

No. 25.—1861.

1st November.

AN ORDINANCE for vesting in Her Majesty certain Water Works for supplying the Village of Diego Martin with Water.

ROB. W. KEATE.

WHEREAS Frederick Camm Bowen, late Warden of Preamble. the Diego Martin Ward Union (but now deceased) in his lifetime established certain Water Works for supplying the village of Diego Martin with water, which works consist of a reservoir erected in masonry on certain lands in the Green Hill Mountains, now or lately in the occupation of one John Paul Louis, and the pipes by which the waters collected in the said reservoir are brought down through several parcels of land now or lately in the occupation of the several persons hereinafter mentioned, that is to say, Jean Yallaba, Jean Marie, Celeste Boxer, Saint Jean, and Francis Moore, to two public fountains in the village of Diego Martin: and Whereas the said Frederick Camm Bowen, and after his death one Alfred Collins, lately Warden of the said Ward, and George Frederick Bowen, the now Warden of the said Ward, have expended in the establishment and maintenance of the same works out of moneys belonging to the said Ward in their respective hands, as such Wardens, different sums amounting together to the sum of two thousand three hundred and sixty-five dollars: and Whereas the ownership of the lands in the Green Hill Mountains, on which the said reservoir is erected, is now vested in the said George Frederick Bowen: and Whereas the said George Frederick Bowen, by his petition to the Governor in Council, has offered to surrender to Her Majesty, for the public use of the said village of Diego Martin, the said reservoir and the lands on which the same is erected to the extent of fifty feet on each and every side of the said reservoir, measured from the centre of the said reservoir, and also the right of way from the Green Hill Mountain road to the said reservoir, over such part of the lands now or lately in the occupation of the said John Paul Louis, as lies on the eastern

side of the said reservoir : and Whereas it is expedient that provision should be made for the repayment of the said sum of two thousand three hundred and sixty-five dollars, and for the maintenance of the said works by a rate on houses in the village of Diego Martin : Be it enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, as follows :

The reservoir now supplying Diego Martin with water, the right of way thereto, and all works connected therewith to be vested in the Queen.

1. The reservoir erected by the said Frederick Camm Bowen on the lands in the Green Hill Mountains, from which the village of Diego Martin is now supplied with water, and the lands on which the said reservoir is erected to the extent of fifty feet on each and every side of the said reservoir, measured from the centre of the said reservoir, and the right of way unto the said reservoir, from the Green Hill Mountain road over the lands of the said George Frederick Bowen, now or lately in the occupation of the said John Paul Louis, and the property in the pipes, by which water is now brought down from the said reservoir to the village of Diego Martin, and the fountains already erected in the village of Diego Martin, and all works, canals, pipes, stopcocks, and other conveniences to be from time to time erected, built, set up, laid or established under the authority of this Ordinance shall be, and the same are hereby vested in Her Majesty the Queen, her heirs and successors.

Workmen to cross lands to erect or repair the works of the Diego Martin Water Works.

2. It shall be lawful for the Warden for the time being of the Diego Martin Ward Union, and all workmen and assistants employed by him from time to time, and at all times hereafter, with all carts and carriages, horses, and other cattle, to enter and pass into, upon, and over the lands, now or lately in the occupation of the said John Paul Louis, unto the said reservoir, and from time to time to erect, repair, and maintain on the lands hereby vested in Her Majesty the Queen, such reservoirs, mains, trunks, pipes, and other conveniences as the Warden shall from time to time see fit for maintaining a supply of water to the said village.

The Warden and his workmen to enter and cross lands, and to sink, lay, re-

3. It shall be lawful for the Warden, for the time being, of the said Diego Martin Ward Union, and all workmen and assistants employed by him from time to time, and at times hereafter during the daytime, to

enter into and upon the lands now or lately in the occupation of the said John Paul Louis, and the lands in the possession of the said Jean Yallaba, Jean Marie, Celeste Boxer, Saint Jean and Francis Moore, and to sink and lay and from time to time take up and alter the position of and repair, relay, and maintain in and upon the said lands such pipes, stopcocks, plugs, and other conveniences as the Warden for the time being shall from time to time deem necessary for the bringing down and conveying water to the said village, such Warden, workmen and servants doing as little damage as may be possible in the execution of the powers granted by this Ordinance.

4. It shall be lawful for the Warden of the Diego Martin Ward Union, with the consent of the Auditors for the time being of the Diego Martin Ward, to advance from the moneys belonging to such Ward such sum or sums of money not exceeding in the whole the sum of two hundred and fifty dollars, as may be required for the completion or improvement of the said Water Works.

Advances from Ward funds not to exceed \$250.

5. For the repayment of the said sum of two thousand three hundred and sixty-five dollars already advanced and of such other sums as may be expended for the completion or improvement of the said works from the funds of the Diego Martin Ward, and for the further improvement and maintenance of the said works, there shall be raised, levied, and paid to Her Majesty the Queen, her heirs and successors, on all houses within the village of Diego Martin, the yearly rate of one shilling for every pound of the annual rent or value of such houses, and so in proportion for any greater or less sum of such annual rent or value.

Rate to be levied on houses in Diego Martin.

6. The Warden of the said Ward Union shall cause a pipe of one half of an inch in diameter to be laid on from the main pipe of the said works to the dwelling-house of the said George Frederick Bowen in the village of Diego Martin, and the cost of laying such pipe shall be borne by and paid out of the moneys to be raised under the authority of this Ordinance.

Pipe to be laid to the house of Mr. G. F. Bowen.

7. The Warden of the said Ward Union on the request of any person occupying any dwelling-house

Warden to cause pipes to be laid to houses.

within the village of Diego Martin who shall be desirous of having water laid on to such dwelling-house, and on such person paying in advance to such Warden the estimated expense of laying on the same shall cause a pipe of one half of an inch in diameter to be laid on from the main pipe of the works to such house.

Water rates to be levied on the same annual value as ward rate.

8. The annual rent or value on which the said rates shall be levied and paid shall be the annual rent or value on which the rate payable under the Ordinance passed in Council on the first day of October one thousand eight hundred and fifty-four, and entitled "An Ordinance for amending and consolidating the law with regard to the appointment of Wardens, and the powers and duties of such Wardens," shall for the time being be payable, and the rates payable under this Ordinance shall be a charge on the houses in respect of which the same shall be payable, and shall have preference to all other charges save and except debts due to Her Majesty, her heirs and successors.

Warden to fix higher rate for manufactories or public works.

9. Where any manufactory or trade or public work shall be established in any house or on any lands to which water shall be supplied from the said water works, it shall be lawful for the Warden for the time being of the said Diego Martin Ward Union to fix and declare such higher rate for the use of the water supplied to such house or land according to the nature of the manufactory established therein as he shall see fit.

Warden to agree with persons residing without the village of Diego Martin for the supply of water.

10. It shall be lawful for the Warden for the time being to agree with the person in possession of any house or land not being within the village of Diego Martin, for the supplying of such house or land with water from the said works, and to fix and ascertain the annual rate to be paid for such supply.

Rates payable on 31st March.

11. The rates payable under this Ordinance shall be paid to the Warden for the time being of the Diego Martin Ward Union on or before the thirty-first day of March in each and every year.

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Sections 12 and 13 are repealed by Ordinance No. 13 of 1881.

14. The Warden for the time being of the Diego Martin Ward Union shall keep an account of all moneys received and expended under the authority of this Ordinance; and the moneys received under this Ordinance, after deducting thereout the expenses to be incurred from year to year in or about the improvement or maintenance of the said works, shall be applied towards the repayment of the said sum of two thousand three hundred and sixty-five dollars and of such other sums as may be expended under the authority of this Ordinance for the completion, improvement, or repairing of the said works, and after the said sums shall have been repaid, the surplus of the moneys to be received from such rate shall be applied to such public uses of the village of Diego Martin, as the Governor, on the suggestion of the Warden and Auditors of the said Ward, may from time to time direct.

Warden to keep account of moneys received and expended under this Ordinance; and the surplus to be applied to repayment of moneys expended on the works.

15. It shall not be lawful for the Warden to expend at any one time, in the improvement or maintenance of the said works, any sum of money exceeding the sum of ten pounds without the previous consent of the Auditors of the said Ward.

No sum above of £10 to be expended without consent of Auditors.

16. The accounts of the Warden of the moneys received and expended by him under the authority of this Ordinance shall be made up annually to the thirtieth day of June in each year, and shall be laid before the Auditors of the said Ward on or before the first day of August in each year to be audited by them.

Accounts to be made up annually.

17. If any person shall wilfully hinder or obstruct or cause or procure to be hindered or obstructed, the Warden for the time being of the said Ward, or any workman or assistant employed by such Warden in doing or performing any of the works by this Ordinance authorised to be made, or in the exercise of any of the powers or authorities in this Ordinance contained, or if any person shall wilfully break, throw down, injure, damage or destroy, or shall bathe or shall wash any animal or any matter or thing whatsoever, or shall lead or drive or throw any animal alive or dead, or shall throw any matter or thing whatsoever into or in any reservoir, fountain, canal, pipe, stopcock or other convenience by this Ordinance vested in Her Majesty the

Persons obstructing the Warden or workmen on the said water works, or damaging the said works or fouling the water, liable to a penalty of £20.

Queen, or which may be erected, built, set up, or laid under the authority of this Ordinance, or shall wilfully foul or render noisome or impure the waters running into or towards any such reservoir, fountain or canal, every such person shall on conviction of any such offence before any Justice of the Peace having jurisdiction within the Ward of Diego Martin, forfeit and pay such sum not exceeding twenty pounds as to the convicting Justice shall seem fit.

Constables to apprehend persons guilty of offences under this Ordinance.

18. It shall be lawful for any Police Constable acting with such aid as shall be necessary, and without any warrant to apprehend and detain any person guilty of any offence against this Ordinance, and forthwith to convey him before any Justice of the Peace having jurisdiction within the Ward of Diego Martin.

Penalties to be applied to improvement of works.

19. All penalties imposed under the authority of this Ordinance shall be paid to the Warden for the time being of the Diego Martin Ward Union, and applied by him towards the maintenance and improvement of the said water works.

Definition of village of Diego Martin.

20. The village of Diego Martin for the purposes of this Ordinance shall be taken to include all houses and lands lying between the southern boundary of the plantation called the River Estate, and the northern boundary of the plantation Rich Plain, and being within the space of one thousand feet on the eastern side, and two thousand feet on the western side of the High Road of Diego Martin measured from the centre of the road.

Definition of the word "House."

21. Throughout this Ordinance the word "House" shall be construed to extend to and include every dwelling-house, shop and other building, and every yard whether open or enclosed, within the limits of the village of Diego Martin, and all houses, tenements and lands beyond such limits to which water shall be supplied from the said water works, unless there shall be something in the context repugnant to such construction.

Passed in Council this first day of November, in the year of Our Lord one thousand eight hundred and sixty-one.

R. LECHMERE GUPPY,
Clerk of Council.