

## TRINIDAD AND TOBAGO.

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No. 17—1937.

I ASSENT,

[L.S.]

M. FLETCHER,

*Governor.*

3rd November, 1937.

*4th November, 1937.*

AN ORDINANCE to provide for the inclusion of the  
St. James Area within the City of Port-of-Spain and  
for the improvement of such Area.

Preamble

WHEREAS it is expedient that the Municipal boundaries  
of the City of Port-of-Spain be extended to include  
the area described in the First Schedule hereto (hereinafter  
referred to as the St. James Area) and that the Port-of-Spain  
Corporation be authorised to carry out certain works for  
the improvement of the said Area, to provide the necessary  
funds required for such works, to recover part of the  
expenses incurred on such works from land owners in the  
said Area and from public funds, and further that the  
said Corporation be granted the necessary powers for and  
incidental to the purposes aforesaid.

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

Short title.

Commence-  
ment.

1. This Ordinance may be cited as the St. James Area  
Improvement Ordinance, 1937, and shall commence on a  
day to be fixed by the Governor by Proclamation.

## 2. In this Ordinance—

Definitions.

“Authorized Works” means the works necessary for or incidental to the carrying out of the improvements specified in the Second Schedule hereto.

“City”, “Corporation”, “City Engineer”, and “Town Clerk” shall have the respective meanings assigned to these expressions by the Port-of-Spain Corporation Ordinance.

Cap. 224.

“City Council” means the Council of the Corporation.

“Land-owners in the St. James Area” shall include (a) Winifred May McCombie Hudson, Percy Harold Lindsay Guthrie, Hilda Margaret Marion Mattinson, and Cecil Broderick Guthrie, and their respective heirs and assigns, referred to hereafter collectively as the “Owners of Guthrie Lands Estate”; and (b) The Jesse Henderson Company Limited, their successors and assigns: But the said expression shall not include the Crown.

“St. James Area” means the area described in the First Schedule to this Ordinance.

3.—(1) The St. James Area shall from and after the commencement of this Ordinance form part of the City of Port-of-Spain, and be subject to the provisions of the Port-of-Spain Corporation Ordinance to the same extent as if the limits of the City had been extended under section 6 of the said Ordinance, to include such area subject nevertheless to the provisions of the following sub-sections of this section.

St. James Area to be incorporated in the City of Port-of-Spain.  
Cap. 224.

(2) Municipal rates and taxes shall be assessed levied and collected by the Corporation as from the 1st day of April, 1938, on all properties in the St. James Area (other than Crown Lands), and out of the rates and taxes received by Government in respect of the year 1st April, 1937, to 31st March, 1938, there shall be paid by the Treasurer to the Corporation such proportion thereof as the number of days between the date of commencement of this Ordinance and the 31st March, 1938, both inclusive, shall bear to 365.

(3) The provisions of section 119 of the Port-of-Spain Corporation Ordinance shall apply to the St. James Area.

Corporation may enter lands and construct works.

4. It shall be lawful for the Corporation with all necessary workmen and other servants at all times to enter upon any lands in the St. James Area and to carry out on any part of such lands such works as they may deem necessary for the purpose of laying out and making any new street, drain or watercourse or of deviating, widening, improving, repairing, or maintaining the streets, drains and watercourses in the St. James Area, and more particularly in connection with the improvements specified in the Second Schedule hereto and for that purpose to remove, set back or realign, any buildings, walls, fences, drains and other obstructions.

Plans to be deposited with the Town Clerk and open to inspection

5.—(1) Detailed plans and specifications of such of the authorized works as are to be undertaken from time to time by the Corporation shall be prepared by the City Engineer and deposited in the office of the Town Clerk of Port-of-Spain and shall be open to inspection by any person between the hours of 10 a.m. and 3 p.m. on any week day for a period of 3 weeks from the date on which notice to that effect shall be given in the *Royal Gazette* and in a daily newspaper circulating in the Colony.

Plans to conform to Key Plan and to be approved by Director of Works and Transport.

(2) Such detailed plans and specifications shall as far as is practicable and subject to such modifications as may be found necessary or expedient be in conformity with a certain Key Plan dated the 12th day of July, 1937, made by the Director of Works and Transport and deposited in the Office of the Surveyor-General, and with the Schedules to this Ordinance, and such detailed plans and specifications shall be approved of by the Director of Works and Transport before the works set out and described therein are commenced.

(3) An estimate of the cost of the works to be undertaken by the Corporation in any one calendar year shall be forwarded by the Town Clerk to the Treasurer not later than the 31st day of August of the preceding year.

City Engineer to be in charge of works.

6.—(1) The City Engineer shall, subject to the directions of the City Council, be the officer in charge of and responsible for carrying out the authorized works to be done under this Ordinance.

Resident Engineer may be appointed.

(2) The City Council may, subject to the approval of the Governor, engage the services of a resident engineer to assist the City Engineer.

7.—(1) The estimated expenditure on the works authorized to be carried out under this Ordinance in the aggregate amounts to the sum of \$340,000 of which the sum of \$179,000 shall be contributed by the Corporation and the sum of \$161,000 shall be contributed by the Treasurer for and on behalf of the Government of the Colony, and in the event of the total expenditure being more or less than the aggregate sum of \$340,000, the Corporation and the Government shall contribute in the respective proportions of 179/340 and 161/340 of the actual expenditure.

Total costs of works and apportionment between the Corporation and the Government.

(2) The amount to be contributed from time to time by the Government towards the cost of the authorized works shall be such as is certified by the City Engineer on an account submitted by the Town Clerk to the Treasurer of the Colony, and approved by the Director of Works and Transport, and shall be in the ratio of 161/340 of the approved expenditure, and such amount shall be paid to the Corporation from the public funds of the Colony by the Treasurer on the warrant of the Governor.

8. In addition to the amount required to be contributed by the Government, the Treasurer shall on the warrant of the Governor make periodical advances to the Corporation amounting in the aggregate to the sum of \$107,000 towards the cost of construction of the works and the total amount so advanced shall be repaid by the Corporation to the Treasurer on the annuity system in forty equal annual instalments of \$4,629.07 (including principal and interest thereon calculated at the rate of 3 per centum per annum) the first of such payments to be made at the expiration of one year from the date of commencement of this Ordinance, and yearly thereafter on the corresponding date.

Advances by the Government to the Corporation.

9. The sum of \$107,000, being part of the amount to be contributed by the Corporation, shall be recovered by the Corporation from the Land-owners in the St. James Area in the following proportions namely—from the Jesse Henderson Company Limited \$70,000 and from the Owners of Guthrie lands Estate \$37,000 with interest on such respec-

Amount to be recovered from land-owners.

tive sums at the rate of 3 per centum per annum, repayable on the annuity system in forty equal annual instalments, the Jesse Henderson Company Limited paying the sum of \$3,028.37 annually and the owners of Guthrie Lands Estate paying the sum of \$1,600.70 annually, the first of such payments to be made at the expiration of one year from the date of commencement of this Ordinance, and yearly thereafter on the corresponding date, and until complete payment thereof by the respective Land-owners against whom such sums are charged the amounts remaining due from time to time shall constitute a first charge on the lands in the St. James Area of such Land-owners in favour of the Corporation and be recoverable under the Rates and Charges Recovery Ordinance, Cap. 287.

Provided that the said sum of \$107,000 recoverable under this section shall be in addition to the ordinary rates and taxes for which the lands and buildings in the St. James Area are chargeable under any other law.

The streets and roads in the St. James area to vest in the Corporation.

10. The streets and roads specified in Tables "A" and "B" of the Second Schedule hereto, including any additional lands required and occupied by the Corporation for the widening and extension of such streets and roads, within the St. James Area, shall become "streets repairable by the Corporation" under the Port-of-Spain Corporation Ordinance and shall vest absolutely in the Corporation.

Land-owners not entitled to compensation for loss.

11.—(1) The Land-owners in the St. James Area shall not be entitled to claim any compensation for any lands required and occupied by the Corporation for the widening and extension of the streets specified in Parts (1) and (2) of Table A of the Second Schedule hereto or for any loss incurred by such Land-owners consequent upon the carrying out of the authorized works.

Tenants may be granted *ex gratia* compensation.

(2) The Corporation will at their own cost remove all buildings, walls, fences and other obstructions required to be removed for the purpose of carrying out the authorized works, and shall as far as is practicable re-construct such buildings, walls, and fences, and where damage or injury has been occasioned thereby to a tenant

of the said Land-owners, the Corporation, without being under any liability to do so, may subject to the approval of the Governor grant to the tenant such *ex gratia* compensation as they consider reasonable.

12.—(1) The Land-owners in the St. James Area shall not be entitled to increase the rents payable by their tenants in respect of lands let within the said Area save in strict conformity with the Rent Restriction Ordinance, 1933, or any other kindred enactment or enactments in addition thereto or in substitution therefor: Provided that any expenditure on works made under the authority of this Ordinance and required to be refunded by such Land-owners under section 9 of this Ordinance shall not (save in cases where the rent of premises does not exceed One Dollar and twenty-five cents per month), be deemed to be expenditure incurred by the Landlord on substantial improvements made to the roadway adjacent to the land within the meaning of Section 8 (2) (b) of the Rent Restriction Ordinance, 1933.

Rent  
restrictions.

Ord. 34-1933.

(2) No tenant or lessee shall be entitled to institute or take any proceedings in any Court of Law against any of the Land-owners in the St. James Area for a reduction of rent or for damages on the ground that the area of the land occupied by him has been reduced in extent by reason of the authorized works.

Tenants not  
entitled to  
reduction of  
rent.

13. No action shall be brought against the Corporation or any of their authorized servants or agents for anything done in furtherance of the purposes of this Ordinance, and no injunction or order restraining the execution or maintenance of any of the authorized works shall be granted by any Court of Justice.

Protection of  
Corporation  
against actions  
and  
injunctions.

14. No authorized servant or agent of the Corporation shall be liable to prosecution or to any action at law for anything done by him *bona fide* in furtherance or intended furtherance of any of the purposes of this Ordinance.

Protection of  
servants and  
agents of  
Corporation.

Assault or  
obstruction.

15. If any person shall assault or hinder or obstruct or cause or procure to be hindered or obstructed the Corporation or their agents or servants or any workman or other person authorized by them or employed in doing or performing any works by this Ordinance authorized to be done or performed or in the exercise of any of the powers and authorities in this Ordinance contained, every such person shall be guilty of an offence against this Ordinance, and on summary conviction shall be liable to a penalty not exceeding one hundred and twenty dollars.

Saving of  
Crown or other  
rights.

16. Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty, His Heirs or Successors, or of any bodies politic or corporate or of any other persons except such as are mentioned or are referred to in this Ordinance and those claiming by, through, from or under them.

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**FIRST SCHEDULE.**

**Description of the St. James Area.**

All that area enclosed within a line starting from the north-western boundary of the City of Port-of-Spain at the point where it touches the Sea and continuing along the said boundary to the point where the Western Main Road commences on the Maraval River Bridge, thence along the northern side of the Western Main Road, the eastern side of the Long Circular Road and the northern side of Patna Street to the Western boundary of lands of the Imperial Government thence along the western boundary of lands of the Imperial Government to Bourne's Road Ravine, thence along the left bank or southern side of the said ravine and along the right bank or southern side of Murray Ravine to the boundary line between lands of Charles Ross and the Public Cemetery thence along the said boundary line to Fort George Road, thence along the south side of Fort George Road to a point about one thousand three hundred and thirty-feet from the junction of the said road with the Western Main Road, and from the said point along a straight line running in a more or less north-westerly direction to the north-eastern corner of lands of the Church of England, thence along the northern and western boundaries of the said lands to the Sea, thence along the Sea in a south-easterly direction to the boundary of Port-of-Spain at the point of commencement, and which area is shewn surrounded by a border coloured pink on the plan dated the 12th day of July, 1937, signed by the Surveyor-General and deposited in the office of the Surveyor-General.

## SECOND SCHEDULE

Particulars of Improvements and authorized works to be carried out in the St. James Area and estimated cost of such works.

TABLE "A."

Streets in the St. James Area on which improvement works are to be carried out and the approximate lengths of such streets.

(1) On lands of the Jesse Henderson Company, Limited.—

Name of Street.	Approximate length in feet.	Name of Street.	Approximate length in feet.
		Brought forward	22,435
Bengal	1,625	Woodford	800
Agra	1,575	Luckport	690
Madras	1,050	Coronation	530
Calcutta	1,525	Hyderabad	900
Kandahar	1,175	Finland	1,340
Bombay	2,225	Dice	900
Delhi	1,130	Panka	1,820
Patna	1,100	Carlton Avenue or Third Avenue	1,150
Baroda and lane below Agra and Calcutta	1,050	Short unnamed street between Calcutta and Agra Streets	300
Ganges	350	Road North of Finland Street	170
Lucknow	750	1st Street south of Panka Street	370
Benares	700	Street between Bay and Fraser Streets	190
Cawnpore	740	Street South of 3rd Avenue	440
Nepaul	720	2nd Street South of Panka Street	420
Weeks	490	Broad Street	520
Clarence	780		
Coffee Water	750		
Dengue	550		
Ethel	1,450		
Bay	1,130		
Fraser	520		
Romeo	1,050		
Carried forward	22,435		32,975

(2) On lands of the Owners of Guthrie Lands Estate.

Name of Street	Approximate length in feet.	Name of Street.	Approximate length in feet.
		Brought forward	9,695
Mooneeram	1,350	Mary	1,610
Brunton	2,100	Angelina	1,600
Guthrie	725	Stone	1,170
Jerry	900	Kathleen	1,025
Salazar	900	Seventh Street	475
Boundary	1,880	Patna Street extension (a)	700
Church	1,840		
Carried forward	9,695		16,275

(3) In charge of the Local Road Board.

Bournes Road—Approximate length in feet	...	...	2,000
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TABLE "A" - Continued.

Summary of the approximate lengths of streets in Table "A."—

	<i>Feet.</i>
On lands of Jesse Henderson Company, Limited ...	... 32,975
On lands of the Owners of Guthrie Lands Estate ...	... 15,575
Patna Street extension on Guthrie Lands Estate ( <i>see (a)</i> below)...	700
Bournes Road (Local Road Board) ...	... 2,000
	51,250

Particulars relating to the streets in Table "A."—

(a) Patna Street as now constructed, runs for a length of 1,100 feet on lands of The Jesse Henderson Company, Limited up to the boundary line of the Guthrie Lands Estate. It is intended to prolong this street for 700 feet on the Guthrie Lands Estate, the required land to be granted by the owners thereof free of charge, but on condition that the two streets presently known as Sixth Street 500 feet in length, and New Lane 250 feet in length, shall be closed and abandoned in favour of the owners of Guthrie Lands Estate.

(b) Slipper drains of an approximate width of 2 feet 6 inches are to be constructed on both sides of the streets mentioned in the foregoing list and for the whole length of such streets; the total length of slipper drains to be constructed being estimated at 102,500 feet.

(c) The total width of each street (excepting Boundary Street, Patna Street and Bournes Road) including drains and natural soil footpaths shall be 33 feet; the carriage way of such streets including drains but excluding footpaths shall be 21 feet in width; the total width of Boundary Street, Patna Street, and Bournes Road, including drains and natural soil footpaths shall be 46 feet, but the carriage way including drains and excluding footpaths shall be 30 feet in width.

(d) The lands required to construct the streets specified in Parts (1) and (2) of the foregoing Table "A" to the required width, shall be granted by the respective owners thereof without compensation.

(e) Further details of the improvements to be carried out are contained in Table "D" of this Schedule.

TABLE "B".

Main Roads in the St. James Area on which improvement works are to be carried out as specified in Table "D" of this Schedule:

Western Main Road.  
Mucurapo Road.  
Long Circular Road.

TABLE "C".

Main drains and watercourses in the St. James Area on which improvement works are to be carried out as specified in Table "D" of this Schedule.

- 1A.—From junction of Mooneram and Delhi Streets along Delhi Street to Long Circular Road.
- 1B.—From junction of Delhi Street and Long Circular Road, along Long Circular Road across and along Western Main Road to junction of Western Main Road and Lucknow Street.
- 1C.—From Western Main Road along Lucknow Street to Hyderabad Street on to Maraval River.
- 2.—From junction of Brunton and Kathleen Streets along Kathleen Street to Bournes Road Ravine, and from junction of Boundary and Kathleen Streets along Kathleen Street to Bournes Road Ravine.
- 3A.—From junction of Boundary and Angelina Streets along Boundary Street to Western Main Road.
- 3B.—From junction of Boundary Street and Western Main Road along Luckport Street to the Sea.
- 4.—Along Western Main Road on North side from Fort George Road to Jerry Street and from Madras Street to Bengal Street.
- 5A.—Extension of Bournes Road Ravine.
- 5B.—Bournes Road Ravine from Boundary Street to Western Main Road.

TABLE "D".

Particulars of improvements and estimated cost of the authorized works.

1. *Reconstruction of Streets specified in Table A.—*

Constructing 45,570 lineal feet of streets of a total width of 33 feet, including two natural soil footpaths, each 6 feet wide, two concrete slipper drains, each of an approximate width of 2 feet 6 inches, and a carriage-way of a width of 16 feet, consisting of 6 inches of 2½ inches metal and one penetration coat of road oil.

Constructing 5,680 lineal feet of streets of a total width of 46 feet, including two natural soil footpaths, each 8 feet wide, two concrete slipper drains, each of an approximate width of 2 feet 6 inches, and a carriage-way of a width of 25 feet, consisting of 6 inches of 2½ inches metal and one penetration coat of road oil.

A total of 51,250 lineal feet of streets and 102,500 lineal feet of slipper drains—at an estimated cost of ... \$166,300.00

2. *Reconstruction of Main Roads specified in Table B.—*

Constructing 5,050 lineal feet of road of a minimum width of 50 feet and a maximum width of 60 feet, including two natural soil footpaths each of an approximate width of 10 feet, two concrete slipper drains, each of an approximate width of 2 feet 6 inches, and a carriage-way of a minimum width of 30 feet and a maximum width of 35 feet, consisting of a boulder foundation and 6 inches of 2½ inches metal, and two coats of road oil, one penetration coat and one sealing coat.

Carried forward .... .. \$166,300.00

	Brought forward	....	....	....	\$166,300.00
2.—	<i>Continued.</i>				
	Constructing 4,730 lineal feet of road of a total width of 46 feet, including two natural soil footpaths, each 8 feet wide, two concrete slipper drains, each of an approximate width of 2 feet 6 inches, and a carriage-way of a width of 25 feet, consisting of a boulder foundation and 6 inches of 2½ inches metal, and two coats of road oil, one penetration coat and one sealing coat.				
	A total of 9,780 lineal feet of roads and 19,560 lineal feet of slipper drains—at an estimated cost of...				
					\$29,000.00
3.	<i>Compensation</i>	for removal and reconstruction of buildings, walls, fences, and other obstructions, to enable the construction of the streets and roads specified in Tables A and B—at an estimated cost of			\$45,000.00
4.	<i>Construction of Main Drains specified in Table C.—</i>				
	Constructing 9,110 lineal feet of concrete covered drains of an approximate size of 3 feet in width by 4 feet in depth ; 2,200 lineal feet of concrete covered drains of an approximate size of 4 feet in width by 4 feet in depth ; 1,500 lineal feet of concrete uncovered drains of an approximate size of 8 feet in width by 6 feet in depth ; 650 lineal feet of concrete drains 8 feet wide by 4 feet deep ; 800 lineal feet of concrete drains, 6 feet wide by 4 feet deep.				
	A total of 14,260 lineal feet of Main Drains— at an estimated cost of ... ..				
					\$81,000.00
5.	<i>Construction of Bridges over Bournes Road Watercourse.</i>				
	Constructing 5 concrete bridges—each of a total width of 33 feet ; one concrete bridge of a total width of 46 feet ; and the extension of three existing bridges.—at an estimated cost of				
					\$10,000.00
6.	<i>Engineering supervision and incidentals—</i>				
	at an estimated cost of ... ..				
					\$8,700.00
	Total Estimate	....	....	....	\$340,000.00

TABLE "E"

Estimated cost of the authorized works and the proportions thereof to be paid by the Government, the Corporation, and the Land-owners in the St. James Area :

	Government General Revenue.	Port-of- Spain Cor- poration.	Jesse Henderson Coy. Ltd.	Owners Guthrie Lands Estate.
	\$	\$	\$	\$
1.—Reconstruction of Streets referred to in Table A including construction of slipper drains ....	6,000	53,300	70,000	37,000
2.—Widening of Main Roads referred to in Table B ....	29,000	—	—	—
3.—Compensation for removal and reconstruction of buildings, walls, fences and other obstructions along the streets and roads specified in Tables A and B ....	45,000	—	—	—
4.—Construction of Main Drains referred to in Table C. ....	81,000	—	—	—
5.—Construction of bridges over Bourne Road Watercourse ....	—	10,000	—	—
6.—Engineering supervision and incidentals ....	—	8,700	—	—
	161,000	72,000	70,000	37,000

Proportion payable by the Corporation and Landowners ... \$179,000

Proportion payable by the Government ... 161,000

Total Estimated Cost ... \$340,000

Passed in Council this 29th day of October, in the year of Our Lord one thousand nine hundred and thirty-seven.

W. E. GOCKING,  
Clerk of the Council.