

TRINIDAD AND TOBAGO.

Western Cemetery.

No. 27 .—1907.

9th December.

AN ORDINANCE relating to the Cemetery at Mucurapo,
known as the "Western Cemetery."

H. A. Jackson
Governor.

17th December, 1907

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

1. This Ordinance may be cited as the Western Cemetery Short title.
Ordinance, 1907.

2. In the construction of this Ordinance the following words and expressions shall have the meanings hereinafter respectively assigned to them, unless such meanings be repugnant to or inconsistent with the context or subject matter in which such words or expressions occur, that is to say:

"The Board" means the Port-of-Spain Town Board as defined in the Port-of-Spain Town Board Ordinance, 1907 (19-1907).

“The Cemetery” means the lands situate in the Ward of Mucurapo, known as the Terre Brulée Lands, purchased by the Board, with the sanction of the Governor, for a Cemetery and licensed by the Governor as a public burial ground by proclamation dated the 23rd January 1906, published in the *Royal Gazette* of 25th January 1906, and a plan whereof signed by the Town Superintendent is deposited in the office of the Colonial Secretary. The term “The Cemetery” shall also include such adjacent lands as may at any time hereafter be licensed by the Governor as part of the said Cemetery.

“Grave” means a burial-place formed in the ground by excavation and without any internal wall or brick-work or stone-work or any other artificial lining.

“Vault” includes burial-places of every description, except graves to which the word “grave” interpreted as aforesaid applies.

3. The Cemetery shall be under the charge, management and control of the Board.

4. The Board may lay out the 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 suitable chapels for the performance of burial services.

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

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

7. The Board may set apart such portions of the Cemetery as they think fit for the purpose of granting exclusive rights of burial therein, and they may sell either in perpetuity or for a limited time, and subject to such conditions as they think fit, the exclusive right of burial in any portion of the Cemetery so set apart, or the right of one

Charge and control.

Laying out Cemetery and execution of works.

Places for different denominations.

Power to sell, etc., lands not vaulted.

Parts of Cemetery may be set apart for grant of exclusive rights of burial.

or more burials therein, and they may sell the right of placing any monument or gravestone or tablet in the Cemetery.

8. The Board shall cause a plan of the Cemetery Plan and register. to be made upon a scale sufficiently large to show the situation of every burial place in all parts of the Cemetery in which an exclusive right of burial has been granted; and all such burial places shall be numbered, and such numbers shall be entered in a book to be kept for that purpose (hereinafter called 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 Board; and no place of burial with exclusive right of burial therein shall be made in the 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 the Cemetery.

9. The grant of the exclusive right of burial in any part Form of grant of exclusive right of burial. of the Cemetery either in perpetuity or for a limited time, and of the right of one or more burials therein, or of placing therein any monument, tablet or gravestone, may be made in the form in the First Schedule to this Ordinance annexed, or to the like effect.

10. The exclusive right of burial in any such place of Exclusive rights to be assignable. burial shall, whether granted in perpetuity or for a limited time, be considered as the personal estate of the grantee, and may be assigned in his lifetime or bequeathed by his will.

11. Every assignment made in the lifetime of the assignor shall be by deed duly stamped, in which the consideration shall be truly set forth, and may be in the form in the Form of assignment. Second Schedule to this Ordinance.

12. A copy of every such assignment duly certified under the hand of the Registrar-General shall be produced to the Assignments to be registered. Keeper of the Cemetery, and an entry or memorial of such assignment shall be made in the register by such Keeper or by some other person appointed so to do by the Board, and for every such entry there shall be paid such fee as may from time to time be fixed by the Board.

13. An entry or memorial of the probate of every will by Transfer by will of exclusive right of burial. which the exclusive right of burial within the Cemetery is bequeathed, and in case there be any specific disposition of

such exclusive right of burial in the said will, an entry of such disposition, shall upon production of a certified copy of such probate and of such will, be made in the register by the Town Clerk and Treasurer of Port-of-Spain, or by some person acting under his instructions, and until such entry no right of exclusive burial shall be acquired under such will; and for every such entry or memorial there shall be paid such fee as may from time to time be fixed by the Board.

Burials in places where exclusive right of burial has been granted.

14. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the Board, except with the consent in writing of the owner for the time being of such exclusive right of burial.

Penalty for damaging, injuring, defacing, etc.

15. Every person who shall wilfully destroy or injure any building, wall or fence belonging to the Cemetery, 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 the 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.

16. Every person who shall play at any game or sport, or discharge any fire-arms, save at a military funeral, in the Cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the Cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the Cemetery, shall on conviction be liable for every such offence to a penalty not exceeding Five Pounds.

Grave diggers and servants.

17. The Board may appoint a Keeper, grave diggers and other servants necessary for the care and use of the Cemetery, and may pay them such wages and allowances as they think fit, and may remove them or any of them at their pleasure.

Fees and charges.

18. The Board may from time to time by resolution, fix and settle the fees and charges for the use of the Cemetery.

Bye-laws and rules.

19. The Board may from time to time make such bye-laws rules and regulations as to them shall seem proper for the management, regulation and use of the Cemetery and of the graves, vaults and monuments therein.

20. All bye-laws, rules and regulations made by the Board under and for the purposes of this Ordinance shall be under their common seal; and any such bye-laws rules and regulations may be altered or repealed by subsequent bye-laws rules and regulations made pursuant to the provisions of this Ordinance.

Authentica-
tion and
alteration of
bye-laws, etc.

21. The Board may by any bye-laws made under this Ordinance impose on offenders against such bye-laws or any of them such penalties as they shall think fit, not exceeding the sum of Five Pounds for each offence, and in the case of a continuing offence a further penalty not exceeding Forty Shillings for each day after written notice of the offence from the Board.

Penalties on
breach of
bye-laws.

22. Bye-laws rules and regulations made by the Board under this Ordinance shall not take effect unless and until they have been submitted to and confirmed by the Governor in Executive Council.

Confirmation
of bye-laws.

23. All bye-laws rules and regulations made under this Ordinance shall, when confirmed by the Governor in Executive Council, be published in the *Royal Gazette*, and production of a copy of the *Royal Gazette* purporting to contain any such bye-laws rules and regulations shall be conclusive evidence of the tenor, due making and confirmation thereof.

Publication of
bye-laws in the
"Royal
Gazette."

24. All penalties imposed by this Ordinance or by any bye-laws made thereunder shall be recoverable in a summary manner upon complaint made in the name of the Board or of the Keeper of the Cemetery or of any Town Constable, and shall be payable to the Board for the use of the Town of Port-of-Spain; and the form of procedure in all cases against persons offending against the provisions of this Ordinance or of any bye-laws made thereunder shall be that prescribed by the Summary Conviction Offences (Procedure) Ordinance (No. 1), or any Ordinance or Ordinances amending or replacing the same.

Recovery of
penalties.

25. It shall not be lawful to remove any body, or the remains of any body, which may have been interred in the Cemetery, except under a license given by the Board

Bodies not
to be removed
without
license.

for that purpose, and with such precautions and subject to such conditions as may be prescribed in such license.

26. The Board may make such regulations as they think fit with respect to the removal of any body or the remains of any body from the Cemetery, but such regulations shall not come into force unless and until they have been confirmed by the Governor in Executive Council.

27. The Board may grant a license for the removal of any body or the remains of any body from the Cemetery, 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.

28. Any person who shall remove any body or the remains of any body contrary to the provisions of this Ordinance or to any regulations made under this Ordinance, or who shall neglect to observe the precautions or comply with the conditions prescribed in any license for removal, shall upon conviction be liable for every such offence to a penalty not exceeding Ten Pounds.

29. Sub-section (2) of Section 5 and Section 6 of the Burial Grounds Ordinance No. 138 shall not apply to the Cemetery.

30.—(1.) The Board may provide and maintain a crematorium in the Cemetery. 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 Board 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 Board may make regulations prescribing under what conditions the burning of human remains may take place, fixing the charges to be paid for the use of

the crematorium and prescribing 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 such regulation as aforesaid, 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 Ordinance, shall (in addition to any liability or penalty which he may otherwise incur) be liable on summary conviction to a penalty not exceeding £50.

Passed in Council this Ninth day of December, in the year of Our Lord one thousand nine hundred and seven.

M. J. Keegan

Clerk of the Council.

FIRST SCHEDULE.

FORM OF GRANT OF EXCLUSIVE RIGHT OF BURIAL.

By virtue of the Western Cemetery Ordinance 1907, we the Port-Section 9. of-Spain Town Board in consideration of the sum of

to us paid by _____ of _____ do hereby grant
 unto the said _____ the exclusive right
 of burial (or the right of burying bodies, as the case may be) (or the
 right of placing the monument, tablet, or gravestone) in (here describe
 the ground intended for the exclusive burial, or for placing a monument,
 tablet, or gravestone as the case may be, so as to identify the same, and if
 a place of exclusive burial, add numbered _____ on the plan of the
 Cemetery made in pursuance of the said Ordinance.)

To hold the same to the said _____ in perpetuity (or
 for the period agreed upon) for the purpose of burial (or as the case may
 be) subject to the bye-laws rules and regulations now in force or which
 may hereafter be made by the said Board with regard to interments in
 the said Cemetery.

Given under the Seal of the Board this _____

day

No. .

Western Cemetery.

1907.

SECOND SCHEDULE.FORM OF ASSIGNMENT OF EXCLUSIVE RIGHT OF BURIAL.

Section 11.

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 place*) numbered on the
plan of the Cemetery made in pursuance of the Western Cemetery Ordinance
1907, which was granted to me in perpetuity (*or as the case may be*) 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 (*or as the case may be*) subject to the conditions on which I
held the same immediately before the execution hereof.

Witness my hand this day of 19 .