to the owner.

Payment by instalments.

(3.) Provided that if at any time any of the instalments, or the interest thereon, or any part thereof, respectively, shall be in arrear and unpaid for the period of three months after the time appointed for the payment thereof, the whole amount of the expenses charged on such premises which shall for the time being remain unpaid shall forthwith become payable to the Corporation, and the power of sale vested in the Corporation for the enforcement of the charge in respect of the amount of such expenses shall forthwith

Procedure in case of non-payment of instalment.

become exercisable for the recovery of the outstanding instalments and interest thereon at the rate of five per centum per annum computed from the date of payment of the last instalment, or, if no instalment has been paid, from the date when the expenses charged on such premises first became due and payable by the owner.

*Certified Copies of documents to be evidence.*

Certified  
copies of docu-  
ments to  
be *prima facie*  
evidence  
thereof.

432.—(1.) Where in any legal proceedings it becomes necessary to prove any document of the Corporation, a copy of or an extract from such document, purporting to be certified to be true by the Mayor or by the Town Clerk shall be sufficient *prima facie* evidence of such document.

(2.) No proof shall be required of the handwriting or of the official position of the Mayor or of the Town Clerk certifying in pursuance of this section to the truth of any such copy of or extract from any document.

(3.) No officer of the Corporation shall, in any legal proceedings whatsoever, be compellable to produce any document the contents of which can be proved by a certified copy under the provisions of this section, unless on the order of a Judge made for special cause.

(4.) For every certified copy of or extract from any document supplied by the Corporation in pursuance of this section there shall be paid to the Corporation for every one hundred words or part thereof contained in such copy or extract the sum of two shillings.

(5.) Where any officer of the Corporation is required under any order of a Judge made for special cause in pursuance of the provisions of this section to produce any original document of the Corporation, there shall be paid to the Corporation for the attendance of such officer upon *subpoena* in court for that purpose the sum of ten shillings.

(6.) For the purposes of this section "document of the Corporation" includes notices, orders and authorities given made and issued by the Corporation, and any entry in any rate book or register of the Corporation, and any resolution or other matter recorded in any minute book of the Corporation, and all orders, rules, bye-laws, regula-

tions, warrants, lists, certificates, requisitions, letters and any other documents whatsoever in the custody of or proceeding from the Corporation.

(7.) The provisions of this section shall be deemed to be in addition to and not in derogation of any powers of proving documents given in any other part of this Ordinance or by any other Ordinance or law now in force in the Colony.

## PART XX.

### GENERAL PROVISIONS.

#### *Procedure for enforcing powers of entry.*

433.—(1.) Where any officer of the Corporation or any other person is duly authorised by the Corporation or by a Magistrate or Justice to enter any premises for any of the purposes of this Ordinance, such officer or person shall on entering such premises, if required by the occupier thereof, produce to such occupier either the original or a duly authenticated copy of his authorisation, or some other sufficient evidence of his being authorised as aforesaid.

Procedure for  
enforcing  
powers of  
entry.

(2.) The copy of the written authorisation referred to in this section shall be deemed to be duly authenticated if it purports to be signed by the Mayor or by the Town Clerk or the City Engineer.

(3) Any person who refuses to permit the Corporation or their duly authorised officers or servants to enter any premises for any of the purposes for which the Corporation or their duly authorised officers or servants are authorised to enter premises by virtue of this Ordinance, or who obstructs, hinders or delays the Corporation or their duly authorised officers or servants in the execution of any of their duties under this Ordinance or under any bye-laws made thereunder, shall be guilty of an offence against this Ordinance, and (unless a different penalty is hereinbefore provided for the offence charged) shall, for every such offence, be liable to a penalty not exceeding £10.

(4.) In any information or complaint preferred or made by the Corporation or by any of their officers or servants against any person who refuses to permit the Corporation or their duly authorised officers or servants to enter

any premises for any of the purposes for which they are authorised to enter such premises by virtue of this Ordinance, or who obstructs, hinders or delays the Corporation or such officers or servants in the execution of any of their duties under this Ordinance or under any bye-laws made thereunder, the complainant may add a notice that he intends at the hearing to apply to the Magistrate for a warrant authorising him to enter such premises by force if need be, for the purposes specified in the notice. In such cases the Magistrate may, either in addition to the penalty provided for such offence under this Ordinance, or, without imposing any penalty for the offence, by warrant under his hand authorise the Corporation and their duly authorised officers or servants to enter such premises, by force if need be, and with such assistants as they may require, and there to execute their duties under this Ordinance.

(5.) The warrant may be according to the form in the sixteenth schedule to this Ordinance.

(6.) Every such warrant shall continue in force until the purpose or purposes for which the entry is necessary have been satisfied.

(7.) Any person who obstructs the execution of any such warrant shall be liable to a penalty not exceeding £20 for every day that he so obstructs the execution thereof.

*Form, authentication and service of notices, orders, &c.*

Form,  
authentication  
and service of  
Notices, etc.

434.—(1.) Notices, orders, accounts, demands and any other documents required to be served given or delivered by the Corporation under this Ordinance or any other Ordinance for the time being in force or under any bye-law, rule or regulation of the Corporation, may be in writing or print or partly in writing and partly in print; and, if the same require authentication, shall be sufficiently authenticated by the name of the Town Clerk, or any other duly authorised officer of the Corporation, being affixed thereto in print or in writing.

(2.) Notices, orders, accounts, demands and other documents required or authorised to be served given or delivered by the Corporation under this Ordinance or any other Ordinance for the time being in force or under

any bye-law, rule or regulation of the Corporation, may be served given or delivered by delivering the same or a true copy thereof to or at the residence of the person to whom they are respectively addressed, or, where addressed to the "owner" or "occupier" of premises, by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by being sent through the post addressed to the owner or reputed owner by name at his last known place of abode or business, or at the premises to which such notice, order, account or other document relates.

(3.) Any notice, order, account, demand or other document required by this Ordinance or by any other Ordinance for the time being in force or by any Bye-law, rule or regulation of the Corporation to be served given or delivered by the Corporation on or to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice, order, account or other document is given, served or delivered, without further name or description.

#### *Consents.*

435.--(1.) In any case where the Corporation are authorised under this Ordinance or any other Ordinance for the time being in force or any bye-laws, rules or regulations made by the Corporation to refuse their consent to the execution of any work or the doing or omitting to do any act or thing by the owner of any premises, the Corporation may, if they think fit, instead of refusing such consent, grant the same subject to such terms and conditions in relation to the subject matter of such consent as the Corporation think fit, and any breach of any such terms or conditions shall be deemed, as regards liability to penalties and other consequences, equivalent to the doing or omitting to do such act or thing without the required consent.

Power to  
attach condi-  
tions to  
consent.

(2.) All consents given by the Corporation under this Ordinance or any other Ordinance for the time being in force shall be given in writing and, unless otherwise pre-

scribed, shall be under the hand of the Town Clerk or the City Engineer or any other Officer of the Corporation duly authorised in that behalf.

*Errors, misnomers, etc.*

Misnomer or  
misdescription.

**436.**—(1.) No error, misnomer or inaccurate description of any person, body corporate, or place in any notice, list, register, roll or rate book required by this Ordinance, shall in any way hinder the full operation of this Ordinance with respect to that person, body corporate, or place, or affect the liability of any premises to any rate or charge payable in respect thereof.

(2.) The Corporation may at any time and from time to time correct any such errors, misnomers or inaccurate descriptions and make such amendments in any such notices, lists, registers, rolls or rate books as may be necessary to correct any such errors and to make the entries therein conformable to fact, to any resolutions of the Council relating to such entries and to the provisions of this Ordinance.

*Statutory Increases.*

Statutory  
increase.

**437.**—(1.) Every rate, charge or sum of money due to the Corporation under or by virtue of any of the provisions of this Ordinance or of any other Ordinance for the time being in force, if unpaid for a period of three months after the same shall have become due, shall be increased by a sum equal to ten per centum of the rate, charge or sum so unpaid.

Proviso.

(2.) Provided always that with respect to house rates such statutory increase shall accrue if such rates are unpaid for one month after they become due.

(3.) This section shall not apply to sums due to the Corporation in respect of which interest after the date on which they become due is payable to the Corporation under this or any other Ordinance for the time being in force.

Remission of  
statutory  
increase.

**438.** The Corporation, in any case in which they shall be satisfied that, by reason of special circumstances, it would be inequitable to require payment of any statutory increase, may remit such increase and refund the same if it has been paid.

*Time.*

439.—(1.) Where by this Ordinance any payment, act or proceeding is required directed or allowed to be made, done or taken on a certain day, then if that day happens upon a Sunday, Christmas Day, Good Friday, Easter Monday, or any other day declared by any Ordinance present or future, or by any proclamation by the Governor issued under any Ordinance present or future, to be a close holiday in all public offices, the payment, act or proceeding shall be considered as made, done or taken in due time if it is made done or taken on the next day afterwards, not being one of the days in this section specified.

Computation  
of time.

(2.) Where by this Ordinance any payment, act or proceeding is required directed or allowed to be made, done or taken within any time not exceeding seven days, the days in this section specified shall not be reckoned in the computation of such time.

*Suspension or Revocation of Licenses.*

440.—(1.) Where the Corporation are authorised under any of the provisions of this Ordinance to grant a license for any purpose, they may refuse to grant any such license whenever they shall deem such refusal to be necessary or desirable in the interest of the public, and they may suspend, for such time as they shall think fit, or revoke any license granted by them upon breach by the licensee of any of the terms and conditions subject to which the license was granted or for any other reason which in their opinion renders such suspension or revocation necessary or desirable in the interests of the public.

Power to  
withhold,  
suspend or  
revoke license.

(2.) Any person deeming himself aggrieved by the withholding, suspension or revocation of any license may appeal to a Magistrate after the expiration of seven days from such withholding, suspension or revocation. Provided that the person so aggrieved shall give four clear days written notice of such appeal and the grounds thereof to the Corporation; and the Magistrate shall have power to make such order as he sees fit and to award costs to the successful party.

*Execution of works on default of owner.*

Execution of works on default of owner.

441. Whenever under the provisions of this Ordinance or any Bye-laws, Rules or Regulations made hereunder, any work of any kind is required to be executed or carried out by the owner of any premises, and default is made in the execution of such works within the prescribed time, the Corporation may, if they shall think fit, cause such work to be executed or carried out, and the expense incurred by the Corporation in respect thereof with ten per centum added thereto shall be a debt due to the Corporation by the owner for the time being of such premises and, until paid to the Corporation, shall be a charge on the premises in or in respect of which such work was executed.

*Statutory charge on premises to have priority over all incumbrances.*

Charge on premises to be preferential to other incumbrances.

442. Where any rate, charge, or sum of money payable to the Corporation under this Ordinance or any other Ordinance, whether passed before or after the commencement of this Ordinance, is declared to be a charge on any premises, such charge shall be deemed to be prior and preferential to all existing or future charges or incumbrances thereon, save and except charges for debts due to His Majesty the King and charges thereon in respect of other rates, charges or sums of money due to the Corporation.

*Returns to be made by owners of properties.*

Return of ownership of houses.

443.—(1.) The owner of any vacant lot of land and of any building in the City who shall not, at or before the commencement of this Ordinance, have sent in to the Corporation the returns prescribed by any Ordinance then in force relating to his ownership of such land or building, shall within one month after the first publication in two local papers circulating in the City, of notice of the requirements of this section, send in to the Town Clerk a return according to such form and containing such particulars as may be prescribed by the Corporation.

Return by persons coming into possession of premises.

(2.) Every person who at any time after the commencement of this Ordinance comes into possession, whether in his own right, or as trustee for any other person or persons,

or as personal representative of any person deceased or committee of any other person, of any vacant lot of land or of any building in the City, shall within one month next after he comes into possession send in to the Town Clerk a return according to such form as may from time to time be prescribed by the Corporation, stating the title under which his possession has been acquired.

(3.) If any person who is required by this section to send in the returns prescribed by this section fails or neglects to send in any such return, or makes a return thereof which is in any respect defective or incomplete, or which is wilfully untrue in any particular, every such owner or person shall be guilty of an offence, and shall be liable for every such offence to a penalty not exceeding ten pounds.

Penalty for failure to make returns, or making incomplete or false returns.

(4.) The Corporation may cause to be entered in a book or books (herein referred to as the Register of Ownership) and in such form as they may from time to time prescribe, the name of every person sending in a return under this section, and the description of the premises in respect of which he makes such return.

(5.) The Corporation may from time to time, by resolution of the Council, determine the procedure to be followed and the entries to be made in any Register of Ownership in cases where there appear to be conflicting claims in returns sent in under this section.

(6.) Provided that no entry contained in any such Register of Ownership relating to the ownership of any premises shall in any way affect or prejudice the title of the true owner of such premises.

*Expenses of abating nuisances on private premises.*

444. The expenses incurred by the Corporation as local authority in the execution of any works with the execution whereof the authority are charged under Section 21 of the Public Health Ordinance, No. 187, and any sums for which the local authority are liable, or which they may pay to the Receiver-General, under the provisions of Section 25 of

Expenses incurred by the local authority in abating nuisances in private premises to be charge on the premises.

such Ordinance for the expenses incurred by the Director of Public Works in removing or remedying any nuisance as in the said section provided, shall be a debt due to the Corporation by the owner of the premises in which such works were executed by the Corporation or the Director of Public Works, as the case may be, and until repayment thereof to the Corporation shall be a charge upon such premises.

*Penalty for Offences.*

Offences for which no penalty is otherwise provided.

446. Any person who does any act in contravention of any of the provisions of this Ordinance, or of any bye-laws, rules or regulations contained in this Ordinance or made under any power conferred by this Ordinance, or who fails, neglects or refuses to execute any work or to do anything which he is under obligation or required to do by virtue of any of the provisions of this Ordinance or of any such bye-laws, rules or regulations or of any order or notice served upon him by the Corporation by virtue of this Ordinance, shall, unless some other penalty is provided therefor, be liable to a penalty not exceeding Five Pounds, and in case of a continuing offence to a further penalty of Forty Shillings for each day that such offence is continued after written notice thereof from the Corporation.

*Rates to be based on House Rate.*

All rates to be based on valuations in the House Rate Book.

447. All rates leviable by and to be paid to the Corporation under the provisions of this Ordinance, or of any other Ordinance whether passed before or after the commencement of this Ordinance, shall be based on the valuations in the House Rate Book in force at the commencement of the year in respect of which such rates are payable.

*Apportionment of expenses between different owners.*

Apportionment of expenses of works between different owners.

447. Where under any provisions of this Ordinance the Corporation shall construct, carry out or do any works which are for the common benefit of two or more premises belonging to different owners, the expenses which are recoverable from the owners shall be paid by the owners of such premises in such proportions as shall be determined by the City Engineer, and until payment, the sum apportioned to each of such premises shall be a charge on such premises.

*Expenses of public ceremonies.*

448. The Corporation may, with the approval of the Governor in Executive Council, pay out of the City Funds such sum not exceeding £200 as they may think proper for the purpose of carrying out any public illuminations or decorations on the occasion of and in connection with any public ceremony or national rejoicing or in the reception and entertainment of any member of the Royal Family or of any other distinguished persons visiting the City.

Power to pay expenses of public ceremonies, subject to Governor's approval.

*Savings.*

449. All such bye-laws, rules, regulations, resolutions, rates, tables of fees, licenses, and all orders, notices, accounts and other documents of the preceding Port-of-Spain Corporations or any of them as are in force at or have been made given served delivered or issued before the commencement of this Ordinance, shall after such commencement continue in force and operation as if they had been made, passed, issued, served or delivered by the Corporation under this Ordinance, subject nevertheless to revocation alteration rescission or cancellation by the Corporation after the commencement of this Ordinance.

Saving existing bye-laws, rules, etc.

450. All rates, charges and sums of money and all penalties or forfeitures which at the commencement of this Ordinance were due or accruing to the Board shall be payable to and may be recovered by the Corporation, and shall be collected by the Corporation under and with the same powers authorities and conditions as the same might have been recovered or collected by the Board before the commencement of this Ordinance.

Rates and other sums due.

451. Any action suit prosecution or other proceeding whatsoever commenced either by or against the preceding Port-of-Spain Corporations or any of their officers or servants on their behalf before the commencement of this Ordinance shall not abate or be discontinued or prejudicially affected by reason of the enactment of this Ordinance, but may be continued prosecuted and enforced by or against the Corporation in like manner to all intents and purposes as if this Ordinance had not been enacted.

Pending actions, etc.

Books, documents, etc. continued evidence.

**452.** All documents, books, notices and writings which under the provisions of any Ordinance would have been receivable in evidence for or against any of the preceding Port-of-Spain Corporations shall be admitted as evidence in all courts and elsewhere notwithstanding the enactment of this Ordinance.

Ordinance to be read as if Corporation substituted for any of the preceding Port-of-Spain Corporations.

**453.** Every Ordinance giving any power or authority to or imposing any duty or liability upon or otherwise relating to any of the preceding Port-of-Spain Corporations or providing any forms of proceedings relating to any such preceding Port-of-Spain Corporations shall, unless the context otherwise requires and so far as applicable, be read and have effect as if in such Ordinance the Corporation were substituted for any such preceding Port-of-Spain Corporations.

Powers conferred by Ordinance to be cumulative.

**454.** All the powers given by this Ordinance shall be deemed to be in addition to and not in derogation of any other powers conferred by Ordinance, law or custom, and such other powers may be exercised in the same manner as if this Ordinance had not been enacted.

*Repeal.*

Repeal.

**455.** The enactments specified in the first column of the seventeenth schedule to this Ordinance are hereby repealed to the extent indicated in the third column of such Schedule.

Commencement.

**456.** This Ordinance shall commence and come into operation on a day to be proclaimed by the Governor.

Passed in Council this twenty-ninth day of May in the year of Our Lord one thousand nine hundred and fourteen.

HARRY L. KNAGGS,  
*Clerk of the Council.*

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## SCHEDULES.

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### FIRST SCHEDULE.

(Section 7.)

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#### BOUNDARIES OF PORT-OF-SPAIN.

- On the East:—A straight line drawn due north from the sea through the south-eastern corner of the Powder Magazine to a point 100 yards due north of the Belmont Valley Road.
- On the North:—A line drawn in a westerly direction from the northern terminus of the eastern boundary, parallel to and at a distance of 100 yards north of the Belmont Valley Road and the Belmont Circular Road till it meets the Circular Road, thence along the northern side of the Circular Road till it meets the turn to Maraval.
- On the West:—A line drawn in a southerly direction from the last mentioned point along the western side of the Maraval Road till it meets St. Clair Avenue, thence along the northern side of St. Clair Avenue till it meets Tragarete Road, thence along Tragarete Road to the Bridge over the Maraval River, and thence along the bed of the Maraval River to the Sea.
- On the South:—The Sea.

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### SECOND SCHEDULE.

(Section 36.)

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#### FORM OF WARRANT.

To the Constable on duty at the Constabulary Station at  
and to all other Constables

Whereas A. B. was found by me the undersigned a City Constable for the City of Port-of-Spain under circumstances which rendered him the said A. B. liable to be arrested by me under the and I arrested him accordingly; now these presents are to authorize and require you the Constable on duty at the Station above mentioned and to authorize all other Constables him the said A. B. safely to keep and detain at the said Station until he may be conveniently taken before some Justice of the Peace or Magistrate to be dealt with according to law or until the expiration of forty-eight hours from the time when he is received into custody at such Station, whichever first happens, and for so doing this shall be your warrant.

Witness my hand this                      day of                      191 .

P. R.,  
City Constable for Port-of-Spain.

(Section 48.)

THIRD SCHEDULE.

DECLARATION TO BE MADE BY ALDERMAN OR COUNCILLOR.

I, \_\_\_\_\_ having been elected (an Alderman or Councillor) for the City of Port-of-Spain, do hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability; and I further declare that I am qualified as follows:—

- (a.) I am the absolute owner (or the tenant for life) of the property assessed in the house rate book for the current year as No. \_\_\_\_\_ at an annual rateable value of \$ \_\_\_\_\_ ;  
or
- (b.) I am the actual tenant of premises No.....Street in Port-of-Spain assessed to the House Tax at an annual rateable value of \$.....and I have *bona fide* paid for the same one year's rent within the preceding twelve months ; or
- (c.) I reside at No. \_\_\_\_\_ street in Port-of-Spain, and I am and have during the preceding twelve months been in receipt of an annual income of \$ \_\_\_\_\_ derived from

.....

FOURTH SCHEDULE.

(Section 58.)

FORM "A."

CLAIM BY PERSON QUALIFIED IN RESPECT OF THE LODGER QUALIFICATION TO BE ENTERED IN THE BURGESS LIST.

I hereby claim to have my name entered in the burgess list of the city of Port-of-Spain for the year 191 \_\_\_\_\_, in respect of the \_\_\_\_\_ ward. I was on the 31st day of May last, and have been, during the whole of the preceding 12 months, in occupation, as a lodger, of lodgings in the city at No. \_\_\_\_\_ street, and as such lodger have, during that period, paid to \_\_\_\_\_ my landlord, the sum of \$ \_\_\_\_\_ as rent only of such lodgings, (or, as the case may be, the sum of \$ \_\_\_\_\_ for rent and board combined).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_ .

.....  
*Signature of Claimant.*

## FORM "B."

(Section 59.)

LIST OF BURGESSES OF THE CITY OF PORT-OF-SPAIN FOR THE YEAR COMMENCING ON THE 1ST NOVEMBER 191 .

..... WARD,

Christian and Surname.	Property in respect of the occupation or part occupation of which qualified as a burgess.
James F. Brown	24, Frederick Street
George Robinson	5a, Jerningham Avenue
Edw. Thompson	7, Lodge Place.

## FORM "C."

(Section 59.)

## LODGERS' LIST.

BURGESSES OF THE WARD QUALIFIED IN RESPECT OF A LODGER QUALIFICATION FOR THE YEAR COMMENCING ON 1ST NOVEMBER, 191 .

Christian Name and Surname.	No. and Description of Premises at which Lodgings Situate.
William J. Francis ...	... No. 27, Frederick street.

## FORM "D."

(Section 60.)

## NOTICE OF CLAIM.

*To the Town Clerk of the City of Port-of-Spain.*

I hereby give you notice that I claim to have my name entered in the Burgess list of the City of Port-of-Spain and that I am qualified as follows:—

(a.) I occupy the house (or part of the house) assessed in the

house rate book for the current year as No. at an annual rateable value of \$ ; or

(b.) I occupy part of the house No.....street, Port-of-Spain, which is assessed in the house rate book for the current year at \$ and for which I have really and bona fide paid, during the whole of the 12 months ending on the 31st day of May last, rent at the rate of not less than \$60 a year ; or

(c.) I am the owner and also the occupier of the house No..... street, in Port-of-Spain, assessed in the House rate book in force at an annual rateable value of \$.....; or

(d.) I am, and have been, during the whole of the 12 months immediately preceding the 31st May last, in occupation, as a lodger, of lodgings at the premises No..... street, for which I have paid during the same 12 months not less than \$..... for rent (or, as the case may be, for rent and board combined).

.....

(Section 62.)

FORM "E."

NOTICE OF OBJECTION.

To the Town Clerk of the City of Port-of-Spain.

I hereby give you notice that I object to the name of of No. street, being retained on the burgess list of the City of Port-of-Spain for the year commencing on 1st November, 191 .

Dated this day of 191

Signature of Objector

.....

No. and situation of property in respect of

.....

which objector is qualified as a burgess

.....

## FORM "F."

(Section 63.)

## LIST OF CLAIMANTS.

The following persons claim to have their names inserted in the list of burgesses of the City of Port-of-Spain for the year commencing on the 1st November, 191

Christian Name and Surname of Claimant.	Nature of Qualification.
J. T.	Occupier of house, (or part of a house) assessed at an annual rateable value of not less than \$..... (or, for which he has paid not less than one year's rent amounting to \$.....
L. F.	Occupier, as a lodger, of lodgings at No.....street, for which during the twelve months preceding the 31st day of May last he has paid not less than \$.....for rent (or, as the case may be, for rent and board combined).

## FORM "G."

(Section 63.)

## LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled to have their names retained on the list of burgesses of the City of Port-of-Spain.

Christian Name and Surname of person objected to.	Qualification in respect of which he is entered in the burgess list for the year.



## FORM "B."

(Section 116.)

NOTICE OF COMPLETION OF HOUSE RATE BOOK FOR THE TRIENNIAL PERIOD FROM  
1ST JANUARY, 191 , TO 31ST DECEMBER, 191 .

Notice is hereby given, pursuant to the provisions of the Port-of-Spain Corporation Ordinance, 1914, that the House Rate Book for the three years from the 1st January, 19 , to the 31st December, 19 , is now completed, and deposited in the office of the Town Clerk and will be open during office hours thereat to the inspection of all ratepayers without payment of any fee from this date until the.....191 .

N.B.—Any Owner who has NOT *been served with an Assessment Notice* may at any time not later than 21 days next after the first publication of this Notice send in to the Corporation an objection in writing to the annual rateable value at which his premises are assessed in the House Rate Book

\_\_\_\_\_  
Town Clerk.

## FORM "C."

(Section 117.)

NOTICE OF ASSESSMENT FOR THE 3 YEARS FROM 1ST JANUARY, 191 , TO  
31ST DECEMBER, 191 .

Premises No.....

Owner or reputed owner.....

Annual rateable value \$.....

Annual House Rate \$.....

The Annual House Rate in respect of each of the years of the triennial period above named becomes due on the 1st day of June in each of such years and will be received without any statutory increase until the 30th day of June in such year.

NOTE.—(1.) If you are dissatisfied with the annual rateable value at which the above named premises have been assessed by the Corporation, you may send in an objection thereto in writing at any time *not later than 21 days next after the date of the service upon you of this notice.*

*Please produce this notice when tendering payment.*

\_\_\_\_\_  
Town Clerk,

(Section 123.)

## FORM "D."

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 NOTICE OF APPEAL BY THE CORPORATION AGAINST THE COMMISSIONER'S DECISION
 

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*Trinidad and Tobago.*

In the matter of the objection by \_\_\_\_\_ to the assessment  
 of the premises known as No. \_\_\_\_\_ Street.

To A.B. Esq.,

Chief Clerk in the office of the Commissioner of the Port-of-Spain  
 District Court.

Take notice that the Mayor, Aldermen and citizens of the City of  
 Port-of-Spain being dissatisfied with the decision of the Commissioner of  
 the Port-of-Spain District Court in the above matter, fixing the annual  
 rateable value of the premises No.

at \$ \_\_\_\_\_ do appeal against such decision on the following  
 grounds :

*(Here state grounds of Appeal).*

Dated this

191

E.F.

Counsel or Solicitor for the

(Section 123.)

## FORM "E."

---

 NOTICE OF APPEAL BY RATEPAYER AGAINST COMMISSIONER'S DECISION.
 

---

*Trinidad and Tobago.*

In the matter of the objection by \_\_\_\_\_ to the assessment  
 of the premises known as No. \_\_\_\_\_ Street.

To A.B., Esq.,

Chief Clerk in the office of the Commissioner of the Port-of-Spain  
 District Court.

Take Notice that I, C. V. being dissatisfied with the decision of the  
 Commissioner of the Port-of-Spain District Court in the above matter

*(Here state decision appealed against).*

do appeal against such decision on the following grounds :—

*(Here state grounds of Appeal).*

Dated this

191 .

E.F.,

Council or Solicitor for

FORM " F. "

(Section 124.)

FORM OF RECOGNISANCE TO BE ENTERED INTO BY APPELLANT (RATEPAYER).

Be it remembered that on the ... day of ... in the year 191... A.B. (Appellant) and C.D. and E.F. of (Surety or Sureties as the case may be) came before me the undersigned Justice of the Peace for the ... (district), and severally acknowledged themselves to owe to Our Sovereign Lord the King the several sums following, that is to say, the said A.B. the sum of £ the said C.D. the sum of £ and the said E.F. the sum of £

Whereas on the ... day of ... in the year 191... in the matter of the objection of ... to the assessment of the house or parcel of land known as No. ... at the annual rateable value of \$ ... the Commissioner of the Port-of-Spain District Court (here state the decision of the Commissioner).

And whereas the said A. B. being dissatisfied with the said decision has appealed against the same.

Now the condition of this recognisance is such that if the said A.B. shall personally appear at the sittings of the Full Court when his appeal comes on to be heard and shall then and there duly prosecute his appeal and shall abide by the judgment of the said Full Court, and pay all such costs as shall be awarded against him by the said Court, then this recognisance shall be void, but otherwise shall be in full force and effect.

.....  
.....  
.....

Taken and acknowledged before me

Justice of the Peace.

Dated this 191 .

FORM " G. "

(Section 127.)

NOTICE OF VALUATION OF PREMISES OMITTED FROM THE HOUSE RATE BOOK.

To A.B. or other the owner of Premises No. ... Street.

Take notice that, pursuant to the power contained in Section 127 of the Port-of-Spain Corporation Ordinance, 1914, the annual rateable value of the premises described in the first column hereunder (which were omitted from the House Rate Book now in force) has been fixed by the Corporation at the sum appearing in the third column, and the rate payable thereon and the date on which such rate in respect to the current

year is due and payable are shewn in the fourth and fifth columns respectively.

PREMISES.		Owner or Reputed Owner.	Valuation or Annual Rate-able Value.	Annual Rate Payable.	Date on which the annual rate is due and payable in respect of the current year.
No.	Street.				
	1	2	3	4	5

2. In respect of each of the other years of the current triennial assessment period ending on the 31st December, 191 , the above annual rate shall be due and payable on the 1st day of June of each of such years.

Dated 191

Town Clerk.

N.B.—If you are dissatisfied with the above assessment, you may send in an objection hereto in writing *not later than 21 days* after the service of this Notice on you.

(Section 128.)

FORM "H."

NOTICE OF VALUATION OF NEW HOUSE ERECTED AFTER COMPLETION OF HOUSE RATE BOOK IN FORCE.

To A.B., or other the owner of premises No. Street.

TAKE NOTICE that the Mayor, Aldermen and citizens of the City of Port-of-Spain, pursuant to the power conferred by Section 128 of the Port-of-Spain Corporation Ordinance 1914, have fixed the annual rateable value of the premises described in the first column hereunder, (being a new house erected since the completion of the House Rate Book in force) at the sum appearing in the third column, for the triennial assessment period ending 31st December, 191 .

The annual rate payable in respect of such house is shown in the fourth column; and the proportion of such annual rate payable in respect of the current year, and the date on which such proportionate rate is due and payable are shewn in the fifth and sixth columns respectively:—

Premises.	Owner or Reputed Owner.	Annual Rate-able Value.	Annual Rate payable.	Proportion of Annual Rate (computed from to ) payable for the year ending 31st December, 191 .	Date on which the proportionate House Rate in column 5 is due and payable.
1		3	4	5	6

Town Clerk.

Dated 191

N.B.—I you are dissatisfied with the above assessment, you may send in an objection thereto in writing *not later than 21 days* after the service of this notice on you.

FORM "I."

(Section 129.)

NOTICE OF ALTERATION OF VALUATION IN THE HOUSE RATE BOOK IN FORCE.

To A.B., or other the owner of Premises No.

TAKE NOTICE that the Mayor, Aldermen and citizens of the City of Port-of-Spain, pursuant to the power conferred by Section 129 of the Port-of-Spain Corporation Ordinance, 1914, have made the alteration indicated below in the valuation of the premises described in the second column hereunder:—

PREMISES.		Valuation in the House Rate Book now in force. \$	Valuation as altered by the Corporation. \$
No.	Street.		

Town Clerk.

Dated 191

N.B.—If you are dissatisfied with the above alteration of the assessment of the premises above described, you may, *not later than 21 days* after the service of this notice upon you, give notice to the Board of your objection to the alteration of the valuation by the Corporation, stating the grounds of your objection.

SIXTH SCHEDULE.

(Section 177.)

REGULATIONS FOR THE LAYING OUT AND CONSTRUCTION OF NEW STREETS.

1.—(1.) Every person who shall intend to lay out a new street shall give to the Corporation notice in writing of such intention, which shall be delivered or sent to the City Engineer at his office in the Town Hall, and shall at the same time deliver or send to the City Engineer at his office aforesaid a plan and sections of such intended streets drawn to a scale of not less than one inch to every forty-four feet.

Notice of intention to lay out—Plan to accompany Notice.

(2.) Such person shall shew on every such plan the names of the owners of the land through or over which such street shall be intended to pass, the intended level and width of such street, the points of the compass, the intended mode of construction and the intended position of such street in relation to the streets nearest thereto, the size and number of the intended building lots and the intended sites, height, class and nature of the building to be erected therein and the name and address of the person intended to lay out such street.

Particulars to be shown on Plan.

(3.) Such person shall shew on every such section the levels of the present surface of the ground above some known datum, the intended level and rate or rates of inclination of the intended street, the levels and inclinations of the streets with which it is intended that such street shall be connected and the intended level of the lowest floors of intended buildings.

Particulars to be shown on Sections.

Plan to be signed by Applicant.

(4.) Such person shall sign such plan or cause the same to be signed by his duly authorized agent.

Approval or disapproval of plan.

2. The City Engineer shall, within one month after the delivery to him of any notice, plan, section or description of any work required by any regulation made by the Corporation to be submitted to him for approval, signify in writing his approval or disapproval of the intended work to the person proposing to execute the same.

Notice before commencing new street.

3. Every person who shall intend to lay out or construct such street shall deliver or send to the City Engineer at his office aforesaid notice in writing in which shall be specified the date on which such person will begin to lay out or construct such street.

Notice of contravention of regulations.

4. Where a person who shall lay out or construct a new street shall at any reasonable time during the progress or after the completion of the laying out or construction of such street, receive from the City Engineer notice in writing specifying any matters in respect of which the laying out or construction of such street may be in contravention of any regulations relating to new streets and requiring such person within a reasonable time, which shall be specified in such notice, to cause anything done contrary to any such regulations to be amended or to do anything which by any such regulations may be required to be done but which has been omitted to be done, such person shall, within the time specified in such notice, comply with the several requirements thereof so far as such requirements relate to matters in respect of which the laying out or construction of such street may be in contravention of any such regulations, and shall within a reasonable time after the completion of any work which may have been executed in accordance with such requirements, deliver or send or cause to be delivered or sent to the City Engineer at his office notice in writing of the completion of such work.

Notification of compliance with requirements.

Level of new streets to be determined by Corporation.

5. Every person who shall lay out a new street shall lay out such street at such level as the Corporation shall in each case determine.

Width of new street.

6. Every person who lays out a new street shall lay out and form such street at least thirty feet wide, unless a greater or less width shall in any case be required or consented to by the Corporation, and the Corporation shall determine in each case what proportion of the width of such street shall be laid out as a carriage way and footway respectively.

Definition of width.

7. The width of a new street shall be taken to mean the whole space dedicated to the public measured at right angles to the course or direction of such street.

Materials for construction of new streets.

8. Every person who constructs a new street shall adopt a suitable mode of construction to be approved by the Corporation and use only sound, suitable and substantial material in the construction of such street.

Drainage of new streets.

9. When the proposed level of any new street shall have been determined by the Corporation, the City Engineer shall specify the depth and

inclination, form, size and materials of the drains to be constructed and other particulars according to which the work for the proper drainage of such street and of the adjoining properties shall be carried out.

10. Every person who lays out or constructs a new street shall at all reasonable times during the laying out or construction of such street afford the City Engineer and his duly authorized assistants free access to such street for the purpose of inspection. Access to work during construction.

11. Every person who shall lay out or construct a street shall within 14 days after the completion of the laying out or construction of such street deliver or send to the City Engineer at his office notice in writing of the completion of the laying out or construction of such street and shall, at all reasonable times, within a period of 14 days after such notice shall have been delivered or sent, afford the City Engineer and his duly authorized assistants free access to such street for the purpose of inspection. Notice of completion of street.

12. Any person who shall lay out or construct any new street without giving the notices or without delivering the plans and sections required to be given and delivered by these regulations; or who shall lay out or construct any new street without having the plans thereof approved by the Corporation, or who shall lay out or construct any new street in anywise contrary to the plans and sections which have been approved by the Corporation, or who shall otherwise offend against any of the foregoing regulations, shall for each such offence be liable to a penalty not exceeding £20, and in the case of a continuing offence to a further penalty not exceeding £5 for every day during which such offence shall continue after notice thereof from the Corporation. Penalty for breach of regulations.

## SEVENTH SCHEDULE.

(Section 191.)

### PAVING OF FOOTWAYS.—NOTICE OF APPORTIONMENT OF ONE-HALF OF COST.

*To the Owner of premises No. , Street, in the City of Port-of-Spain.*

Whereas the Mayor, Aldermen and Citizens of the City of Port-of-Spain in exercise of the power vested in them by Part X of the Port-of-Spain Corporation Ordinance 1914 have caused the footway (OR PORTION OF THE FOOTWAY) on the side of the street known as street, in the City of Port-of-Spain, to be paved (or REPAVED); And whereas the expenses incurred by the Corporation in such paving amount to the sum of \$ one-half thereof being the sum of \$ ; And whereas the City Engineer has made apportionment of the sum of \$ among the several premises fronting, adjoining or abutting on such footway; And whereas such apportionment was approved by the City Council at a meeting of the Council held on the day of 19 ; And whereas in such apportionment the sum of \$ is entered as representing the apportioned share payable in respect of the said premises Number street.

Wherefore take notice that the said sum of \$ is due and payable by you to the Corporation by three equal yearly instalments, the first

thereof to be paid ONE YEAR FROM THE DATE OF THE SERVICE OF THIS NOTICE, with interest thereon at the rate of \_\_\_\_\_ per centum per annum.

And further take notice that, until payment of the said sum of \$ \_\_\_\_\_ and interest thereon as aforesaid, the said premises shall stand and remain charged with the said sum of \$ \_\_\_\_\_ or so much thereof as shall from time to time remain unpaid, with interest thereon at the rate above mentioned.

.....  
City Engineer.

N.B.—You are at liberty to pay the whole of the said sum of \$ \_\_\_\_\_ (the apportioned share) within one month from the date of the service of this Notice, and if so paid, the same will be received without interest in full satisfaction of the above claim.

(Section 207)

### EIGHTH SCHEDULE.

#### REGULATIONS WITH RESPECT TO THE CONSTRUCTION OF NEW BUILDINGS.

##### *Foundations.*

Foundations.

1. Every person who shall erect a new building shall cause every wall, pier, column or buttress thereof to be built on a foundation of cement concrete of such width as the City Engineer may require; provided that the width shall in every case be such that the super-imposed load on the soil shall not exceed one and a half tons per superficial foot.

Depth of underside of concrete foundation.

2. The underside of the concrete foundation shall be laid at a depth below the underside of the super-imposed wall of not less than two-thirds of the thickness of such wall at the base thereof, nor in any case less than nine inches deep.

Width of foundation.

3. The width of the foundation shall be reduced from below upwards by even steps or batter, in either case at an inclination to the horizon not flatter than two and a quarter inches vertical, to three inches horizontal, to a width not less than that of the super-imposed wall.

Damp course.

4. Every person who shall erect a new domestic building, and every person who shall erect any other new building having enclosing walls constructed of brick, stone or cement concrete and having a timber floor, shall cause every wall of such building to have a proper damp course of asphalt or cement mortar composed of one part of Portland cement and two parts of sand, (such asphalt or cement mortar to be not less than three-eighths of an inch thick), or other imperishable material approved by the City Engineer throughout the whole thickness of the wall beneath the lowest timbers and nearer to the ground, but in no case at a height of less than six inches above the surface of the ground adjoining such walls.

##### *Walls.*

Structure of external walls.

5.—(1.) Every person who shall erect a new building shall cause such building to be enclosed with walls constructed:—

(a.) Of good bricks, stone or other incombustible material, properly bonded and solidly put together, or

(b.) With a framework of timber properly and securely put together, the space between the timbers being completely filled with good bricks, stone, cement concrete or other fire-resisting material efficiently secured thereto, and the timbers themselves being protected so as to be fire-resisting.

(2.) Provided that if the building shall not consist of more than one storey, and shall not be situate within the central district of the City, and if there shall be a clear open space of land exclusively belonging thereto of not less than 15 feet in width on every side of such building (except on the front or on any side towards a street), the external walls may be constructed of a framework of timber, properly and securely put together, and covered with wood.

(3.) Provided also that if the building shall consist of more than one storey, but shall not be situate within the central district of the City, and if there shall be a clear open space of land exclusively belonging thereto of not less than 15 feet in width on every side of such building (except on the front or on any side towards a street), the external walls of the lower storey may be constructed of the materials described in (b) above, and the external walls of the upper storey or storeys may be constructed of a framework of timber properly and securely put together and covered with wood.

(4.) Walls constructed of bricks or stone shall be bonded with---

(a.) Good mortar, compounded of good lime and clean sharp sand, in the proportion of not less than one part by measure of lime to three parts by measure of sand; or

(b.) Good cement; or

(c.) Good mortar compounded of not less than one part by measure of good cement to four parts by measure of clean sharp sand.

(5.) Cement shall be of a slow setting quality to comply with the requirements of the last revise of the British Engineering Standards Committee, or otherwise of a brand and description approved by the City Engineer. Cement Concrete.

(6.) All sand is to be clean and sharp and free from organic or earthy matter and is to be screened if required by the City Engineer.

(7.) The aggregate may be broken stone or brick, or other hard substance approved by the City Engineer, or gravel which is free from organic or earthy matter.

(8.) No weaker mixture of concrete shall be used than that specified in the following schedule:—

	Cement.	Sand.	Aggregate
(i.) For walls 6 inches or less in thickness, floors and slabs ... ..	1	2	5
(ii.) For foundations, surface water drains, pavements, and walls more than 6 inches thick ... ..	1	3	6

(9.) The size of the broken stone or brick used for making concrete

shall depend on the thickness of the wall or other construction in which the concrete is used and shall be as follows:—

Walls 6 inches thick and under... Of a size which will pass through a ring 2 inches internal diameter.

Walls over 6 inches thick, including foundations, surface water drains and pavements. Of a size which will pass through a ring  $2\frac{1}{2}$  inches internal diameter.

(10.) All concrete shall be mixed on an artificial platform, and in a manner satisfactory to the City Engineer.

“Central District”—  
Meaning of.

(11.) The term “Central District” in this Regulation means the district enclosed by a line commencing at the Park Street Bridge over the Dry River, running thence westwards along Park Street as far as Richmond Street, thence down Richmond Street to Sackville Street, thence down Sackville Street to the sea, thence southwards to the corner of Marine Square, thence eastwards along Marine Square to the corner of St. Vincent Street, thence down St. Vincent Street to South Quay, thence eastwards along South Quay to the Dry River, and thence northwards along the western bank of the Dry River to Park Street bridge; and such district shall include all the premises abutting on both sides of each of the streets above-named, except South Quay.

#### *Timber Framed Buildings.*

Timber framed buildings.

6. All timber used in the frame-work of the walls, roofs and floors of buildings shall be of hard wood, pitch pine or other wood of a description approved by the City Engineer.

Sills of buildings supported on brick or concrete walls.

7. All sills, bearers, or girders of timber framed buildings intended for residences, places of business or purposes other than out-houses, kitchens, stables, coach-houses, bath-rooms, privies, or water-closets shall if supported on walls of brick, concrete, or stone work, be bedded on a layer of Portland cement mortar, not less than three-eighths of an inch thick, mixed not weaker than one of cement to two of sand laid on top of supports and extended to the whole width of the sill.

Joints between vertical and horizontal members of framework of walls.

8.—(1.) The joints between the vertical and horizontal members of the frame-work of the walls of any building of which the sills are required to be bedded in cement mortar shall be securely put and held together with mortice and tenon joints, or any sill or wall plate may be checked into and securely bolted to the uprights as may be approved by the City Engineer.

(2.) The braces in the frame-work of the walls of such building shall be of adequate size and number.

#### *Architectural Projections.*

Architectural projections or decorations.

9. Every coping, cornice, fascia, window dressing, portico, verandah, balcony, and balustrade, and every architectural projection and architectural decoration whatsoever, and also the eaves and cornices to any overhanging roof, except the cornices and dressings to the window fronts of shops, and the joists, mouldings, hand rails, and flooring of verandahs and balconies and the eaves and cornices to detached dwelling houses distant at least fifteen feet from any other building or from the land of

any adjoining owner, shall be of brick, tile, stone, artificial stone, slate, cement, or other incombustible material, approved by the City Engineer.

*Roofs.*

10. Every person who shall erect a new building, shall construct the roof of such building in accordance with the following regulations:—

- (a.) All timber roofs with rafters shall be tied with tie-beams, tie-plates, or collar-beams, the number of which shall depend on the span of the roof as under:—

When the roof is under 10 feet span, the number shall be not less than one to every third pair of rafters;

When the roof is over 10 feet and not over 15 feet span, the number shall be not less than one to every alternate pair of rafters;

When the roof is over 15 feet and not over 20 feet span, the number shall be not less than one to every pair of rafters;

- (b.) The underside of any collar beam shall be in no case higher above the wall-plate than half the vertical height from the wall-plate to the ridge.
- (c.) All roofs over 20 feet span shall be of a design approved by the City Engineer.
- (d.) The flat, gutter and roof of every building, and every turret, dormer, lantern light, sky-light, or other erection placed on the flat or roof thereof shall be externally covered with slates, tiles, metal or other incombustible materials, except wooden cornices and barge boards not exceeding twelve inches in depth, and the doors, door-frames, windows and window-frames of such dormers, turrets, lantern lights, sky-lights or other erections.
- (e.) No eaves, gutters or downfall pipes for carrying storm water from the roof of any building or from any verandah or balcony or other projection forming part of such building, shall be allowed except with the express sanction in writing of the Corporation.

11. Except where a ceiling is provided, the underside of the roof of every inhabited room shall be close boarded.

Inhabited room—underside of roof to be ceiled or close boarded.

*Floors.*

12. Every person who shall construct a new building shall construct the floor thereof in accordance with the following regulations:—

- (a.) No person shall place the underside of the lowest floor of a building or structure at such a level as will render it liable to flooding, or construct any building so that the site thereof cannot be efficiently and properly drained to the satisfaction of the City Engineer.
- (b.) The space, if any, between the under surface of any floor and the underlying ground shall in no case be less than two feet

Floors, Regulations applicable to.

six inches in every part; and, except where such floor, measured from the under surface thereof, is in every part thereof, three feet or more above the highest level of the underlying ground, such underlying ground shall be paved with cement concrete not less than four inches in thickness, or with other impermeable materials as the City Engineer may approve.

- (c.) Floors of solid concrete may be boarded over, provided that the boards shall be so laid as to leave no intervening space between such boards and the concrete.
- (d.) All wooden floors shall be properly grooved and tongued or otherwise jointed so as to be reasonably water tight.
- (e.) The floors of all buildings shall be constructed to bear safely the maximum load to be carried. The live load on floors shall be computed as follows:—

In dwelling houses, hotels, lodging houses and similar buildings, not less than seventy pounds per superficial foot.

In places of public assembly, workshops, retail shops and similar buildings, not less than one hundred and twenty pounds per superficial foot.

In buildings of the warehouse class, not less than two hundred and twenty-four pounds per superficial foot.

Floors of buildings used for manufacture or storage of articles of food.

13. The ground floor of every new building used or intended to be used for the manufacture, or for the storage for the purpose of sale, of any articles intended for the food of man, or for any articles intended for the food of animals, shall be constructed of cement concrete, not less than six inches in thickness or of such other impermeable material as the City Engineer may approve.

#### *Staircases.*

Staircases—Regulations applicable to.

14. Every person who shall erect a new building shall construct the staircases therein according to the following regulations.

- (a.) He shall cause the treads to be not less than 8 inches in width measured horizontally from face of riser to face of riser, and the risers to be not more than  $8\frac{1}{2}$  inches in height measured vertically from top of tread to top of tread.
- (b.) He shall cause every such staircase to be provided with proper and sufficient handrails securely fixed.

#### *Height of Buildings.*

Height of buildings.

15. No person shall, except with the permission of the Corporation and subject to such conditions as to the Corporation shall seem proper, erect any building exceeding 36 feet in height measured from the level of the street to the junction of the eaves and walls.

#### *Open space about Buildings and Ventilation of Buildings.*

Open space in front of dwelling house.

16. Every person who shall erect a new dwelling house shall leave between the building line and the street alignment an open space of not less than four feet, which shall be free from any erection thereon above

the level of the ground, except the portico, step or other like projection from such building, or any gate, fence, or wall.

17. Every person who shall erect a new dwelling house shall provide in the rear of such building an open space exclusively belonging to such building of the aggregate extent of not less than 150 square feet free from any erection thereon. Open space in rear of dwelling house.

18. No out-building shall be erected on any part of the site of any dwelling house which, in the opinion of the City Engineer would interfere unduly with the free circulation of air around and about such dwelling house. Out-buildings.

19. Every person who shall erect a new dwelling house shall construct such building so that there shall be on each side of such building an open space not less than four feet wide extending along the entire length of such building and exclusively belonging thereto. Open space at side of dwelling house.

20. Every person who shall erect a new building shall construct every room in such building which shall be intended for human habitation in accordance with the following regulations, that is to say :— Rooms for human habitation.

(a.) Every such room shall have a clear superficial area of not less than 100 square feet, and shall not be less in length or width than eight feet ; Provided that this regulation shall not apply to a dressing room or other room attached to such room, but not used as a sleeping room. Size of Rooms

(b.) Every such room which is an attic, or a room wholly or partly in the roof of such building, shall, for at least two-thirds of the area of the room, be not less than 9 feet in height. Height of inhabitable room in the roof.

(c.) Every such room which is not an attic, or a room wholly or partly in the roof of such building, shall not in any part be less than ten feet in height measured from the floor to the under side of the beam on which upper floor or, (if there be no upper floor) the roof rests. Height of inhabited room not in the roof.

21. If any person knowingly suffers any room not constructed in conformity with the preceding regulation to be inhabited, he shall be liable to a penalty not exceeding ten shillings for every day during which such room is inhabited. Penalty.

22. Every dwelling house shall have in the wall of each storey of such building which shall immediately front or abut on such open spaces as, in pursuance of the regulations in that behalf, shall be provided in connection with such building, a sufficient number of suitable windows or doors constructed in such a manner and placed in such a position that such windows or doors shall afford effectual and adequate means of ventilation by direct communication with the external air. Ventilation through windows or doors.

23. Every domestic building shall have in every habitable room of such building one window at the least opening directly into the external air, or into a gallery or verandah, and the total area of such window, or, if there be more than one window, of the several windows, clear of the sash frames, shall be equal to at least one-tenth of the floor area of the room ; and every such window shall be so constructed that one-half at the Windows of habitable rooms.

least may be opened, and so that the opening in every case shall extend to the top of the window; but a room having no external wall, or a room constructed wholly or partially in the roof, may be ventilated through the roof by a dormer window or skylight, provided that such dormer window or skylight shall have a clear superficial area, clear of the sash frame, equal to at least one-tenth of the floor area of the room, and so constructed that one-half at least of such window or skylight may be opened, and that the opening may extend in every case to the top of the window.

Ventilation  
through  
jalousies,  
lattice work,  
&c.

24. Every such habitable room shall, in addition to such window or door opening directly into the external air or into a gallery or verandah, be provided by means of standing jalousies or lattice work or otherwise, with apertures of an aggregate area of not less than one-twentieth of the floor area of the room, opening directly into the external air or into a gallery or verandah which, as regards the ventilation thereof, satisfies the requirements of regulations in force with respect to the ventilation of a habitable room, or which is otherwise adequately ventilated to the satisfaction of the Corporation; but this regulation shall not apply where the windows or the upper parts of the doors required in the three last preceding sections consist of standing jalousies, or are otherwise so constructed as, in the opinion of the City Engineer, to afford adequate and free ventilation at all times.

#### Privies.

Privies.

25. Every person who shall construct a privy in connection with a building shall construct the same in accordance with the following regulations:—

Size of pit.

(a.) He shall cause the pit of such privy to be dug not less than 4 feet deep, with a clear internal area of not less than 12 square feet.

Construction  
and materials.

(b.) He shall cause the sides of the pit to be constructed of cement concrete not less than six inches thick carried up to a height of not less than 12 inches above the floor level.

(c.) Where water is reached at a less depth than 4 feet, the sides and bottom of the pit shall be constructed of cement concrete, and the pit shall be made water-tight.

Minimum  
dimensions of  
privy.

(d.) The minimum dimensions of the privy building shall be 4 feet in length by 3 feet in width, and 7 feet in height up to the eaves.

Door and  
ventilation.

(e.) Every privy shall have a suitable door, and shall be ventilated in the upper part of the opposite sides by means of openings not less than three square feet in aggregate area, and communicating directly with the open air.

Distance of  
privies from  
habitable  
buildings.

(f.) Privies shall in all cases be entirely disconnected from any building or part of a building used for human habitation, and shall be erected at a distance of at least ten feet therefrom.

Means of  
access.

(g.) Every privy shall be constructed in such a manner and in such a position as to afford ready access to the pit of such privy for the purpose of cleansing the same and of removing filth therefrom.

*Drainage of buildings and yards.*

26. Every person who shall erect a new building shall provide in connection with such building good and sufficient surface water drains of brick, stoneware, masonry or concrete or other approved material located, constructed and graded to the satisfaction of the City Engineer, delivering into the side channel of an adjacent street or into such other stream or channel as the Corporation may direct, and all yards, open spaces and passages appurtenant to or used in connection with a new building shall be drained in similar manner.

Drainage of buildings, yards and open spaces.

*Paving of yards and open spaces in connection with dwelling houses.*

27. The owner of every building in connection with which there is any yard or open space shall, whenever in the opinion of the Corporation it is necessary for the prevention or remedy of insanitary conditions that all or part of such yard or open space should be paved, forthwith cause the same to be properly paved with good cement concrete, or with good asphalt on a proper foundation, and also sloped to a properly constructed channel so as effectually to carry off all rain and waste water therefrom, and shall at all times keep and maintain such pavement in good order and repair.

Paving of yards and open spaces.

NINTH SCHEDULE.

FORM "A."

(Section 238.)

REMOVAL OF HOUSE.—NOTICE BY OWNER OF HOUSE.

.....191...

*To the City Engineer.*

I, the undersigned, the owner of the house now numbered and assessed as No. \_\_\_\_\_ street standing on lands belonging to \_\_\_\_\_ do hereby *give notice* that I intend, at the expiration of two clear days from the date hereof, to remove (or pull down, as the case may be) the said house from its present site.

No. \_\_\_\_\_ Street. Signature..... Address.....

FORM "B."

(Section 238.)

REMOVAL OF HOUSE.—NOTICE BY OWNER OF LAND.

.....191...

*To the City Engineer.*

I, the undersigned, the owner of the land on which stood the house heretofore numbered and assessed as No. \_\_\_\_\_ hereby notify you that the said house was removed from my said land on or about the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signature..... Address.....

## TENTH SCHEDULE.

(Section 253.)

(Part I.)—That part of the City bounded :—

On the North by the premises on the Northern side of Park Street between the Dry River and Abercromby Street.

On the South by the premises on the Southern side of Marine Square South, between the Dry River and Abercromby Street.

On the East by the Dry River between Marine Square, South, and Park Street.

On the West by the premises on the Western side of Abercromby Street between Marine Square, South, and Park Street.

(Section 257.)

(Part II.)—That part of the City bounded :—

On the North by the premises on the Northern side of Sackville Street from the Sea to Saint Vincent Street and by a straight line in alignment therewith up to the Eastern side of Abercromby Street.

On the South by the Sea.

On the East by the premises on the Eastern side of Abercromby Street from the Sea to a point in alignment with the Northern side of Sackville Street.

On the West by the Sea.

## ELEVENTH SCHEDULE.

(Section 276.)

## BURIAL FEES.

For every grave, for an adult	...	...	\$ 3.00
For every grave, for a child under 7 years	...	...	1.50
For every allotment :			
3 feet by 10 feet	...	...	16.00
6 feet by 10 feet	...	...	25.00
12 feet by 10 feet	...	...	40.00
For every grave opened in any allotment	...	...	1.00
For every Mahomedan grave (8 feet deep)			
For an adult	...	...	4.50
For a child under 7 years	...	...	2.25

TWELFTH SCHEDULE.

(Section 279.)

FORM "A."

FORM OF GRANT OF EXCLUSIVE RIGHT OF BURIAL.

By virtue of the Port-of-Spain Corporation Ordinance, 1914, the Mayor, Aldermen and Citizens of the City of Port-of-Spain in consideration of the sum of \_\_\_\_\_ to them paid by \_\_\_\_\_ of \_\_\_\_\_ do hereby *grant* unto the said \_\_\_\_\_ the *exclusive right of burial* in an allotment or grave space in the..... Cemetery measuring \_\_\_\_\_ feet by \_\_\_\_\_ feet (describe the precise locality of the allotment or grave space, and, when there is a plan of the Cemetery, refer to the number of the allotment or grave space marked in such plan). *To hold the same* to the said \_\_\_\_\_ in perpetuity for the purpose of burial subject to any regulations now in force and which may hereafter be made by the Corporation with regard to interments in the said Cemetery.

Given under our seal this \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_

.....  
Mayor.

.....  
Town Clerk.

FORM "B."

FORM OF ASSIGNMENT OF EXCLUSIVE RIGHT OF BURIAL.

(Section 279.)

I, \_\_\_\_\_ of \_\_\_\_\_ in consideration of the sum of \_\_\_\_\_ paid to me by \_\_\_\_\_ of \_\_\_\_\_ do hereby *assign* unto the said \_\_\_\_\_ the *exclusive right of Burial* in all (here describe the allotment or grave space) which was granted to me in perpetuity by a Deed bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and all my estate title and interest therein. **TO HOLD** the same unto the said \_\_\_\_\_ in perpetuity subject to the conditions on which I held the same immediately before the execution hereof.

THIRTEENTH SCHEDULE.

(Section 294.)

Bread, Milk, Mawby, Spruce Syrup, Vegetables, Candles, Fruit, Confectionery, Poultry, Game, Fresh Fish, Oysters. Meat not being fresh meat. Any liquor not being a spirituous liquor, nor containing any admixture of any spirituous liquor.

(Section 295.)

## FOURTEENTH SCHEDULE.

## LICENSE FEES PAYABLE BY PORTERS, PEDLARS, HAWKERS OR HUCKSTERS.

For a quarterly license	...	3 shillings.
For a half-yearly license	...	6 "
For a yearly license	...	10 "

(Section 304.)

## FARES WHICH MAY BE CHARGED BY PORTERS.

			s.	d.
For the day	...	...	2	6
For the half day	...	...	1	8
For the hour	...	...	0	7½
For the trip or job not exceeding one mile	...	...	0	5

(Section 385.)

## FIFTEENTH SCHEDULE.

## SCALE FOR COMPUTATION OF ANNUAL INSTALMENTS OF PRINCIPAL AND INTEREST COMBINED ON THE ANNUITY SYSTEM.

Years.				Rate of Annual Instalments.
2	...	...	...	£53·780488 per £100.
3	...	...	...	36·720856 " "
4	...	...	...	28·201183 " "
5	...	...	...	23·097480 " "
6	...	...	...	19·701747 " "
7	...	...	...	17·281982 " "
8	...	...	...	15·472181 " "
9	...	...	...	14·069008 " "
10	...	...	...	12·950457 " "
11	...	...	...	12·038889 " "
12	...	...	...	11·282541 " "
13	...	...	...	10·645577 " "
14	...	...	...	10·102397 " "
15	...	...	...	9·634229 " "

(Section 433.)

## SIXTEENTH SCHEDULE.

## WARRANT OF JUSTICE FOR ENTRY ON PREMISES.

Whereas A.B. being a person authorised under the Port-of-Spain Corporation Ordinance 1914, to enter certain premises (*here describe the Premises*) has made application to me to authorise him the said A.B. to enter the said premises, and whereas I, C.D., am satisfied by information on oath that there is reasonable ground for such entry, and that there has been a refusal or failure to admit the said A.B. to such premises.

Now therefore, I the said C.D. do hereby authorise the said A.B. to enter the said premises, by force if need be with such assistants as he may require, and there to execute his duty under the above Ordinance.

C.D.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 191

## SEVENTEENTH SCHEDULE.

(Section 455.)

## ENACTMENTS REPEALED.

No. OF ORDINANCE.	SHORT TITLE.	EXTENT OF REPEAL.
Ordinance No. 150	The Port-of-Spain Hucksters, Porters and Carters Ordinance.	The provisions thereof relating to porters, pedlars, hawkers and hucksters.
Ordinance No. 201	The Port-of-Spain Streets Management Ordinance.	The whole.
Ordinance No. 210	The Municipal Corporation Ordinance.	The whole, so far as it relates to Port-of-Spain.
Ordinance No. 211	The Port-of-Spain Ordinance.	The whole.
Ordinance No. 212	The Port-of-Spain Slaughter-Houses and Inspection of Food Ordinance.	The whole.
Ordinance No. 219	The Port-of-Spain Sewerage Ordinance.	The whole.
Ordinance No. 283	The Port-of-Spain Water Works Ordinance.	The whole.
Ordinance No. 284	The Sewerage (Amendment) Ordinance.	The whole.
Ordinance No. 294	The Port-of-Spain Cold Storage Ordinance.	The whole.
Ordinance No. 32 of 1905	The Port-of-Spain Sewerage Ordinance 1905.	The whole.
Ordinance No. 33 of 1905	The Port-of-Spain Water Works (Amendment) Ordinance, 1905.	The whole.
Ordinance No. 12 of 1906	The Port-of-Spain Markets Ordinance, 1906.	The whole.
Ordinance No. 24 of 1906	The Port-of-Spain Water Works (Amendment) Ordinance, 1906.	The whole.
Ordinance No. 17 of 1907	The Port-of-Spain Sewerage Ordinance, 1907.	The whole.
Ordinance No. 19 of 1907	The Port-of-Spain Town Board Ordinance, 1907.	The whole.
Ordinance No. 27 of 1907	The Western Cemetery Ordinance, 1907.	The whole.
Ordinance No. 32 of 1908	The Port-of-Spain Signs Regulation Ordinance, 1908.	The whole.
Ordinance No. 14 of 1910	The Port-of-Spain Town Board (Amendment) Ordinance, 1910.	The whole.
Ordinance No. 2 of 1912	The Port-of-Spain Building Ordinance, 1912.	The whole.
Ordinance No. 51 of 1912	The Port-of-Spain House Tax Ordinance, 1912.	The whole.
Ordinance No. 55 of 1912	The Port-of-Spain (Amendment) Ordinance, 1912.	The whole.