

and vouchers for the same, and such accounts shall be audited, and on the same being approved by the Auditor of Public Accounts, the moneys so received and expended shall, on the warrant of the Governor, be entered by the Receiver General under the proper heads of receipt and expenditure in the books of the Treasury.

11. The accounts of such sub-Receiver in respect of the several Wards included within any such district, shall be audited once in every three months by such person or persons as the Governor may from time to time direct.

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

RICHARD D. CADIZ,  
*Clerk of Council.*

---

No. 20—1858.

*1st October.*

AN ORDINANCE for establishing a system of underground Sewerage within the Town of Port of Spain.

ROB. W. KEATE.

**W**HEREAS the public health within the Town of Preamble.  
Port of Spain would be greatly promoted by the establishment of a system of underground sewerage: Be it enacted by His Excellency the Governor by and with the advice and consent of the Council of Government as follows:

1. In the Town of Port of Spain and the suburbs thereof there shall be established in the manner herein-after provided a system of underground sewerage by means of tubular pipes whereby all waste water, soil, and fluid and semi-fluid refuse of all descriptions may be carried off into the sea to the westward of the said Town. Underground sewerage by pipes to be established in Town of Port of Spain.

Governor to divide town into districts.

2. It shall be lawful for the Governor for the purposes of this Ordinance to divide the area of the Town of Port of Spain and the suburbs thereof into such number of sewerage districts not less than six in the whole as the Governor shall see fit, and the limits of such sewerage districts shall be marked and distinguished in a map to be kept for that purpose at the office of the Superintendent of Public Works.

Superintendent to perform all necessary works.

3. The Superintendent of Public Works shall be charged with the superintendence of all works to be performed under the authority of this Ordinance, and with the keeping the same in good order and repair.

Governor to select district in which to commence, &c.

4. The Governor shall select and appoint the sewerage district in which the works under this Ordinance shall be first commenced and no works under this Ordinance shall be commenced in any other sewerage district until the works in the district so selected and appointed shall have been completed, and a report from such Superintendent on the works so completed, and an account of the moneys expended in completing the same shall have been laid before the Council of Government.

Receiver General to pay necessary moneys.

5. It shall be lawful for the Receiver General from time to time on the warrant of the Governor to issue and pay from the Colonial Treasury such sums of money not exceeding in the whole the sum of fifteen thousand pounds sterling as may be required for the completion of the works under this Ordinance, and such further moneys as may from time to time be necessary for keeping such works when completed in good order and repair.

Main sewer pipe with sub-mains to be laid down in each district.

6. In each sewerage district there shall be laid down by such Superintendent a main sewer pipe to be carried into the sea at such convenient place as such superintendent shall see fit with a sub-main sewer pipe to pass through each of the several blocks comprised in such district, and to communicate with such main sewer pipe, and with a separate junction in such sub-main sewer pipe for every separate tenement comprised in such block.

Power to Superintendent to dig up streets, &c.

7. From time to time when and as it shall be found necessary for the execution, inspection, alteration or repair of the works under this Ordinance, it shall be

lawful for such Superintendent to dig into, open or break up the roadway or pavement of any street, and to stop up any street and prevent persons from passing along and using the same for a reasonable time before, during and after the laying down, placing, inspection, alteration or repair of any main or sub-main sewer pipe in such street, and to use any street or any part thereof for the purpose of depositing materials, implements, or things in or about such works, or in or about the executing the purposes of this Ordinance, such superintendent doing as little damage and causing as little obstruction as may be, and making good all damage to the roadway and pavement, occasioned by the exercise of the powers aforesaid: Provided always that all openings and excavations which such superintendent may cause to be made in any street for the purposes of this Ordinance shall during the progress of the works therein be effectually secured and fenced to prevent accidents, and that the roadway or pavement taken up shall be by such Superintendent reinstated and replaced in as good condition as the same was before the street was so opened or excavated, and as expeditiously as circumstances will admit of.

Proviso.

Necessary damages to be made good.

8. From time to time when and as it shall be found necessary for the execution, inspection, alteration or repair of the works under this Ordinance it shall be lawful for such superintendent at all times to enter upon, dig into, open or break up any lands or premises within the Town of Port of Spain or the suburbs thereof, or lying between the Town and the sea to the westward of the Town, and to lay down, inspect, alter and repair any pipe in or under such lands or premises; and also if such Superintendent shall on his own view deem it necessary so to do, for the purpose of laying down, inspecting, altering, or repairing any such pipe from time to time, to break through and pull down the whole or any part of any wall or building, such superintendent doing as little damage as possible, and making good all damage to such lands, and rebuilding and reinstating such wall or building as expeditiously as circumstances will admit of.

Power to Superintendent to enter lands, &c.

9. For the use of each separate tenement comprised in each block there shall be laid down by or under the

A service sewer pipe to

be laid down to each tenement. direction of such superintendent, but at the cost of the owner of such tenement, a service sewer pipe to communicate with the sub-main sewer pipe in or nearest to such block.

A water pipe to be laid down for each tenement not already supplied therewith. 10. That when and so soon as a sub-main sewer pipe shall have been laid down within any block, and any tenement within such block shall not be already supplied with a water pipe for the service of such tenement, such Superintendent shall cause a water pipe connected with the nearest adjoining main water pipe to be laid down for the use of every such tenement.

No privy to be allowed after laying of sewers. Water closet to communicate with sewer. 11. When and so soon as the works under this Ordinance within any district shall have been completed, it shall not be lawful to have or use in or upon any lands within such district any privy not being a water closet, and every such water closet shall have a sufficient supply of water to be laid into such water closet from the next adjoining main water pipe, and shall be fitted with a pipe communicating with the sub-main sewer pipe, so that all filth may be carried from such water closet through such pipe into the sub-main sewer pipe; and it shall be lawful for such Superintendent so soon as the works within such district shall have been completed to cause every open privy or pit used as a privy within any such district to be filled up and levelled with the surface of the adjoining ground.

Superintendent to send in account of expenses of laying down service sewer pipes; such account if not paid within ten days, Commissioner of Petty Debt Court may order sale of tenement, &c. 12. An account, to be certified by such Superintendent, of the expenses incurred in laying down such service sewer pipe and such service water pipe, and also in filling up and levelling with the surface of the adjoining ground any open privy or pit used as a privy, shall be delivered to the owner of such tenement, or if the owner of such tenement shall not be known, or cannot be found, then a notice of the amount of such expenses with the name of the street in which such tenement shall be situated, and the number, if any, of such tenement, shall be published in the *Royal Gazette*, and if the amount of such expenses shall not be paid to such Superintendent within ten days after the delivery of such account, or of the publication of the same in the *Royal Gazette*, it shall be lawful for the Commissioner of the Court for the recovery of petty debts, on its

being made to appear to him by affidavit that such account has been delivered to the owner of such tenement, or that the owner is not known or cannot be found, and that such notice as hereinbefore required has been published in the *Royal Gazette*, and that the amount of such account still remains unpaid, to make order that such tenement be sold at any day not earlier than one calendar month after notice in the *Royal Gazette* of such intended sale; and unless such expenses, together with a further sum at the rate of ten pounds per centum on the amount of such expenses be paid before the day appointed for such sale, such tenement shall be sold on the day so appointed or on such other day as such sale may in default of bidders be adjourned to, and the purchaser of such tenement shall hold the same free of all estates and charges save and except debts to the Crown.

13. If it shall be made to appear to the Governor on the application of the owner of any tenement that such owner is from poverty unable to defray the expense of any works to be done in respect of such tenement which are by this Ordinance directed to be done at the expense of the owner of such tenement, it shall be lawful for the Governor, by order in writing under his hand, to order that such expenses be advanced and paid from the Colonial Treasury, and the amount so advanced and paid shall be a debt to Her Majesty, and shall bear interest from the day of the same being so advanced and paid at the rate of six pounds per centum per annum, and for the repayment of such amount and interest such tenement shall be charged with such rate as will repay the amount so advanced and interest for the same in four equal annual payments; and the amount of such annual rate shall be fixed by the Governor in the order to be made on such application, and a notice specifying the local situation of every tenement which shall be charged with such rate and of the amount of the rate payable in respect of the same shall be published in the *Royal Gazette*.

Where owner of tenement too poor to pay expenses of service sewer pipe Government to pay expenses to be repaid by a rate.

14. When and so soon as the works under this Ordinance shall have been completed within any district, it shall not be lawful for the occupier of any tenement

After completion of sewerage works not lawful to

allow waste water to run into streets.

within such district to allow any waste water, not being surface rain water, or any soil or fluid, or semi-fluid refuse of any description to run or drain from such tenement into any gutter or other part of any public street; and if any waste water, not being surface rain water, or any soil or fluid, or semi-fluid refuse of any description shall run or drain from any such tenement into any gutter or other part of any public street, the occupier of such tenement shall, on conviction thereof before any Justice of the Peace having jurisdiction in the Town of Port of Spain, forfeit and pay such sum not exceeding one pound for the first offence and not less than one pound nor more than five pounds for every subsequent offence as to the convicting Justice shall seem fit.

Penalty for so doing.

Account of moneys paid for sewerage works to be laid before Council. Such moneys to bear interest and to be repaid by a rate.

15. When and so soon as the works under this Ordinance shall have been completed within any such district, an account, certified by the Receiver General, of the moneys issued or paid from the Colonial Treasury for completing such works within such district shall be laid before the Council of Government, and a copy of such account shall be published in the *Royal Gazette*, and the amount of the moneys so certified to have been expended shall be a debt to Her Majesty, and shall bear interest at the rate of six pounds for every one hundred pounds by the year from the day on which such Certificate shall bear date; and for the repayment thereof there shall be levied and paid to Her Majesty yearly and every year a rate on all houses and lands within such district of two pounds for every one hundred pounds, and so in proportion for any sum greater or less than one hundred pounds, of the rental or annual value of such houses or lands, and such rate shall be paid until the whole of the moneys so certified to have been expended as aforesaid and interest for the same shall have been paid off and satisfied.

Rental to be ascertained by reference to house rate-book.

16. The rental or annual value on which such rate shall be levied shall be the rental or annual value of such lands or houses declared in the house rate-book of the Town of Port of Spain which shall from time to time have been made up by the Commissioner of Assessment appointed for that purpose under the Ordi-

nance entitled "An Ordinance for the regulation of Municipal Corporations in this Island," and such rates shall be paid on the first day of June next succeeding the day of the date of such certificate, and of each year thereafter ensuing, and if any such rate shall not be so paid then the amount of such rate with a further sum at the rate of five pounds for every one hundred pounds, and so in proportion for any greater or less sum than one hundred pounds of the amount of such rate, shall and may be enforced and recovered in the same manner as provided for the enforcement and recovery of rates for water under the Ordinance No. 12 of 1854, entitled "An Ordinance to regulate the charge for Water supplied from the Port of Spain Water Works, and for the better enforcing the payment of the rates for Water."

Mode of recovering rates.

17. If any person or body corporate shall suffer any injury or any damage to his or their land, house or tenement, by any act done or committed by the Superintendent of Public Works; or any of his servants or workmen, in the execution or under colour of any of the powers and authorities granted by this Ordinance, or by reason of any negligence or want of due care on the part of the said Superintendent of Public Works, or any of his servants or workmen, in the execution of any of the several works directed or authorised by this Ordinance to be executed, or by reason of the default or neglect of the said Superintendent of Public Works to perform and complete any of the acts, matters and things hereby required of him, it shall be competent for every such person or body corporate to enter his or their action in the Supreme Civil Court against the Superintendent of Public Works for the time being, and to recover compensation in damages for the injury or damage so suffered; and no such action shall abate by the death, resignation or removal from office of the defendant therein.

Parties aggrieved by acts of Superintendent to recover compensation by action in Supreme Civil Court.

18. If the plaintiff or plaintiffs shall recover a judgment in any such action then and in every such case the amount for which judgment shall be signed shall be paid to the plaintiff or plaintiffs, or his or their representatives, by the Receiver General from and out of the public

Plaintiff recovering judgment to be paid by warrant of the Governor.

ig  
id  
ch  
ic  
in  
ry  
nt  
he  
of  
in  
m  
ot  
or  
ce

lis  
ch  
al,  
ry  
be  
of  
te,  
en  
ar  
ed  
fi-  
of  
ly  
in  
ed  
ss  
ue  
id  
en  
all

te  
of  
of  
to  
of  
di-

funds of the Colony on the warrant of the Governor, upon the production of a copy of such judgment certified by the Registrar of the said Court.

One calendar month's notice of action necessary.

19. No such action shall be commenced against any such Superintendent of Public Works until one calendar month at least after a notice in writing of such intended action shall have been delivered to him or left for him at his usual place of abode by the party intending to commence such action, or by his Solicitor, in which said notice the cause of action shall be clearly and explicitly stated; and at the end or upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue, and also the name and place of abode or of business of the said Solicitor, if such notice be served by such Solicitor.

Defendant may plead general issue.

20. In every such action the defendant shall be allowed to plead the general issue and to give any special matter of defence, excuse, or justification in evidence under such plea at the trial of such issue.

Superintendent may tender amends, or pay money into Court.

21. In every such case after notice of action shall be given as aforesaid, and before such action shall be commenced such Superintendent of Public Works may tender to the party complaining, or to his Solicitor, such sum of money as he may think fit as amends for the injury complained of in such notice; and after such action shall have been commenced, and at any time before issue joined therein, such defendant if he have not made such tender, or in addition to such tender shall be at liberty to pay into Court such sum of money as he may think fit, and which said tender and payment of money into Court or either of them may afterwards be given in evidence by the defendant at the trial under the general issue; and if the jury at the trial shall be of opinion that the plaintiff is not entitled to damages beyond the sum so tendered or paid into Court, then they shall give a verdict for the defendant, and the plaintiff shall not be at liberty to elect to be nonsuit, and the sum of money if any so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the defendant's costs in that behalf, shall thereupon be paid out of Court to him, and the residue if any shall be paid to the plaintiff, or if where money is so paid into Court in any such

On whom costs shall be thrown.

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.

**W**HEREAS the commerce of the Island would be promoted by the erection of a new line of Quays Preamble.