

TRINIDAD AND TOBAGO.

*Belmont Improvement Rate.*

No. 20—1907.

*8th April.*

AN ORDINANCE to provide for the method of payment for certain public works in Belmont and for the imposition of an additional house rate in connection therewith.

*H. G. Jackson*

*Governor*  
*15<sup>th</sup> April, 1907*

WHEREAS under the Public Works Loan Ordinance 1907, a sum of twenty-nine thousand pounds has been appropriated to Belmont Improvement works to be carried out by the Government, and it is intended that of the said sum of twenty-nine thousand pounds there shall be repaid to the Government by the ratepayers in Belmont the sum of Seven thousand two hundred and fifty pounds, being the one-fourth part of the said sum of Twenty-nine thousand pounds, together with such interest thereon as may be determined by the Governor in accordance with the terms and conditions under which the loan sanctioned by the said Ordinance may be raised: 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 Belmont Improve- Short title,  
ment Rate Ordinance 1907.

**Interpretation.** 2. In this Ordinance the terms "the Board," "the Chief Commissioner," and "the Town Clerk and Treasurer" shall have the respective meanings assigned or attributed to them in the Port-of-Spain Town Board Ordinance 1907; the term "Improvement area" shall mean the area described in Schedule I to this Ordinance; and the term "Waterworks District" shall mean the district defined in Section 2 of Ordinance No. 283.

**Power to levy rate.** 3. There shall be raised levied and paid to the Board on all houses now erected or which may hereafter be erected within the Improvement area, yearly, for such number of years as may be determined by the Governor, in accordance with the terms and conditions under which the loan aforesaid may be raised, an annual rate or tax not exceeding two pounds per centum on the annual rateable value of every such house.

**"House."** 4. In this Ordinance the word "house" so far as regards the rate to be imposed and any sale or conveyance under or by virtue of this Ordinance, shall be construed to extend to and include any dwelling house, warehouse, stable, counting house, store, manufactory, shop, workshop, shed or other building whatsoever and the lands on which the same respectively are built, erected or standing, and also any lands appurtenant to or occupied with the same and not rated separately.

**Parcel of land.** 5. Every parcel of land in the Improvement area not appurtenant to or occupied with any house and not otherwise rateable under this Ordinance shall be rated separately at a rate not exceeding two pounds per centum on the annual rateable value of every such parcel of land.

**Fixing rate and time of payment.** 6. The rate or tax to be levied under the provisions of this Ordinance in respect of the year 1907, shall be at the rate of 2 per cent. on the annual rateable value of each house or parcel of land; and in subsequent years shall be at such rate as may be annually fixed by the Board not later than the 31st day of March in each year.

Such rate or tax shall be due and payable in each year on the 30th day of June.

7. The Board shall on or before the thirtieth day of June in each year cause a notice signed by the Town Clerk and Treasurer or any other Officer of the Board duly authorized in that behalf and specifying the amount of rate or tax payable under this Ordinance and the time when and where such rate or tax is to be paid to be served on the owner or person in possession or occupation of every house and land, or his or her agent or attorney or to be left at such house or land with some person residing therein, or if no person shall be found in such house or land then to be attached to the door of such house or on some conspicuous part of such house or land. Notice to rate-payers.

8.—(a.) For the purposes of this Ordinance the annual rateable value of such houses and lands shall each year be that appearing in the house rate book prepared for the same year under Section 10 of the Port-of-Spain House Tax Ordinance (No. 207). Valuation on which rate to be computed.

(b.) Provided that where any houses or lands within the Improvement area are not assessed in the house rate book whether the same are within or without the limits of the Town, the Board shall assess the same at the correct annual value thereof for the purposes of this Ordinance.

(c.) In respect of houses and lands not assessed in the said house rate book, it shall be lawful for any owner or person in possession of any such house or land or the attorney or agent of any such owner who shall be dissatisfied with the annual rateable value fixed by the Board, at any time within thirty days next after the service of the notice specified in Section 7 hereof, to lodge with the Board a declaration in writing stating his objections to such annual rateable value and the grounds thereof, and thereupon the annual rateable value of the house or land in respect whereof such objection shall be made shall be fixed and determined by the Stipendiary Justice of the Peace of Port-of-Spain on a day to be appointed by him. Such Justice shall have power to summon and examine all witnesses on oath and to administer such oath and to enter and inspect the house or land in respect of which such objection shall be made, and shall confirm such annual rateable value or shall alter or amend the same as he shall think proper.

9. The amount of the rate payable on all such houses and lands shall be borne and paid by the owner of such house or land, and shall be a lien or charge on every such house or land prior and preferential to all mortgages and charges thereon; but the amount of such rate may be collected from and paid by the tenant or occupier of any such house or land 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 house or land.

10. The amount of the rate on any such houses and lands or any part thereof if unpaid at the expiration of three months after the same shall have become due and payable shall be increased at the rate of ten per centum.

11. In case the rate on any such house or land be in arrear and unpaid after the 30th day of September next following the day on which such rate became due and payable, the Chief Commissioner may at any time thereafter cause to be made out a list, specifying the names of all persons in default, the houses or parcels of land in respect of which rates are so in arrear and unpaid, and the amount of the rates due and payable in respect of such houses and lands respectively. And it shall be lawful for the Chief Commissioner to deliver such list to the Town Bailiff to collect and recover the rates so in arrear and unpaid, together with such increase as aforesaid, and the Chief Commissioner may by writing under his hand authorize the said Bailiff and his assistants to levy by distress the amounts of such rates in arrear with such increase as aforesaid.

The authority to be given by the Chief Commissioner to the Bailiff under this section may be according to the Form marked A in Schedule II to this Ordinance, and such authority shall be a sufficient warrant and authority to such Bailiff to levy by distress the amount of rate so in arrear and unpaid with such increase as aforesaid in respect of each and every house or parcel of land contained in such list, in like manner as if a separate distress warrant had been issued for recovery of the rate and increase due in respect of each of the said houses or parcels of land.

12. In execution of the power to distrain so given, the Bailiff and his assistants may, for the recovery of the rate so in arrear and unpaid in respect of any house or parcel of land comprised in the said list, together with such increase as aforesaid, distrain upon any goods and chattels found in such house or parcel of land, or upon any goods and chattels of the owner, wherever the same may be found and although the same may be elsewhere and not upon the lands actually charged with and liable for the payment of such rate.

Powers of  
bailiff.

13. The distress so taken may at the cost of the owner thereof be kept for 14 days, at the end of which time, if the amount due in respect of such rate together with such increase as aforesaid and the costs and charges of and incident to the distress are not paid, the same may be sold to the highest bidder at a sale thereof by public auction.

Distress may  
be sold.

Out of the proceeds of such sale there shall in the first place be paid the costs and charges of and incident to the sale and keeping of the distress, and in the next place the amount due in respect of the rate with such increase as aforesaid, and the residue, if any, shall be payable on demand to the owner of the goods and chattels distrained upon.

14. When any rate or any part thereof is in arrear and unpaid, and more than three months have elapsed since the same became due and payable, it shall be lawful for the Chief Commissioner at any time thereafter by warrant under his hand and addressed to the Town Clerk and Treasurer to make order for the sale of the house or parcel of land in respect of which such rate shall be so in arrear and unpaid, on some day to be named in such warrant, unless the amount of rate due in respect of such house or parcel of land together with the increase of ten per centum and the costs of and incidental to such sale be paid to the Town Clerk and Treasurer before the day of such sale.

Sale of  
property  
when rate 3  
months in  
arrear.

The warrant for sale under this section may be for the sale of all houses and lands in respect of which rates charges and sums are due and in arrears as provided by this section, and may be according to Form B in Schedule II hereto.

When power  
of sale exer-  
ciseable.

15. The power of sale conferred by Section 14 hereof shall be in addition to and independent of the power of distress conferred by Section 11 hereof, and may be exercised whether the power to distrain has been previously exercised or not, provided that at the time of such sale the rate payable in respect of the house or parcel of land to be sold or some part thereof be in arrear and unpaid.

Procedure at  
sales.

16. Any sale made in pursuance of the power vested in the Chief Commissioner by Section 14 shall be by public auction before the doors of the Town Hall, and one notice at least of such intended sale shall be published in one daily local newspaper one calendar month at least before the day of such sale; and upon every such sale the house or parcel of land so sold shall thereupon become the property of the highest bidder for the same absolutely discharged from all estates charges or incumbrances whatsoever save and except debts due to His Majesty, and shall be conveyed by the Board to the purchaser at the expense of such purchaser; and the purchase money shall be applied in the first place in or towards payment of the costs and expenses of and incidental to such sale, and in the next place in or towards payment of the amount due for such rate and percentage, and the surplus if any shall be paid to the person entitled to and who shall claim the same.

The conveyance to the purchaser on a sale under this section may be according to Form C in Schedule II to this Ordinance.

Appropriation  
of rates.

17. The rates collected under the provisions of this Ordinance shall be carried by the Board to a separate account to be entitled "the Belmont Improvement Rate Account," and from the amounts to the credit of such account there shall be paid annually to the Receiver-General such sum as may be fixed by the Governor under Section 8 of the Public Works Loan Ordinance 1907 in respect of interest and sinking fund on account of the sum of £7,250 payable by the ratepayers in Belmont under the provisions of the Public Works Loan Ordinance 1907.

The surplus, if any, after paying the annual instalment shall be expended from time to time by the Board in such further special improvement works in the Improvement area as may be determined by them. Provided that any expenditure incidental to the provisions of this Ordinance may be paid from such surplus.

18. This Ordinance shall commence on the first day of May, 1907. Commence-  
ment.

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

*Alfred Gairt.*

*Acting Clerk of the Council.*

## SCHEDULE I.

### IMPROVEMENT AREA.

The area lying within the following boundaries :—

- N.—The Northern boundary of the Waterworks District from the St. Ann's or Dry river to the Eastern boundary of the Town of Port-of-Spain.
- S.—A line drawn from the South-eastern corner of Samuel's Bridge on the St. Ann's or Dry River to the Eastern boundary of the Town of Port-of-Spain, and so far to the South of Gloster Lodge Road as to include all the premises rated under Gloster Lodge Road in the House Rate Book.
- E.—The Eastern boundary of the Town of Port-of-Spain.
- W.—The St. Ann's or Dry River.

## SCHEDULE II.

Section 11.

### FORM A.

To Town Bailiff.  
I Chief Commissioner of the Port-of-Spain Town Board by  
virtue of the power vested in me by Section 11 of the Belmont Improvement Rate Ordinance 1907, do hereby authorize you to collect and recover the several amounts respectively due for rates in respect of the several houses and parcels of land contained in the list of defaulters for the year forwarded to you herewith, together with the increase of  
ten per centum accruing under Section 10 of the said Ordinance; and for the recovery thereof I further authorize you to distrain on such goods and chattels as by the said Ordinance are liable to be distrained upon for such rates with such increase as aforesaid, and for the levying of such distress and for the sale thereof in accordance with the provisions of the said Ordinance, this shall be your warrant.

Given under my hand at this day of

Chief Commissioner.

## FORM B.

Section 14.

## WARRANT FOR SALE.

I , Chief Commissioner of the Port-of-Spain Town Board in pursuance of the powers vested in me by the Belmont Improvement Rate Ordinance 1907, do hereby order you to sell or cause to be sold by public auction at on the day of between the hours of and the several houses and parcels of land enumerated in the list attached hereto in respect of which the sums set opposite the description of such houses and parcels of land are respectively due and payable under the provisions of the said Ordinance, and have been for more than three months in arrear and unpaid ; Save and except those of the aforesaid houses and parcels of land in respect of which there shall have been paid to the Port-of-Spain Town Board before such sale the sums so due and payable together with the increase of ten per centum prescribed by the said Ordinance, and the costs and expenses of and incidental to such sale.

Chief Commissioner.

## FORM C

Section 16.

## CONVEYANCE ON SALE.

This deed made the day of 19 between the Port-of-Spain Town Board of the one part and of the other part. Whereas in pursuance of a warrant under the hand of the Chief Commissioner of the Port-of-Spain Town Board dated the house (or parcel of land) No. of was put up for sale by public auction before the doors of the Town Hall in Port-of-Spain on the day of 19 between the hours of and o'clock p.m., and at such sale the said offered the sum of for the said house (or parcel of land) and was the highest bidder for the same ; Now this deed witnesseth that in consideration of the sum of paid by the said to the said Board (the receipt whereof is hereby acknowledged) the said Board under and by virtue of the power conferred by Sections 14 and 16 of the Belmont Improvement Rate Ordinance 1907, and of every other power enabling them in this behalf hereby convey unto the said all that certain house (or parcel of land as the case may be) No. of to hold the same unto and to the use of the said in fee simple.

In witness whereof the said has hereunto set his hand the day and year first herein written.

The Common Seal of the Board was hereto affixed in the presence of

Chief Commissioner.