

## No. 16.—1869.

29th May.

AN ORDINANCE to consolidate and amend the Laws relating to Public Health in Trinidad.

(L. S.) ARTHUR GORDON.

June 1st, 1869.

**W**HEREAS it is expedient to consolidate and amend the laws for the removal of nuisances, for the prevention of disease, and for sanitary purposes generally: Be it enacted by His Excellency the Governor with the advice and consent of the Legislative Council, as follows:—

Short title.

1. This Ordinance may be cited for all purposes as the “Public Health Ordinance, 1869.”

Ordinances repealed.

2. From and after the passing of this Ordinance the several Ordinances mentioned in the Schedule A to this Ordinance shall be repealed.

Interpretation of certain terms.

3. In this Ordinance the following words and expressions shall have the meanings hereinafter assigned to them, unless such meaning is inconsistent with the context:—

1. The word “Board” shall signify the General Board of Health.
2. The words “Local authority” shall signify the mayor and burgesses of any borough, and the wardens of the several ward unions of the Island.
3. The word “Owner” shall signify the person, for the time being, entitled to receive the rent of the premises, and shall include the guardian of any infant, and the committee of any lunatic; and in cases of public property, shall apply to the person, to whom the management thereof is entrusted; and in cases of municipal property to the mayor and burgesses of the borough.
4. The word “Person” and words applied in this Ordinance to any person or individual shall apply to and include corporations, joint stock

companies, joint tenants, and tenants-in-common, and females as well as males.

5. The word "Premises" shall include lands, buildings, structures of any kind, rivers, streams, beds of rivers or streams, drains, ditches or places open, covered or enclosed, and any ship lying within any port or harbour in this Island.

6. The word "Ship" shall include any sailing or steam ship, vessel or boat.

7. The expression "Author of a nuisance" shall signify the person by whose act or through whose default the nuisance is caused, exists, or is continued, whether he be the owner or occupier.

4. The board known by the style of the General Board of Health shall continue to bear the same style, and shall consist of the Governor and such persons as the Governor may from time to time appoint,—(of whom two at the least shall be members of the Legislative Council)—of the Mayors for the time being of the boroughs of Port of Spain and San Fernando, and of two members of the medical board, to be named from time to time by the medical board.

As to the constitution of the general Board of Health.

5. The Governor may appoint from time to time such person as he shall see fit, being a member of the Medical Board of the Island, to be Medical Officer of Health for the Colony, and such person as he shall see fit to be a Sanitary Inspector for the borough of Port of Spain and the suburbs thereof, and the wards of Mucurapo and Laventille, and also such person as he shall see fit to be a Sanitary Inspector for the borough of San Fernando, and there shall be paid from the Colonial Treasury to such Medical Officer a salary of one hundred pounds per annum, and to such Sanitary Inspectors such salaries and allowances as the Governor, with the consent of the Legislative Council, may from time to time appoint, and all persons so appointed shall hold office at the pleasure of the Governor.

Medical Officer of Health, and Sanitary Inspectors for Port of Spain and San Fernando to be appointed.

6. The Medical Officer of Health shall superintend and enforce the due execution of all duties to be performed by the Sanitary Inspector for the town of Port of Spain and the suburbs thereof and the wards of Mucurapo and Laventille.

Medical Officer to Superintend duties of Sanitary Inspector.

The wardens to be Sanitary Inspectors for their wards.

7. Every warden shall be Sanitary Inspector for the several wards comprised in his ward union except the wards of Mucurapo and Laventille.

Medical Officer to be Secretary of the Board.

8. The Medical Officer of Health for the time being shall be the Secretary of the Board, and shall attend all meetings of the board, and take and keep notes of the proceedings of the board.

As to the duties of the Medical Officer.

9. The Medical Officer of Health shall inspect such districts of the Island as the Governor may from time to time direct, and shall from time to time report to the board in relation to any matters concerning the public health or such other matters as may be referred to him for that purpose, and shall in or before the month of March in each year, report to the board the proceedings had and taken under this Ordinance during the preceding year ending on the thirty-first day of December, and a copy of such report shall be laid before the Legislative Council.

Regulations as to the meetings of the board.

10. The board shall have a seal to be approved by the Governor, and shall meet at Government House, in the town of Port of Spain, on the first Monday of each calendar month, and oftener if need be on the summons of the Governor and may adjourn to any other day; and any three members of the board shall be a quorum for the despatch of business, and at every meeting the Governor, or in his absence, the senior member of council present, or if there be no member of council present, then such member of the board as the members present may appoint as chairman, shall preside.

Board may make rules for regulating the mode and order of proceeding.

11. The board may from time to time make rules for regulating the mode and order of proceeding before the board, and prepare or sanction forms of the various orders, notices and papers which may be required for the execution of this Ordinance, and may from time to time alter such rules or forms as the board may deem requisite.

Local authorities as herein named to execute this Ordinance.

12. The following bodies and persons shall respectively be the local authority to execute this Ordinance, that is to say, in the boroughs of Port of Spain and San Fernando respectively, the Council of the said boroughs respectively: In wards, the warden of the ward union in which any such ward may be included.

13. The board shall have power to make orders with regard to— Power of board to make orders.

1st.—The drainage and cleansing of districts.

2nd.—With reference to the drainage of buildings, to water closets, privies and cesspools in connection with buildings, and to the closing and prohibition of parts of buildings unfit for human habitation.

3rd.—With regard to the erection of water closets, privies and urinals for public accommodation.

4th.—With regard to the supply of water for the public use of any district.

5th.—For the prevention of any noxious or offensive business, trade or manufacture, within certain limits.

6th.—For the regulation of slaughter houses.

7th.—For the regulation of lodging houses, and securing the enregistration of the same, and for the prevention of overcrowding in dwelling houses; and may from time to time revoke, alter or amend such orders, or any part of the same.

14. The board may, from time to time, make order for determining the districts to, and within which such orders, or any part of the same shall be applied and put in force, and may annex reasonable penalties for the breach of any such order. Board to determine districts within which such orders shall be enforced.

15. A copy of all such original orders, or of any order revoking, altering or amending any such order, shall be laid before the Legislative Council at least one calendar month before the time appointed for such orders coming into effect. Orders to be laid before Council one month before coming into effect.

16. The local authority within each district shall be charged with the duty of carrying into execution such orders or such provisions thereof as may be in force within such district. Local authorities to be charged with execution of orders.

## PART II.

### REMOVAL OF NUISANCES.

17. The word "nuisance" under this Ordinance shall include:— Description of nuisances under this Ordinance.

- 1.—Any want of proper drainage, or suitable water-closet, or privy accommodation, or cesspool, and any other matter or circumstance rendering any house, building or premises, or any part thereof injurious to the public health, or the health of the inmates.
- 2.—Any street or road, or any part of any street or road, watercourse, ditch, gutter, drain, sewer, privy, urinal, or cesspool, so foul as to be injurious to health ;  
     Any well the water of which is so tainted with impurities or otherwise unwholesome as to be injurious to the health of persons using such water, or calculated to promote or aggravate epidemic disease ;  
     Any stream, pond or water, in which clothes may be washed, or into which water used in the washing of clothes may escape, or be discharged, and which may be in such a state as to be offensive or injurious to health.
- 3.—Any stable, cowhouse, pigstye or other building in which any animal is kept in such a manner as to be injurious to health : And every animal so kept as to be offensive or injurious to health.
- 4.—Any accumulation of water, manure, dirt or other matter, wherever situated, if offensive or injurious to health.
- 5.—Any escape of water, not being storm water, from any house or premises in any part of the town of Port of Spain, supplied with underground sewerage into any street, or the gutter or side-drain of any street : And any escape of water holding soap in solution, or of any noxious or offensive matter from any house or premises wherever situated, into any street or road, or the gutter or side-drain of any street or road, or into any river or stream, or the bed of any river or stream.
- 6.—Any work, manufactory, trade or business injurious to the health of the neighbours, or so conducted as to be dangerous or injurious to health.

7.—Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates.

8.—Any churchyard, cemetery, or place of sepulture so situated, or so crowded with bodies, or otherwise so conducted as to be offensive or injurious to health.

18. It shall be lawful for the Medical Officer of Health Power to Medical Officer &c., to enter and inspect premises. to enter and inspect any premises within the Island, and for any inspector, or any warden, or any person authorised in writing under the hand of such inspector or warden, together with any assistant or assistants, to enter and inspect any premises within his district, at any time between six in the morning and eight in the evening, and if admittance be refused to use such reasonable force as may be necessary for effecting such entry; and any owner, occupier or person in charge of such premises who shall refuse such admission, or obstruct, hinder or prevent such medical officer, inspector or warden, or any person so authorised by him from making such entry or inspection, shall, on conviction thereof, forfeit the sum of five pounds.

19. It shall be lawful for any inspector or warden in any case where the existence of a nuisance is ascertained to his satisfaction, to make order in writing under his hand for the removal or remedy or discontinuance of such nuisance by the owner of the house or premises where such nuisance shall exist, within such reasonable time to be named in such order, not less than twenty-four hours, or more than seven days from the time of service of such order, as the inspector shall see fit. Inspector may order removal, &c. of nuisance.

20. Such order may require the person on whom it is made to provide sufficient means of drainage, water-closet, or privy accommodation; or to pave, cleanse, disinfect, or purify the building or premises; or to empty, cleanse, fill up, cover, repair or remove any ditch, gutter, watercourse, privy, cesspool, drain or pit; or to fill up any well, or to abstain from any operation which may pollute a stream; or to remove the animal; or to carry away any accumulation or deposit of offensive matter; or to discontinue the work, trade, manu- As to the requirements, of the orders which may be issued by the inspector.

factory or business; or to limit the number of persons who may be accommodated in any house or part thereof overcrowded, or the number of separate dwellings or apartments, into which any house, or part thereof may be divided, or let to, or used by different persons or families; or to shut up or regulate the use of any churchyard, cemetery, or place of sepulture; or to do such other works or acts as are necessary to remove the nuisance complained of in such manner and within such time as shall be specified in the order; and if the inspector or warden is of opinion that such, or the like nuisance is likely to recur, he may further prohibit the recurrence of it, and direct the execution of such works as may be necessary, in his opinion, to prevent such recurrence.

Penalty for non-compliance with any such order.

21. If such order be not complied with to the satisfaction of the Inspector or Warden and within the time limited by such order, the person on whom such order shall have been made shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which such order shall not be complied with.

Proceedings by inspector when order is not complied with.

22. In cases of non-compliance with any such order, it shall be lawful for the Inspector or Warden or any person authorised by him in writing under his hand with all proper assistants, workmen and servants, from time to time, and forcibly, if need be, to enter the premises in respect of which such order shall have been made, and to remove or remedy the nuisance and do whatever may be necessary in execution of such order for the removing or remedying, and the prevention of the continuance or removal of such nuisance.

Case in which local authority shall be charged with the execution of any order for the abatement of nuisances, within any borough.

23. In any case where any order in respect of any nuisance within any borough shall not be complied with within the time appointed by such order, and it shall appear to the Inspector that the expenses attending the execution of such order would exceed in the whole one year's rent of the premises, or that the execution of structural works is required for the abatement, or for preventing the recurrence of the nuisance, or where the owner of the house is not known or cannot be found, the Inspector may, if he shall see fit, by a certificate in

writing under his hand, certify to the local authority, that such order has been made and has not been complied with, and such local authority shall be charged with the execution of such order, and shall within fourteen days from the day of the date of such certificate, cause the nuisance mentioned in such order to be removed or remedied, and such structural works as may be required for the abatement, or for preventing the recurrence of such nuisance, to be completed; and such local authority may, by a warrant in writing under the hands of any two members of the local authority, authorise such person as they may see fit to remove or remedy the nuisance and do whatever may be necessary for the execution of such order, and the completion of such structural works.

24. In any case where any order shall be made by any Warden, and such order shall not be complied with to the satisfaction of such Warden, within the time mentioned in such order, the Warden shall, by writing under his hand, authorise such person as he shall see fit, to remedy or remove the nuisance, and do whatever may be necessary for the execution of such order.

Power to warden as local authority to execute order for abatement of nuisances.

25. If any nuisance shall exist upon or in respect of any premises, street, drain or gutter in any borough belonging to, or in the possession, or under the management of the local authority; or if the Inspector shall be of opinion that it is necessary with regard to the public health that any such street, drain or gutter should be macadamised or repaired; or that side-drains of stone should be laid in any street or that any new drain should be opened in any street or place within such borough; the Inspector shall, by a certificate under his hand, certify to the local authority the existence of such nuisance, or the situation of the street, drain or gutter, to be macadamized, repaired or laid, or of the street or place in which such new drain should be opened; and such certificate shall have the same effect as a requisition by such Inspector to remove such nuisance, and to execute such work as may be mentioned in such certificate, within the space of fourteen days from the day of the delivery of such certificate to such local authority.

As to the removal of nuisances existing upon or in respect of any premises, street, &c., under the management of local authority, on certificate of inspector.

Local authority may, if dissatisfied with certificate of inspector, petition board.

26. In any case where any order made under this Ordinance shall require any owner to pave any premises, or to abstain from any operation which may pollute a stream, or to discontinue any work, trade, manufactory or business, or to limit the number of separate dwellings or apartments, into which any house or part thereof may be divided, or let to, or used by different persons or families, or to shut up or regulate the use of any churchyard, cemetery, or place of sepulture; or where the Inspector, by his certificate, shall have certified to the local authority of any borough that any such order made on any owner under this Ordinance has not been complied with, and such owner or such local authority shall be dissatisfied with such order; or where the local authority of any borough shall be dissatisfied with any certificate of the inspector, by which such local authority may be required to remove any nuisance or do any work; it shall be lawful for such owner at any time, within the time allowed by such order for complying with the same, or for any local authority within seven days after the service of such certificate on such local authority, to apply by a petition to the board to review such order or certificate, and in such petition shall be set forth the reasons why such order or certificate should be discharged, modified, or suspended, as the case may be, and thereupon the board shall inquire into such order or certificate and the matters alleged in such petition, and for such purpose shall take such evidence as the board may see fit, and shall thereupon confirm, vary or modify, or discharge the same, or enlarge the time allowed for compliance with the same to such further time as the board shall see fit; and on such petition being made all further proceedings on any such order or certificate shall be stayed until the board shall have determined on such petition.

On neglect of local authority of any borough to undertake work for removal of nuisances, the superintendent of public works to be charged with its execution.

27. If the local authority of any borough shall fail to do any work, with the execution whereof, in case of the default of any owner to execute the same, such local authority shall be charged under this Ordinance, or to remove any nuisance, or to execute any work mentioned in any certificate of the Inspector within the time allowed by this Ordinance, or within such extended time as the board, on any petition for the

reviewal of such order or certificate may allow, the Inspector shall by writing under his hand certify such failure to the Superintendent of Public Works, and such Superintendent shall thereupon be charged with, and shall have power to do whatever may be necessary for the removal of such nuisance, or the execution of such work; and the expenses incurred by such Superintendent in removing or remedying such nuisance, or carrying such order into execution, being certified by him in writing, shall be paid to him from the Colonial Treasury, and shall be a debt due to Her Majesty by the local authority of the borough, to be paid to the Receiver General from the funds of the borough.

28. Any article or articles removed from any premises by the Inspector or local authority in pursuance of this Ordinance may be sold by public auction after not less than five days' notice by printed hand bills posted in the locality, except in cases where delay would be prejudicial to health, or in which the article or articles together is or are not of the value of two pounds or upwards, in which case the Inspector or local authority may order the immediate removal, sale or destruction thereof, and the proceeds of sale shall be retained by the Inspector or local authority, and applied towards the payment of the expenses incurred under this Ordinance with reference to such nuisance, and the surplus, if any, shall be paid on demand, by the Inspector or local authority to the owner.

Articles removed from premises in pursuance of this Ordinance may be sold.

29. Any Inspector or Warden or any person authorized by him, by writing under his hand, may at any time between the hours of six in the morning and eight in the evening, enter any premises to inspect and examine any carcase, meat, poultry, flesh, fish, fruit, or vegetables exposed for sale, or which he shall have probable cause for believing to be intended for human food; and in case any such carcase, meat, poultry, flesh, fish, fruit or vegetables appear to him to be unfit for such food, he may seize the same, and order the same to be destroyed, or to be so disposed of as to prevent the same being exposed for sale or used for such food; and the person in whose custody any such carcase, meat, poultry, flesh, fish, fruit or vegetables shall be found shall be liable to a penalty not exceeding ten pounds.

Penalty on sale of unwholesome meat, &c.

## PART III.

PREVENTION AND MITIGATION OF DISEASES UNDER  
ORDER OF THE GOVERNOR AND EXECUTIVE COUNCIL.

Governor empowered to issue orders for prevention of diseases.

30. Whenever any part of the Colony appears to be threatened with or is affected by any formidable epidemic, endemic or contagious disease, the Governor, with the advice of the Executive Council, may, by order from time to time made, direct that the provisions contained in Part III. of this Ordinance be put in force in the Colony, or such part thereof as by such order may be directed, and may, from time to time, revoke or renew any such order, and subject to such revocation or renewal, every such order shall be in force from such period as in such order shall be expressed, and every such order shall be published in the *Royal Gazette*, and such publication shall be conclusive evidence of such order.

Power to board to issue regulations for carrying out provisions of order.

31. From time to time after the issuing of any such order as aforesaid, and whilst the same continues in force, the board may issue such directions and regulations as they shall think fit, for the prevention, as far as possible, or mitigation of such epidemic, endemic or contagious disease, and from time to time may revoke, renew, and alter any such directions and regulations; and the same shall extend to all parts or places in which the provisions of this Ordinance for the prevention and mitigation of disease shall, for the time being be put in force under such order as aforesaid; and subject to the power of revocation and alteration therein contained, such directions and regulations shall continue in force so long as the said provisions of this Ordinance shall, under such order, be applicable to the same parts or places, and all such directions and regulations shall be published, by being inserted in the *Royal Gazette*, which publication shall be conclusive evidence thereof, and may be further published, and may be specially communicated to any local authority by the Secretary of the Board as the Board may direct.

Orders and

32. Every order of the Governor and Executive

Council and direction and regulation of the board, under Part III. of this Ordinance shall be laid before the Legislative Council forthwith, upon the issuing thereof.

regulations to be laid before Council.

33. The Board by such directions and regulations may provide :--

Matters to be provided for by such regulations.

1. For the speedy interment of the dead.
2. For house to house visitation.
3. For the dispensing of medicines and for affording to persons affected by or threatened with such epidemic, endemic or contagious disease, such medical aid and such accommodation as may be required.
4. For any such matters or things as may to them appear advisable for preventing or mitigating such disease.

34. The local authority shall superintend and see to the execution of such directions and regulations and shall do and provide all such acts, matters and things as may be advisable for mitigating such disease, or for superintending or aiding in the execution of such directions and regulations, or for executing the same as the case may require.

Local authority shall execute regulations.

35. Any wilful violation or neglect of any such directions and regulations shall be deemed to be an offence under this Ordinance.

Violation of regulations to be deemed an offence.

36. The local authority, acting in the execution of such directions and regulations, or the officers or persons by them in this behalf authorised, may enter at any reasonable time in the day time and inspect any premises where they have ground for believing that any person has recently died of any such disease, or that necessity may otherwise exist for executing, in relation to the premises, any of such directions and regulations.

Power for local authority, &c. to enter premises.

37. When any such order is in force in any place, on the certificate of a sanitary inspector or of any duly qualified medical practitioner, or other sufficient evidence that any house or part of a house is so overcrowded as to be dangerous to health, the board shall have power to make such order as it may see fit to abate such overcrowding ; and the owner of such house,

Power to board to issue orders for abatement of overcrowding in houses.

who shall permit overcrowding, after such order or a copy thereof shall have been served on him, shall forfeit a sum not exceeding forty shillings for every day during which such overcrowding shall be continued.

Orders of the Governor and Executive Council to extend to ports and harbours of the Colony.

38. All orders of the Governor and Executive Council for executing this Ordinance shall extend to all ports and harbours of the colony, and the board may issue, under the said order, directions and regulations for cleaning, purifying, ventilating and disinfecting, and preventing disease in ships within the ports and harbours of the colony.

#### PART IV.

##### ASSESSMENTS.

Power to local authority to levy "General Health Rate."

39. It shall be lawful for the local authority, from time to time, as occasion may require, to levy a rate to be called "The General Health Rate," for the purpose of defraying any expenses incurred or paid by such local authority, under this Ordinance which rate shall be assessed, levied and recovered in boroughs in like manner and with like powers as a rate under the Ordinance No. 10, of 1853, entitled "An Ordinance for the Regulation of Municipal Corporations in this Island;" and in wards in like manner and with like powers as a rate under the Ordinance No. 13, of 1853, entitled "An Ordinance for amending and consolidating the law with regard to the appointment of Wardens, and the powers and duties of such Wardens," may be assessed, levied and recovered.

Moneys recovered under this Ordinance to be carried to a separate account.

40. All moneys received or recovered by any such local authority in respect of any such general health rate, or from the author of any nuisance, or the owner of any premises, or in respect of any penalty under this Ordinance, shall be carried by such local authority to a separate account; and it shall not be lawful for any such local authority to apply any such moneys to any purpose except the carrying of this Ordinance into execution.

Return of moneys advanced from Treasury and not repaid before the end of the year to

41. In any case where any moneys paid from the Colonial Treasury under the provisions of this Ordinance shall not be repaid by the local authority of the borough to the Receiver General before the thirty-first day of December in any year, the Secretary of the Board shall

at the first meeting of the board in the month of January next following, lay before the board a return, certified by the Receiver General, of all moneys due by such local authority in respect of any such expenses, and the Board shall thereupon make an order on the Town Clerk and Treasurer of such borough to levy a rate for the purpose of repaying such moneys.

be laid before the board.

Board to make order for their repayment.

42. The Town Clerk and Treasurer shall, within fifteen days next after the day the date of of such order, assess on all houses and lands within the borough such a rate as shall be sufficient to raise the amount mentioned in such order; and such rate shall be assessed on all houses and lands subject to be rated under the said Ordinance No. 10, of 1853, entitled "An Ordinance for the regulation of Municipal Corporations in this Island" according to the value at which the same shall have been last assessed under the said Ordinance; and the amount of such rates shall be published by the Town Clerk and Treasurer in the *Royal Gazette*; and such rates shall be payable to the Town Clerk and Treasurer, together with the house rate payable in the same year; and in case of non-payment, the same shall be recoverable together with a percentage at the rate of ten pounds for every one hundred pounds, in the same manner as is provided by the said Ordinance No. 10, of 1853, with regard to the rate under the said Ordinance.

Rate in aid to be levied on house and lands in pursuance of such order.

43. The Town Clerk and Treasurer shall, from time to time, out of the moneys received by him in respect of any rate to be assessed by such Town Clerk and Treasurer under the Order of the Board, pay to the Receiver General the amount of the expenses mentioned in such order, and the surplus, if any, shall, from time to time, be carried by such Town Clerk and Treasurer to the credit of the separate account to be kept under this Ordinance, and shall be applied to the purposes of carrying this Ordinance into execution.

Application of moneys so raised.

## PART V.

### ENFORCEMENT OF AND PROCEDURE UNDER THIS ORDINANCE.

44. If any person wilfully damages any works or property belonging to, or under the charge of any local

Penalty for wilful damage of works.

authority, he shall be liable to a penalty not exceeding five pounds, in addition to the costs of repairing such works or property.

Penalty for  
the pollution  
of Rivers, &c.

45. Every owner or person in charge of any plantation or works, from which any lees, or deleterious or refuse matter shall be thrown or shall flow or escape into any river or stream, or the bed of any river or stream, shall be guilty of an offence under this Ordinance, and shall for every such offence be liable to a penalty not exceeding twenty pounds.

Soap, water,  
&c., not to be  
thrown into  
any street or  
gutter.

46. Every owner or occupier of any premises, wherever situate, from whose premises any water holding soap in solution or any soil or dirt or any noxious or offensive matter of any description shall escape or be thrown into any road or street, or the gutter or drain of any road or street, shall be guilty of an offence under this Ordinance and shall be liable to a penalty not exceeding five pounds for every day on which such offence shall be committed or be continued.

Prohibition  
against the  
washing of  
clothes, &c.,  
in any stream.

47. Every owner or occupier of any premises, wherever situate, who shall wash or cause or permit any person to wash any clothes or shall throw or discharge any water holding soap in solution or any soil, dirt, or other noxious or offensive matter in, into, or upon any stream or pond or any water whether running or not, whereby such stream, pond or water may be polluted or rendered injurious to the public health, shall be guilty of an offence under this Ordinance, and shall for every such offence be liable to a penalty not exceeding twenty pounds.

As to the  
escape of  
water from  
sewered  
premises.

48. Every owner or occupier of any premises within any part of the borough of Port of Spain supplied with underground sewerage from which any water, not being storm-water, shall escape or drain into any gutter or any other part of any street, and every owner or occupier of any premises within any part of the borough of Port of Spain not supplied with underground sewerage from which the water laid on to such premises shall be suffered to run to waste without serving any domestic, agricultural, or horticultural or other useful purpose, shall be guilty of an offence under this Ordinance, and shall be liable to a penalty not exceeding five pounds

for every day on which such offence shall be committed.

49. Every person who shall throw or deposit any rubbish, dirt or filth into or upon any street or public place within any borough, not being a place for the depositing of rubbish licensed by the local authority and approved by the Sanitary Inspector of the borough, shall for every such offence be liable to a penalty not exceeding five pounds, and the fact of such rubbish, dirt, or filth being found in any such street or public place in front of any premises, shall be *prima facie* evidence of the same having been thrown or deposited by the occupier of such premises.

Rubbish, &c., found in front of premises deemed to be thrown there by occupier of premises.

50. Every person who shall throw or deposit any rubbish, dirt or filth into or upon any premises, whether enclosed or not, without the permission of the occupier of such premises, or into or upon any street or public place in front of the premises of any other person shall, on conviction thereof, forfeit and pay the sum of ten pounds, and where such premises shall be in the occupation of more than one person, it shall be lawful for any one or more of such occupiers to sue for and recover such penalty.

Penalty for throwing rubbish, &c., into or in front of any premises without permission of occupier.

51. All expenses reasonably incurred by any inspector or warden or by any local authority under this Ordinance, shall be deemed to be money paid for the use of the author of the nuisance or the owner of the premises in respect of which such expenses shall be incurred, and may be recovered, with full costs of suit as between solicitor and client, from such author or owner, by action or plaint in the name of the inspector or warden or of the local authority, before any competent Court.

Expenses recoverable from author of nuisance.

52. Notices and orders under this Ordinance may be served by delivering the same to, or at the residence of the person to whom they are addressed, or, if addressed to two or more persons, then by delivering the same to or at the residence of any one of such owners, and when addressed to the owner of any premises, they may also be served by delivering the same or a true copy thereof to some person upon the premises, or if there be no person upon the premises who can be so served,

Service of notices and orders.

by fixing the same upon some conspicuous part of the premises.

One or more joint owners may be proceeded against alone.

**53.** Where any nuisance shall be caused by the joint act or default of two or more persons, or shall exist on the premises of two or more owners, it shall be sufficient to proceed against one or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the persons so proceeded against from recovering contribution in any case in which they would be entitled to contribution by law.

Proceedings against several persons for the same offence not to abate by reason of the death of one or more of them.

**54.** Proceedings under this Ordinance against several persons included in one complaint, shall not abate by reason of the death of any of the person or persons so included, but all such proceedings may be continued against the survivors or survivor as if such deceased person or persons had not been so included.

Owner of premises need not be otherwise designated.

**55.** Whenever in any proceeding under this Ordinance, whether written or otherwise, it shall become necessary to mention or refer to the owner of any premises, it shall be sufficient to designate him as the owner of such premises without name or further description.

As to the service of notices, &c., on local authority of any borough.

**56.** All certificates, notices, orders, and documents under this Ordinance may be served on the local authority of any borough by delivering the same to the Town Clerk and Treasurer of the borough, or to any Town Councillor of such borough.

As to the recovery of penalties.

**57.** All penalties under this Ordinance may be recovered in a summary manner by information in the name of the Inspector or Warden or the local authority, or of the owner of the premises in respect of which any offence under this Ordinance may be committed, before a Stipendiary Justice within the district wherein the person subject to such penalties may reside.

Appropriation of penalties.

**58.** All penalties and moneys recovered by any Inspector or Warden under this Ordinance shall be accounted for by him, and the surplus thereof, if any, after deducting any expenses incurred by him under this Ordinance, shall be paid over by him from time to time, as the Governor may direct, to the Receiver General.

59. No order or other proceeding, matter or thing, made or done in the execution of this Ordinance, shall be removable by *certiorari*, or by any other writ or process whatsoever, into any Court, or be vacated, quashed or set aside for want of form. Proceedings not removable by *Certiorari*.

60. The local authority and any Inspector, Warden or other person acting under the authority, or in execution, or intended execution of this Ordinance, shall be entitled to such protection and privilege in actions and suits as any Justice of the Peace is entitled to under the Ordinance No. 5, of 1868, entitled "An Ordinance respecting the summary administration of justice." As to protection of local authority and its officers.

61. The forms contained in the schedule B, to this Ordinance, or any forms to the like effect, varied as circumstances may require, may be used for the purposes of this Ordinance, and shall be sufficient for the purposes intended. Forms to be used.

62. Any order, certificate, notice, or other proceeding under this Ordinance, may be partly written and partly printed. Orders, &c., may be written or printed.

63. Nothing in this Ordinance contained shall be construed to take away, affect, or diminish any right of action, or remedy by criminal proceeding, to which any person would be entitled in respect of any nuisance if this Ordinance had not been passed. Powers of Ordinance cumulative.

Passed in Council this twenty-ninth day of May, in the year of our Lord one thousand eight hundred and sixty-nine.

A. C. ROSS,  
*Acting Clerk of the Council.*

#### SCHEDULE A.

Ordinance No. 17 of 1848, entitled "An Ordinance for Constituting Boards of Health."

Ordinance No. 24 of 1850, entitled "An Ordinance for promoting the Public Health."

Ordinance No. 34 of 1855, entitled "An Ordinance for the establishment of General and Local Boards of Health."

Ordinance No. 30 of 1865, entitled "An Ordinance for ascertaining the Powers of Sanitary Inspectors of Boroughs."

Ordinance No. 22 of 1867, entitled "An Ordinance for enlarging the Powers of the Local Board of Health."

Ordinance No. 23 of 1867, entitled "An Ordinance for enlarging the powers of the General Board of Health."

## SCHEDULE B.

### FORMS.

To the owner of the premises No.                      of                      street,  
in the borough of "                      "

OR

To the owner of the plantation "                      " in the  
ward of "                      "

I, the undersigned (A. B.), Sanitary Inspector for the borough  
of "                      " (or *Warden of the ward of "                      "*)  
do hereby give you Notice, that there exists in the said premises  
the following nuisance, under the "Public Health Ordinance,  
1869," that is to say, (*Describe the nuisance, as for instance, "The  
premises are without a privy or drain, or are in such a filthy condition  
as to be injurious to health;" or, "That the building on the said pre-  
mises is so overcrowded as to be dangerous to the health of the in-  
mates;" or, "That there is on the said premises an accumulation of  
water, manure, or dirt offensive or injurious to health."*) And I do  
hereby require you, within (*specify the time*) from the service of  
this Order to (*state the work required to be done, as for instance,  
"provide a sufficient water-closet on the said premises" or "To cleanse  
the said premises," or "To limit and specify the number of persons to  
be accommodated in the said premises, or as the case may be.*)

Dated this            day of                      in the year 18 .

(Signature.)

To the Local Authority of the Borough of "                      "

I, the undersigned (A. B.)                      Sanitary Inspector for  
the Borough of                      do hereby certify that on the  
day of                      I caused to be served on the owner of the pre-  
mises No.            of                      street, in the Borough of Port of  
Spain, an Order requiring him (*here set out what such order required  
to be done*), and that such Order has not been complied with.

This Notice is given in order that you may carry such order  
into execution.

Dated this            day of                      in the year 18 .

To the Local Authority of the Borough of "                      "

I, the undersigned                      Sanitary Inspector for the  
Borough of                      do hereby certify\* that there exists in  
                    street (or other place), within the said Borough a  
nuisance under the "Public Health Ordinance, 1869," that is to  
say (*describe the nuisance*). Or *from the asterisk* (that it is neces-  
sary with regard to the public health, that the street called  
                    in the said borough should be macadamized, or that

side drains of stone should be laid in \_\_\_\_\_ street, in the said borough.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year 18 .

To the Superintendent of Public Works,

I, the undersigned \_\_\_\_\_ Sanitary Inspector for the Borough of \_\_\_\_\_ do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ I caused to be served on the owner of the premises No. \_\_\_\_\_ in \_\_\_\_\_ street, in the said Borough of \_\_\_\_\_ an Order under the "Public Health Ordinance, 1869," requiring him within \_\_\_\_\_ from the time of the service of such Order to *(here state what the order required to be done)* and that the said owner having failed to comply with such Order, I did on the \_\_\_\_\_ day of \_\_\_\_\_ certify to the Local Authority of the Borough of \_\_\_\_\_ that such Order had been made by me and had not been complied with, whereby the said Local Authority became and was charged with the execution of the said Order; And I further certify that the said Local Authority has failed to execute the said Order within the time allowed by the said Ordinance.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year 18 .  
(Signature.)

## No. 18.—1869.

*2nd August.*

AN ORDINANCE for the better Prevention of Contagious Diseases.

[L. S.] C. H. KORTRIGHT.

*14th August, 1869.*

**B**E it enacted by his Excellency the Governor, with the advice and consent of the Legislative Council, as follows :

### *Preliminary.*

1. This Ordinance may be cited as "The Contagious Short title. Diseases Ordinance, 1869."

2. In this Ordinance the term "Contagious Diseases" Interpretation of terms. shall mean "venereal diseases," including gonorrhœa; the term "officer of police" shall mean any police officer not being of less rank than a serjeant of police; words importing the singular number shall include the plural number, and words importing the plural number shall