

No. 10—1882.

AN ORDINANCE to authorize the Mayor and Burgesses of Port-of-Spain to Maintain a Market on the extended Wharf.

(L.S.) J. SCOTT BUSHE, *Administrator*.

10th July, 1882.

WHEREAS the Queen's Most Excellent Majesty in right of Her Crown is seized of certain lands reclaimed from the Sea under the provisions of the Ordinance No. 22 of 1858, intituled "An Ordinance for improving the Quays of the Town of Port-of-Spain," in absolute dominion subject to the said Ordinance: and whereas it is expedient to empower the Governor to authorise the Mayor and Burgesses of Port-of-Spain to have, subject to the provisions of this Ordinance, a Market on a part of such lands: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

1. This Ordinance may be cited for all purposes Short title. as "The Market Ordinance, 1882."

2. In this Ordinance

The term "the Corporation" means the Mayor and Burgesses of Port-of-Spain; Interpretation.

The term "fresh meat" means the fresh meat of any cattle, sheep, goat, hog or turtle slaughtered for sale;

The term "provisions" does not include fresh meat;

The term "the Market" means the Market to be established under this Ordinance, and the works and sheds connected therewith; and

The term "the Keeper" means the person appointed by the Corporation to keep the Market.

3. The Governor may from time to time, subject to the provisions of this Ordinance, demise and lease to Power to lease lands to

Corporation
for a market.

the Corporation at a nominal rent for any term of years which he thinks fit any part of the lands reclaimed from the Sea under the provisions of the said Ordinance No. 22 of 1858, and notwithstanding anything contained in the said last mentioned Ordinance the Corporation may erect and place on the lands so demised any buildings, erections, structures, appliances or conveniences, and make any excavations therein which may be necessary or suitable for the convenient use of such lands for the purpose of a market, or for the ease of persons resorting to such market, and may otherwise deal with such lands in any manner that may be necessary or proper for any of the purposes aforesaid.

No person shall be entitled to sell in such market unless with the permission of the Corporation, and the Corporation may demand and receive from persons selling in such market the stallage rents, tolls or dues imposed according to this Ordinance.

Bye-laws.

4. It shall be lawful for the Corporation from time to time to make, alter and revoke bye-laws for any of the following purposes, that is to say :—

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 is to 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 to its sanitary condition, and

For preventing the sale or exposure for sale of unwholesome provisions in the market :

And to impose in respect of any breaches of such bye-laws penalties not exceeding Forty Shillings : Provided that no such bye-laws shall have any effect unless and until they are approved by the Governor.

Any person committing a breach of any such bye-laws

shall be guilty of an offence punishable on Summary Conviction before any Stipendiary Justice of the Peace, and liable to such penalty as is provided by the bye-law in that behalf.

All bye-laws made and sanctioned under this section shall be published in the *Royal Gazette*. Production of a copy of the *Royal Gazette* purporting to contain any such bye-laws duly made and sanctioned under this Ordinance shall be *prima facie* evidence of the tenor, due making and sanction of such bye-laws.

5. The Corporation shall cause a board or boards, having inscribed thereon in large, plain and legible characters the bye-laws in force under this Ordinance, to be exhibited in a conspicuous place, or in conspicuous places, in the said market, and shall maintain and renew, when necessary, any such board or inscription, so that such inscription may at all times be easily seen and read by all persons frequenting the market.

Publication of
bye-laws in
market.

6. The Corporation shall from time to time appoint a fit and proper person to be keeper of the market; and the keeper shall manage and superintend the market; shall collect the stallage rents, tolls and dues payable by persons selling there, and pay over the same to the Treasurer of the Corporation, and shall enforce the bye-laws, and attend generally to the good government of the market.

Keeper of the
market.

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

Recovery of
market dues.

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

Restriction on
sale in
market.

Power of
re-entry.

9. If any lands demised to the Corporation under this Ordinance are, or if any part of them is, used for any other purpose than a market, or cease to be used as a market, or are or is assigned or otherwise aliened, or if any breach is committed of any condition contained in any lease made under this Ordinance, or if the Corporation, being required by notice under the hand of the Colonial Secretary, delivered to the Mayor or Town Clerk of Port-of-Spain, or left for either of them at his usual or last known place of abode or business, to perform any duty imposed on the Corporation by this Ordinance, fail to perform completely the same within ten days next after such notice is so delivered or left as aforesaid, it shall be lawful for any person authorised by writing under the hand of the Governor to enter upon the said lands so demised or any part thereof in the name of the whole on behalf of Her Majesty the Queen, and thereupon any lease of such lands theretofore granted under this Ordinance shall determine and become void, and such lands shall immediately vest in Her Majesty the Queen, Her Heirs or Successors, according to Her or Their former estate therein.

Repeal of
Ordinance 12
of 1873.

10. The Ordinance No. 12 of 1873, intituled "An Ordinance for establishing a Market on the extended Wharf" is hereby repealed.

Passed in Council this First day of July, in the year of Our Lord One thousand eight hundred and eighty-two.

J. CUNNINGHAM,
Acting Clerk of the Council.
