

action the plaintiff shall elect to accept the same in satisfaction of his damages in the said action, he may obtain from any Judge of the Court in which such action shall be brought an order that such money shall be paid out of Court to him, and that the defendant shall pay him his costs to be taxed, and thereupon the said action shall be determined, and such order shall be a bar to any other action for the same cause.

22. If at the trial of any such action the plaintiff shall not prove that such action was brought within the time hereinbefore limited in that behalf, or if he shall not prove that such notice as aforesaid was given one calendar month before such action was commenced, or if he shall not prove the cause of action stated in such notice, then and in every such case such plaintiff shall be nonsuit, or the jury shall give a verdict for the defendant.

Proof of notice and cause of action necessary to recover damages.

23. The Receiver General shall keep an account of all moneys issued and paid by him under the authority of this Ordinance, and also an account of all moneys received by him from time to time as rates under this Ordinance, distinguishing the sewerage district in respect of which such moneys shall be issued and paid, and such rates received, and a copy of such account shall be laid before the Council of Government on the first day of March in each year.

Receiver General to keep an account of all monies, &c., paid under this Ordinance, distinguishing districts.

Passed in Council this first day of October, in the year of our Lord one thousand eight hundred and fifty-eight.

CHARLES F. CADIZ,
Acting Clerk of Council.

No. 22.—1858.

1st November.

AN ORDINANCE for improving the Quays of the Town of Port of Spain.

ROB. W. KEATE.

WHEREAS the commerce of the Island would be promoted by the erection of a new line of Quays Preamble.

for the Town of Port of Spain advanced into deeper water beyond the line of the present Quays whereby goods might be landed and waterborne at all times of tide, and the public health of the Town would be greatly improved by the extension of such new line of Quays on the eastern side of the Town, and by reclaiming from the sea the lands lying to the eastward of the Town between high and low-water mark: And whereas a map or plan describing the direction and extent of the proposed new line of Quays signed by the Superintendent of Public Works and authenticated by the signature of His Excellency Robert William Keate, Esquire, the Governor of the said Island, has been deposited in the Office of the Keeper of maps and surveys: Be it enacted by His Excellency the Governor by and with the advice and consent of the Council of Government as follows:

Names of
Commis-
sioners.

1. The persons hereinafter mentioned, that is to say, the Honorable Charles William Warner, Her Majesty's Attorney General in and for the Island of Trinidad, the Honorable Clinton Francis Berens Dawkins, Receiver General of the said Island, The Honorable John Spiers, Member of Her Majesty's Legislative Council in and for the said Island, The Honorable Alexander Stewart, Member of Her Majesty's Legislative Council in and for the said Island, Rowley Hill Stewart, Esquire, Her Majesty's Harbour Master for the said Island, André Ambard, Esquire, Thomas Alexander Finlayson, Esquire, Daniel Louis O'Connor, Esquire, William Ulrich, Esquire, and Lewis Wainwright Samuel, Esquire, Her Majesty's Superintendent of Public Works in and for the said Island, shall be and bear the title of "Commissioners for the Improvement of the Harbour of Port of Spain," and all acts, matters and things authorised to be done by the said Commissioners in pursuance of this Ordinance may be done and executed by any three of them.

Commis-
sioners to
form a new
quay.

2. The Commissioners shall form a new Quay faced with stone, which shall commence at or as near as may be to the point (indicated in the said map or plan by the letter A) of the causeway on the eastward of the Town of Port of Spain known as Hart's Causeway, and shall be extended towards the west in a straight line so as to touch the southern face of and include the Quay or

Wharf called the Queen's Wharf, until it shall reach a point indicated in the said map or plan by the letter B opposite to the south-western angle of the South Quay, and thence diagonally to a point indicated in the said map or plan by the letter C on the western side of Richmond Quay, and shall cause all the land lying between the present Quays or the present sea shore and the new Quay to be filled up to the level of such new Quay and all the lands which shall be reclaimed from the sea under the authority of this Ordinance shall be vested in Her Majesty the Queen.

3. The Commissioners shall cause the present bed of the River St. Anne to be enlarged so as to secure a free passage for the waters of the said River, and a channel to be made for carrying off such waters into the sea at such point on the new Quay as the Commissioners shall see fit, and shall cause each bank or side of such channel to be faced with stone or brick to a sufficient height above the level of the said channel, and shall cause a sufficient bridge to be laid across such channel so as to connect the two banks thereof.

4. Of the lands to be reclaimed from the sea to the eastward of the River St. Anne the Commissioners shall set out a space of one hundred feet along the whole sea front of such lands as a public Quay, and from the eastern extremity of such Quay shall set out and form a street of the width of fifty feet unto and into the public road of St. Joseph's; and the remainder of such lands after setting out such Quay and street may be sold by public auction in such manner and at such times as the Governor may direct, or appropriated to such purposes as by any Ordinance to be passed by the Governor with the advice and consent of the Council of Government may be directed.

5. Of the lands to be reclaimed from the sea under the authority of this Ordinance between the western bank of the River St. Anne and the wharf now called the Queen's Wharf, so much as shall be on the northern side of a line protracted from the point indicated in the said map or plan by the letter D at the angle of King's Wharf street and the South Quay, to the point indicated in the said map or plan by the letter E on the western side of

River St.
Anne to be
enlarged and
bridge built.

Public quay
to be set out.

Certain por-
tion to be set
out in lots and
sold.

the River St. Anne shall be set out in lots, after reserving so much thereof as shall be necessary for the prolongation of George street, Nelson street and Duncan street unto and into the new Quay, and such lots shall be sold by public auction and under such conditions with regard to the buildings to be erected on the same as the Governor may from time to time direct, and all the land which shall be to the south of such line shall be set out and used as a public Quay.

Land reclaimed between the Queen's Wharf and western extremity of quay a public quay.

Commissioners may set out part in lieu of present sea fort.

Not lawful to erect any buildings thereon.

Commissioners to lay down tramway.

Cranes to be set up.

6. All the land to be reclaimed from the sea under the authority of this Ordinance between the wharf now called the Queen's Wharf and the western extremity of the Quay now called Richmond Quay shall be set out and used as a public Quay.

7. It shall be lawful for the Commissioners upon the requisition of Her Majesty's Secretary of State for War to set out and appropriate such part of the new Quay as may be required in lieu of the present Sea Fort.

8. It shall not be lawful to erect on any part of the lands to be reclaimed under this Ordinance, and hereinbefore directed to be set out as public quays any building whatsoever, or to appropriate any part of the land so directed to be set out as public quays to any other purpose whatsoever, except such as are mentioned in this Ordinance.

9. The Commissioners shall lay down a tramway from the Bonding Warehouse to such convenient part of the new Quay as they shall see fit, and it shall be lawful for the Commissioners, if they shall see fit, to lay down one or more tramway or tramways for the more easy removal and carriage of goods along, over, and across the land to be reclaimed from the sea, between the present line of quays and the new Quay.

10. The Commissioners shall fix and set up such number of cranes, not less than six, and of such size and power, and at such convenient points of the new Quay as the Commissioners shall see fit; and it shall be lawful for any person to make use of such cranes for the landing or shipping of goods subject to such regulations, and on the payment of such charges as the Governor, with the consent of the Council of Government, may from time to time direct.

11. It shall be lawful for the Commissioners to apply any surplus of the moneys to be advanced from the Colonial Treasury under the authority, and for the purposes of this Ordinance, which may remain after the completion of the works hereinbefore specified to the erection of a light house, to be placed on such part of the new quay as the Governor and the Commissioners may select.

Surplus moneys may be applied to erection of a light house.

12. The Commissioners under this Ordinance shall have the power to enter upon any lands belonging to Her Majesty the Queen in the Ward of La Ventille, and dig, cut down, take and carry away all trees, wood, underwood, earth, soil, stone, and other materials in, upon, or under the said lands, which may be required for the works under this Ordinance, and also to lay down a tramway or tramways in, over, and upon the public high road, in the Ward of La Ventille, to the sea shore, for the more easy carriage of such materials.

Commissioners may enter upon Crown Lands.

13. It shall be lawful for the Governor to issue from the Colonial Treasury to the Commissioners under this Ordinance, and for the purposes of this Ordinance such sums of money as the Governor may from time to time see fit, not exceeding in the whole the sum of twenty thousand pounds sterling, and all such moneys shall be paid to any three of such Commissioners.

Moneys issuable to Commissioners not to exceed £20,000.

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Section 14 is Repealed by Ordinance 14 of 1869.

15. Such duties of wharfage shall be paid by the Importer to the Receiver General, together with and at the time of payment of the duties of import on such goods.

Dues to be paid to Receiver General together with import duties.

16. An account shall be kept by the Receiver General of all moneys issued and paid from the Colonial Treasury for the purposes of this Ordinance, and of the amount of all duties of wharfage received under the authority of this Ordinance, and also of all moneys arising from the sale of any land reclaimed from the sea under the authority of this Ordinance.

Accounts to be kept by Receiver General.

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Section 17 is Repealed by Ordinance 14 of 1869.