

## No. 24.—1869.

1st December.

AN ORDINANCE for the prevention of accidents  
by fire.

[L.S.] ARTHUR GORDON.

8th December, 1869.

WHEREAS it is expedient to make provision for the prevention of accidents by fire in the rural districts of the Island: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

1. The following words and expressions in this Ordinance shall have the meaning hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction, that is to say:—

Interpretation  
clause.

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

Words importing the masculine gender shall include females;

The word "Owner" shall mean the person having the immediate charge or management of any plantation or land;

The word "Crop" shall mean any growing crop, tree, wood, or underwood, or other produce of the soil, whether cultivated or not;

The word "Trash" shall mean any megass, straw, brushwood, or other inflammable matter;

The words "Set Fire to Land" shall mean the setting fire to any crop or trash growing or being in or upon any land;

The words "Crown Lands" shall mean any lands vested in Her Majesty, her heirs or successors;

The words "Clear Days" shall be reckoned exclusive of the day on which any notice shall be given, and of the day on which any Act mentioned in such notice shall be done.

Power to  
Governor to  
prohibit by  
proclamation  
the setting of  
fire to land.

2. It shall be lawful for the Governor, by proclamation from time to time, to prohibit the setting of fire to land within such parts of the Island and within such times to be specified in such proclamation as the Governor may from time to time see fit; and any person who, after the publication of, and within the times specified in such proclamation, shall set fire to any land within any part of the Island mentioned in such proclamation, shall, on conviction thereof before a Stipendiary Justice of the Peace, forfeit such sum not exceeding fifty pounds nor less than five pounds, or be imprisoned for such term not exceeding six calendar months as to such Stipendiary Justice shall seem fit.

License to be  
obtained from  
the Warden  
before fire  
shall be set to  
land.

3. Any person desirous of setting fire to any land shall give to the Warden of the ward within which such land may be situate a notice in writing specifying the local situation, extent, and abuttals of such land; and such Warden shall inspect such land, or cause the same to be inspected by some competent person to be named by such Warden, and on such inspection being made, may, if he shall see fit, grant a license to set fire to such land in which license shall be specified the days within which such license shall be in force: provided always that no such day shall be a day prohibited by any proclamation of the Governor.

Space to be  
cleared round  
land to be set  
on fire.

4. Before fire shall be set to any land under any such license, the owner shall cause an opening space of at least twenty-five feet in width to be cleared round the land, and all inflammable matter to be carefully removed from such space, and shall not less than three clear days before fire shall be set to such land, deliver or cause to be delivered to the Warden of the ward, a certificate under the hand of one householder at least resident in the neighbourhood, that such space has been cleared in the manner directed by this Ordinance, and that he has inspected the same, and the day when he has so inspected the same; and if any such certificate shall be false in any particular the person making the same shall, on conviction thereof before a Stipendiary Justice of the Peace, forfeit for every such offence a sum not exceeding fifty pounds. nor less than five pounds.

Notice to

5. Every owner of land in respect of which a license

shall be granted under this Ordinance, shall three clear days at the least before fire shall be set to such land, serve or cause to be served on the police constable in charge of the police station nearest to such land, and on the owners of all lands adjoining the land in respect of which such license may be granted, a notice specifying the days of the week and month (not exceeding seven days at the most) within which it is intended to set fire to such land.

police and to owners of adjoining lands.

6. Every such notice may be served on any owner by delivering the same to him in person, or by leaving the same at his residence on such adjoining land, with some person actually residing therein, or if there be no such residence, or no person can be found therein, then by affixing such notice on some open and conspicuous place upon such adjoining land.

Service of notice.

7. If fire shall be set to any land without a sufficient license in that behalf under this Ordinance, or without such certificate having been delivered, or such notice having been given as hereinbefore required, the owner shall, on conviction thereof before a Stipendiary Justice of the Peace, forfeit for every such offence such sum not exceeding fifty pounds nor less than ten pounds as to such Justice shall seem fit. And every person not being the owner, who shall set fire or aid or assist in setting fire to such land shall, on conviction thereof before a Stipendiary Justice of the Peace, forfeit for every such offence a sum not exceeding ten pounds nor less than one pound.

Penalty for setting fire without license, &c.

8. On the trial of any information, or in any proceeding for a summary conviction under this Ordinance, proof of any crop or trash growing or being in or upon any land having been on fire shall be *prima facie* evidence against the owner of such land of such fire having been set thereto by such owner.

Proof admissible on trial.

9. It shall not be lawful for any person to open or use any pit on any land for the making of charcoal, without the license of the Warden of the ward, within which such pit shall be situate; and every such warden before granting any such license shall personally inspect or cause to be inspected by some competent person the place in which it may be proposed to open or use such

Pits for the making of charcoal not to be opened or used without the license of the Warden.

pit, and on such inspection, if he shall be of opinion, that such pit may be used without danger of fire, may grant a license for the same; and every such license shall be and remain in force until the thirty-first day of December of the year in which such license may be granted.

Penalty for opening, &c., pits for the making of charcoal without license.

10. Any person who shall open or use any pit for the making of charcoal without a sufficient license under this Ordinance in that behalf shall, on conviction thereof before a Stipendiary Justice of the Peace, forfeit a sum not exceeding twenty pounds, or be imprisoned in the royal gaol for a term not exceeding three calendar months, as to such Justice shall seem fit.

Penalty for setting fire to Crown lands without sufficient authority.

11. Every person, who shall wilfully set fire to any Crown lands except by virtue of an Order in writing of the Warden of the ward within which such lands may be situate, to be made under the authority of this Ordinance, shall, on conviction thereof before a Stipendiary Justice of the Peace, forfeit a sum not exceeding fifty pounds nor less than five pounds, or be imprisoned with or without hard labour for any term not exceeding six calendar months, as to the convicting Justice shall seem fit.

Power to Warden to make order for setting of fire to Crown lands.

12. It shall be lawful for the Warden of any ward within which any Crown lands may be situate, by an Order in writing, under his hand, to make order for the setting of fire to any such land on any day not being a day prohibited by any proclamation of the Governor; and public notice of such Order having been made shall be given by affixing copies of such Order in some open and conspicuous part of the several police offices within the several wards within which such land or any part thereof may be situate, at least ten clear days before the first day to be appointed in or by such Order for setting fire to such land: provided always that no such Order for the setting fire to any Crown lands shall be made in any case where the sub-intendant of Crown lands shall prohibit the making thereof.

Proviso.

Prohibition against carrying lighted torch, &c., on high road

13. Every person, who shall carry any lighted torch or other matter in a state of ignition, not sufficiently enclosed so as to prevent danger from fire in or upon any high road or any Crown lands, shall, on conviction

thereof before a Stipendiary Justice of the Peace, forfeit for every such offence a sum not exceeding five pounds. adjoining any plantation.

14. Every person who shall smoke upon any plantation save and except within a dwelling-house or shall carry any lighted torch or other matter in a state of ignition not sufficiently enclosed so as to prevent danger from fire upon any plantation shall, on conviction thereof before any Stipendiary Justice of the Peace, forfeit for every such offence any sum not exceeding five pounds. Prohibition against smoking, &c., on plantation.

15. And for the better extinction of fires, every constable within any ward on its coming to his knowledge that a fire has broken out on any land within such ward shall forthwith give notice thereof to the Warden of such ward, and thereupon it shall be lawful for such Warden, and he is hereby required, with such assistants as he may see fit, to enter upon any land where such fire may be, or to which there may be reasonable cause of apprehension that such fire may spread, and to do all such matters and things as such Warden shall reasonably deem to be necessary for the purpose of extinguishing such fire, or preventing the growth and spreading thereof. Power to Warden, &c., to enter upon lands for the purpose of extinguishing fires.

16. It shall be lawful for the Warden of any ward, within which a fire may take place, or if there be no Warden present at such fire, then for any Stipendiary or other Justice of the Peace to call upon and require every male person present at such fire to be aiding and assisting in the extinction of such fire; and any such person who after being so required, shall refuse or fail to be aiding or assisting in such manner as such Warden or Justice of the Peace may direct, shall on conviction thereof before a Stipendiary Justice of the Peace, forfeit such sum not exceeding five pounds, as to the convicting Justice shall seem fit, unless he shall prove to the satisfaction of such Justice, that at the time of such fire he was under the age of fourteen years, or above the age of sixty years, or was prevented from bodily sickness or infirmity from being so aiding and assisting. Warden may require every male person present at a fire to aid in its extinction.

17. It shall be lawful for the Warden or any Justice of the Peace present at any fire to grant to any person, male or female, who may have been aiding or assisting in the extinction of such fire, a certificate under his As to the remuneration of persons assisting in the extinction of fires.

hand, according to the form in the schedule to this Ordinance; and the person to whom such certificate shall have been granted, on production of the same to the Warden of the ward, within which such fire shall have taken place, shall be entitled to receive from such Warden such sum as may be specified in such certificate; and all moneys mentioned in such certificate shall be paid from the funds of the ward in which such aid or assistance shall have been given.

Recovery and appropriation of penalties.

18. All penalties and forfeitures under Clause 14 of the Ordinance may be sued for and recovered on the information of the owner of the plantation or land on which the offence shall have been committed and shall be paid to such owner; and all other penalties and forfeitures under this Ordinance shall or may be sued for and recovered on the information of any person, who will sue for the same and shall be paid one moiety thereof to the Warden of the ward, within which the offence shall have been committed, for the use of the ward, and the other moiety to the person who shall inform and sue for the same.

Ordinance not to affect the liability of any person for damage caused by fire.

19. Nothing in this Ordinance contained shall take away or diminish the liability of any person for any damage from fire caused by the act or neglect of such person or his servant.

Port of Spain and San Fernando to be exempt from operation of Ordinance. Repeals Ordinance No. 1 of 1848.

20. Nothing in this Ordinance contained shall extend to the town of Port of Spain or the suburbs thereof, or the town of San Fernando.

21. The Ordinance of the fifteenth day of February, 1848, entitled "An Ordinance for the prevention of accidents by fire," is hereby repealed.

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

A. C. ROSS,

*Clerk of the Council.*

*Form of Certificate under Clause 17.*

I, the undersigned, (Warden of the ward of or Justice of the Peace, *as the case may be*), do hereby certify that (A.B) of the ward of (state residence and employment) was present aiding and assisting in the extinction of the fire, which took place at \_\_\_\_\_ in the ward of \_\_\_\_\_ on the \_\_\_\_\_ day \_\_\_\_\_, and that he is entitled to receive the sum of \_\_\_\_\_