

or injury occasioned by the act, omission, neglect or default of such Company or any officer or servant of such Company, an action shall be maintainable in any like case occurring in this Colony by the act, omission, neglect, or default of any officer or servant to be employed upon the railway under the authority of this Ordinance, and in any such action the General Superintendent shall be the nominal defendant, and any damages or costs which may be recovered by the plaintiff in any such action shall be paid and made good from the Colonial Treasury and paid on the warrant of the Governor.

neglect of
officers, &c.,
of railway.

Provided nevertheless, that no such action shall be maintainable for or by reason of the destruction or damage by fire of or to any building or erection whatsoever, situate within a distance of one hundred feet from any part of the railway in any case where such building or erection shall have been erected, built or covered, after the passing of this Ordinance, of or with inflammable materials.

Passed in Council this twenty-third day of September, in the year of our Lord one thousand eight hundred and seventy-three.

A. C. ROSS,
Clerk of the Council.

No. 12.—1873.

1st October.

AN ORDINANCE for establishing a Market on the
Extended Wharf.

(L. S.) J. R. LONGDEN, *Governor.*

6th October, 1873.

WHEREAS it is expedient to establish a market on a part of the lands reclaimed under the Ordinance number 22 for 1858, and entitled "An Ordinance for Improving the Quays of the Town of Port-of-Spain:" Be it enacted by His Excellency the Governor, by and

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with the advice and consent of the Legislative Council thereof, as follows:—

Title.

Short title. 1. This Ordinance may be cited for all purposes as “The Market Ordinance, 1873.”

Interpretation.

Interpretation of terms. 2. The following words and terms shall have the several meanings hereby assigned to them, unless such meanings be repugnant to the context—

The term “fresh meat” shall mean the fresh meat of any cattle, sheep, goat, hog or turtle slaughtered for sale.

The term “provisions” shall mean everything of every kind soever except fresh meat.

The term “the market” shall mean the market to be established under this Ordinance, and the works and sheds connected therewith.

The term “the keeper” shall mean the person appointed by the Governor to keep the market.

Words importing the masculine gender shall include females.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Power to appropriate lands on wharf as site for market, &c.

3. It shall be lawful for the Governor to set out and appropriate as a site for the market, and for making convenient roads and approaches to the market such portions of the lands reclaimed from the sea under the Ordinance number 22 for 1858 and entitled “An Ordinance for improving the Quays of the Town of Port-of-Spain”—and lying to the eastward of the Harbour Master’s office, as the Governor shall see fit, anything in the said Ordinance contained to the contrary in any wise notwithstanding.

Power to enclose site and to erect stalls, &c.

4. The Superintendent of Public Works, by order of His Excellency the Governor, shall enclose the site set out and appropriated for the market as aforesaid; and

shall erect and build within such enclosure stalls, sheds, pens, and other conveniences for the use of persons frequenting the market for the purpose of traffic, with such roads and approaches as the Governor may deem necessary for the convenient use of the persons resorting to the market—anything in the said Ordinance contained to the contrary in anywise notwithstanding.

5. When the market shall be opened for public use, notice of the same being opened shall be given by the Colonial Secretary; and such notice shall be inserted in the *Royal Gazette* and placed in conspicuous places adjacent to the said market.

Notice to be given of opening of market.

6. It shall not be lawful to sell in the market or expose for sale therein any fresh meat or horned cattle.

Fresh meat and horned cattle not to be sold in market.

7. If any person liable for the payment of any stallage, rent or toll shall not pay the same when demanded by the keeper, the keeper shall and may recover the same by distress on a sufficient part of the goods in respect of which such stallage, rent or toll is payable, or of any other goods in the market belonging to the person liable to pay such stallage rent or toll, or under his charge; or such stallage rent or toll may be recovered as a debt due to the keeper in any Court having competent jurisdiction.

As to recovery of tolls.

8. The Governor shall from time to time appoint a fit and proper person to be keeper of the market at such salary as the Governor, with the consent of the Legislative Council, shall think fit; and the keeper shall manage and superintend the market; shall collect the stallage rents and tolls payable by persons selling there and pay over the same to the Receiver-General, and shall enforce the bye-laws which shall be from time to time made under the powers given by this Ordinance; and shall attend generally to the good government of the market.

Keeper to be appointed.

9. All tolls collected from the said market on being paid to the Receiver-General shall be carried to the General Revenue of the Island.

Appropriation of tolls.

10. The Governor in his Executive Council shall from time to time make bye-laws for any of the following purposes, that is to say:

Power to Governor to make bye-laws.

- For regulating the use of the market, and the buildings, stalls, pens, and standings therein, or for preventing nuisances or obstruction therein, or in the immediate approaches thereto;
- For fixing the days and the hours during each day on which the market shall be open;
- For fixing the fees payable by persons selling in the market, and payable by way of stallage rent or toll;
- For the preservation of cleanliness in the market; and otherwise in relation generally to its sanitary condition; and
- For preventing the sale or exposure for sale of unwholesome provisions in the market;

And the Governor in his Executive Council shall from time to time, as he shall think fit, repeal or alter any of such bye-laws, and such bye-laws shall be published in the *Royal Gazette* and painted on a board which shall be fixed to some conspicuous part of the market.

Penalties for
breach of
bye-laws.

11. The Governor in his Executive Council shall and may in such bye-laws impose such reasonable penalties, as he shall think fit, not exceeding five pounds for any breach of such bye-laws; and any person committing a breach of any such bye-laws shall, on conviction thereof before any Stipendiary Justice of the Peace, forfeit such sum not exceeding the said five pounds, or on default of payment thereof be imprisoned in the Royal Gaol for any term not exceeding three months, as to such Stipendiary Justice of the Peace shall seem meet.

Penalties for
obstructing
Superinten-
dent of Public
Works or
keeper.

12. If any person shall molest, hinder, oppose or obstruct the Superintendent of Public Works or his assistant, or workmen or other persons acting under his orders in constructing the market, or any part thereof, or shall molest, hinder, oppose or obstruct the keeper or any person acting in his aid or assistance in the due execution of the powers and authorities given by this Ordinance or the bye-laws made under the same the person so offending shall for every such offence on conviction before any Stipendiary Justice forfeit any sum not exceeding five pounds, as the said Stipendiary Justice shall see fit, or on non-payment thereof be imprisoned in the Royal Gaol for any term not exceeding three calendar months.

13. Every offence committed against this Ordinance, or against any bye-law to be made by the Governor in his Executive Council shall be prosecuted in a summary manner according to the procedure prescribed by the Ordinance number 5 for 1868 and entitled "An Ordinance respecting the summary administration of Justice." And any copy of the *Royal Gazette* containing any bye-law purporting to be made under the power given by this Ordinance shall be conclusive evidence of the making of such bye-law.

As to prosecution of offenders.

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

A. C. ROSS,
Clerk of the Council.

No. 13.—1873.

1st October.

AN ORDINANCE for assimilating to the Law of England the practice with regard to Addresses to the Jury in Civil Actions.

(L.S.) J. R. LONGDEN, *Governor.*
6th October, 1873.

WHEREAS it is expedient to assimilate to the Law of England the practice in Civil Actions with regard to Addresses to the Jury: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council as follows:

1. Upon the trial of any civil action the addresses to the jury shall be regulated as follows: The party who begins, or his counsel, shall be allowed, in the event of his opponent not announcing at the close of the case of the party who begins his intention to adduce evidence to address the jury a second time at the close of such case, for the purpose of summing up the evidence; and the party on the other side, or his counsel, shall be