

one hundred pounds, in the same manner as is provided by the said Ordinance No. 10 of 1853 with regard to rates under the said Ordinance.

3. From and out of the moneys so raised there shall be repaid to the Receiver General the sum of two thousand four hundred and ninety-eight pounds, twelve shillings and sixpence, and the surplus if any shall be applied to the purpose of carrying out the "Public Health Ordinance, 1869."

Passed in Council this nineteenth day of April, in the year of our Lord one thousand eight hundred and seventy-one.

WILLIAM BUDGE,  
*Acting Clerk of the Council.*

## No. 6.—1871.

AN ORDINANCE to enable the West India and Panama Telegraph Company (Limited) to land, construct and maintain Telegraphs in this Island, and to grant to such company a subsidy during a limited term of years, subject to certain terms and conditions.

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

*July 14th, 1871.*

**W**HEREAS a certain company called the Inter-<sup>Preamble.</sup>  
national Ocean Telegraph Company, lately applied to the Governor for permission to establish telegraphic communication between this island and Europe by way of the Island of Cuba and the United States of America: And whereas at a meeting of the Legislative Council, held on the first day of July in the year of our Lord one thousand eight hundred and sixty-eight, the said application was approved, and the said Council recommended the granting of a subsidy to the said Company during a limited term of years subject to certain terms and conditions in consideration of their

establishing such telegraphic communication as aforesaid, and connecting this island with British Guiana, Barbados, Martinique, Guadeloupe, Saint Thomas or Tortola, Cuba, and all West India Colonies between which and the Continent of North America telegraphic communication may be established by the said Company, and extending the line of telegraph from the town of Port-of-Spain to the town of San Fernando: And whereas the rights, powers and property of the said International Ocean Telegraph Company have been transferred to the said West India and Panama Telegraph Company (Limited), and the last mentioned Company now claims the benefit of the said resolution of council subject to the terms and conditions aforesaid: And whereas before the passing of this Ordinance the last mentioned Company had erected and commenced certain works in this island: Be it therefore enacted by His Excellency the Governor, with the advice and consent of the Legislative Council thereof as follows:

*Preliminary.*

Short title.

1. This Ordinance may be cited as the "West India and Panama Telegraph Company (Limited) Ordinance, 1871.

*Interpretation.*

Interpretation of terms.

2. In this Ordinance the term "The Company" means "The West India and Panama Telegraph Company (Limited):"

"Telegraph."

The term "Telegraph" means a wire or wires used for the purpose of telegraph communication with any casing, coating, tube, or pipe inclosing the same, and any apparatus connected therewith for the purpose of telegraphic communication:

"Work."

The term "Work," includes telegraphs and posts:

"Post."

The term "Post" means a post, pole, standard, stay, strut or other above-ground contrivance, for carrying, suspending or supporting a telegraph:

"Tramroad."

The term "Tramroad" includes any station, work or building connected with a tramroad:

"Body."

The term "Body" includes the Colonial Government, a body of trustees or commissioners, municipal corporation, board, vestry, company or society, whether incorporated or not, and any provision referring to a body applies to a person as the case may require:

The term "Person" includes a corporation, aggregate "Person." or sole, and a warden of a ward.

3. The provisions of the Ordinance, No. 2 of 1869, entitled "An Ordinance for the incorporation, regulation and winding up of trading companies and other associations," with respect to the recovery of damages not specially provided for by this Ordinance, and of penalties, and to the determination of any other matter referred to justices, shall, so far as the same are applicable, and save so far as the same are inconsistent with any express provision of this Ordinance, be incorporated with this Ordinance; and terms used in those provisions shall be interpreted as the same terms are directed to be interpreted in this Ordinance; and the procedure shall be as near as may be according to the mode provided by the Ordinance No. 5 of 1868, "Respecting the summary administration of justice;" and every conviction or order of a stipendiary justice given or made for or in respect of any offence under this Ordinance shall be subject to the review and appeal provided by the Ordinance No. 1 of 1869, "To improve the administration of the law so far as respects summary proceedings before justices of the peace," and by the Ordinance No. 17 of 1869, "For regulating appeals from summary convictions and orders."

Certain provisions of Ordinance 2 of 1869 to be incorporated in this Ordinance and Orders, &c., of Stipendiary Justices in respect of offences under this Ordinance to be regulated by Ordinances 1 and 17 of 1869

4. The following provisions shall apply to notices and consents under this Ordinance:

Provisions with regard to notices and consents.

1. Every notice or consent shall be in writing or print, or partly in writing and partly in print.
2. Any notice to or by the Company or a body having the control of a street or public road, or of the sewerage or drainage thereunder, may be given to or by the agent, attorney, manager or secretary, clerk or surveyor or other like officer (if any) of the company or of such body as the case may be.
3. Any consent may be given on such pecuniary or other terms or conditions (being in themselves lawful) or subject to such stipulations as to the time or mode of execution of any work, or as to the removal or alteration in any event of any work, or as to any other thing connected with or

relative to any work as the person or body giving the consent thinks fit.

Company may hold land, &c. 5. The Company for the purposes of their undertaking may hold land and other immoveable property in this island.

*Proof of Incorporation and execution of deeds of the Company.*

Registered copy of Articles of Association of the company to be received as evidence of incorporation. 6. The Company may deliver to the Registrar General to be registered by him a copy of the Articles of Association of the Company, purporting to be certified as a true copy under the signature and seal of the officer in whose office the original Articles of Association shall purport to be registered or filed, and such copy when duly registered or any office copy thereof certified by such Registrar General, shall be sufficient evidence in this Island of the due incorporation of such company.

As to execution and registry of Deeds. 7. Any deed of the Company which may be executed out of this Island, but which may be required to be used in evidence in this island, shall be executed under the common seal of the Company, and shall be registered in this Island in the Registrar General's office aforesaid.

*Power to Land and Work Telegraphs.*

Power to land and work telegraphs. 8. For the purpose of enabling the Company to establish telegraphic communication between this island and Europe by way of Havanah and the United States of America and connecting this island with British Guiana, Barbados, Saint Thomas or Tortola, Cuba, and all West India Islands whether British or Foreign between which and the continent of North America, the Company may establish telegraphic communication, the Company may, subject to the provisions hereinafter contained, lay, construct, land, maintain and work telegraphs under, in, upon, over, along, or across any of the waters, shores or lands of this island or the waters adjacent thereto and being within the jurisdiction of Her Majesty the Queen. Provided always that it shall be lawful for the Company to maintain and work such telegraphs as were erected and commenced by the company before the passing of this Ordinance, and such telegraphic and other works of

the Company so erected before the passing of this Ordinance shall be subject to the provisions of this Ordinance so far as the same are applicable to them.

*Subsidy and exemption from Customs Dues.*

9. On condition that the Company shall, within one year from the time at which this Ordinance shall come into operation, complete a system of submarine telegraphic cables and land lines to connect Europe and America with the islands of St. Thomas or Tortola, Barbados and Trinidad, and with the colony of British Guiana in South America, and on the due performance by the Company of the several conditions and requirements hereinafter provided it shall be lawful for the Receiver General of this Island, on the warrant of the Governor from time to time, to pay in equal quarterly instalments, to the duly authorised agents of the said Company, from and during the time when the cable shall be in efficient operation, and on the due observance by the Company of the provisions of this Ordinance a subsidy at the rate of two thousand five hundred pounds sterling per annum, for and during the term of ten years, to be computed from the time when the efficient working of the cable commences.

Subsidy to be allowed.

10. The Company shall be exempted from all customs dues and duties, including wharfage upon all telegraphic instruments and other materials imported by them and necessary for the use and construction of their works, offices and stations in this Island; and all vessels conveying the telegraph to the West Indies and their tenders, and all supply vessels for the same, may enter any of the ports of this Island free of port charges and other dues and taxes upon shipping, provided that such vessels, tenders, or supply vessels are exclusively engaged in conveying or landing the said telegraph.

Materials imported by company for use of the telegraph not liable to duty — and vessels conveying telegraph to be exempted from port charges, &c.

*Extension of Line to San Fernando.*

11. In consideration of the said subsidy, and of the privileges extended to the Company by this Ordinance, the Company shall be bound at their own expense to extend the line of telegraph from Port of Spain to San Fernando and thereafter to maintain for the said period of ten years such line in efficient working order.

Extension of line to San Fernando.

*General Powers of the Company.*

Power to  
company to  
execute works.

12. Subject to the restrictions and provisions of this Ordinance the Company may execute works as follows :—

1. They may place and maintain a telegraph under any street or public road, and may alter or remove the same.
2. They may place and maintain a telegraph over, along or across any street or public road, and place and maintain posts in or upon any street or public road, and may alter or remove the same.
3. They may for the purposes aforesaid open or break up any street or public road and alter the position thereunder of any pipe (not being a main) for the supply of water.
4. They may place and maintain a telegraph and posts under, in, upon, over, along or across any land or building or any tramway and may alter or remove the same.

Provided always that the Company shall not be deemed to acquire any right other than that of the user only in the soil of any street or public road under, in, upon, over, along, or across which they may place any work.

Company to  
be subject to  
certain  
restrictions.

13. In the exercise of the aforesaid powers the Company shall also be subject to the following restrictions :—

1. They shall cause as little detriment or inconvenience as circumstances admit to any body or person to or by whom any pipe for the supply of water belongs or is used.
2. Before they alter the position of any such pipe they shall give to the Superintendent of Public Works notice of their intention to do so, specifying the time at which they will begin to do so, such notice to be given twenty-four hours at least before the commencement of the work for effecting such alteration.
3. The Company shall not execute such work except under the superintendence of the Superintendent of Public Works or the body to whom such pipe belongs, unless such Superintendent or body re-

fuses or neglects to give such superintendence at the time specified in the notice for the commencement of the work or discontinues the same during the work, and the Company shall execute such work to the reasonable satisfaction of such Superintendent of Public Works or body.

4. The Company shall pay all reasonable expenses to which such Superintendent or body may be put on account of such superintendence, and the body to whom any such pipe belongs may, where and as occasion requires, alter the position of any work of the Company already constructed or to be hereafter constructed under, over, or upon a street or public road on the same conditions as are by the last foregoing and present sections imposed on the Company in relation to such a body, *mutatis mutandis*.

*Restrictions as to Telegraphs in Streets and Public Roads.*

14. Every underground tube or pipe of the Company shall be so marked as to distinguish it from tubes or pipes belonging to other persons or bodies.

Company's pipes to have a distinguishing mark.

15. Where the Company places a telegraph along, across or over any street or public road they shall not place it so low as to stop, hinder or interfere with the passage for any purpose whatsoever along such street or public road.

Telegraph to be of sufficient height not to interfere with traffic.

*Removal of Works affecting Streets and Public Roads.*

16. In the following cases:—

1. If any part of the Company's works is abandoned or suffered to fall into decay;

2. If the Company is dissolved or ceases for six months to carry on business, the body or person having the control of any street or public road, or the owner of any land or building affected (in the former case) by such part of the Company's works as aforesaid or (in the latter case) by any of the Company's works, may give notice to the Company or leave a notice at the last known

Cases in which notice may be given for the removal of works.

office or place of business of the Company to the effect that if such works as are specified in the notice are not removed within three months after the notice given or left, the same will be removed by the body or person having such control, or by such owner, and in every such case unless such works are removed accordingly, the body or person having such control or such owner may, without prejudice to any remedy against the Company, remove such works, or any part thereof, and sell the materials thereof or of any part thereof, and out of the proceeds of such sale reimburse themselves their expenses relative to such notice, removal and sale, and consequent thereon (rendering the overplus, if any, to the Company), and may recover any unpaid residue of such expenses from the Company as damages.

In case of alteration of the line, &c., of streets, company to remove work upon receiving notice.

17. In case the body or person having the control of any street or public road at any time hereafter resolves to alter the line or level of any portion of such street or road under, in, upon, over, along, or across which any work of the Company constructed either before or after the passing of this Ordinance is placed, the Company shall from time to time be bound on receiving three month's notice of such intended alteration, and at their own expense, to remove such work, and to replace the same in such position and manner in all respects as may be required by such body or person, or in the event of difference between such body or person and the Company, in such position and manner in all respects as may be determined by the Governor.

Provisions in cases where the position of posts is considered dangerous or inconvenient.

18. Where the Company has, before the passing of this Ordinance, placed posts in or upon a street or public road, and the body or person having the control of the street or road considers the position of any such post to be dangerous or inconvenient, the following provisions shall take effect :—

1. Such body or person may give to the Company a notice requiring them to remove or alter the position of such post, and specifying the grounds of such requisition.
2. The Company, either shall, within fourteen days after receipt of such notice, remove or alter the

- position of the post in accordance with the notice; or else if they do not intend to remove or alter the position of the post in accordance with the notice, shall, within one week after receipt of the notice, deliver to such body or person a counter-notice, specifying their objection to such removal or alteration.
3. Such bodies or person may send copies of the notice and counter-notice to the Governor.
  4. As soon as may be after the receipt of such copies, the Governor shall (unless the difference between the body or person giving the notice and the Company is arranged) make inquiry and examination, and hear and determine the matter of the notice and counter-notice.
  5. On hearing any such matter the Governor may direct that the Company shall comply with the notice, wholly, or in part, or subject to any such modification as the Governor prescribes, or on condition that the body or person giving the notice shall afford to the Company all reasonable and proper facilities in their power for substituting some other work for that to which the notice relates, or on any such other condition as to the Governor, according to the circumstances of the case, shall seem just and expedient, and the expenses incurred in or about such removal or alteration shall be borne and paid by the Company or by the body or person giving the notice, or partly by one and partly by the other, as to the Governor seems, according to the circumstances of the case, just and expedient, the amount of such expenses to be determined in cases of difference, by the Governor.

*Restrictions as to the Opening of Streets and Public Roads.*

19. Where the Company proceeds to open or break up a street or public road the following provisions shall take effect:—

1. The Company shall give to the body or person having control of the street or public road, notice

Restrictions  
as to the  
opening of  
streets and  
public roads.

of their intention to open or break up such street or public road, specifying the time at which they will begin to do so, such notice to be given in the case of an underground work, ten days at least, and in the case of an aboveground work, five days at least, before the commencement of the work, except in case of emergency, in which case notice of the work proposed shall be given as soon as may be after the commencement thereof.

2. The Company shall not (save in case of emergency) open or break up any street or public road except under the superintendence of the body or person to whom respectively notice is by the present section required to be given, unless such body or person respectively refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the work.
3. The Company shall pay all reasonable expenses to which such body or person respectively may be put on account of such superintendence.

Obligations of company in cases where a street or public road has been opened or broken up by them.

20. After the Company has opened or broken up a street or public road they shall be under the following further obligations:—

1. They shall with all convenient speed complete the work on account of which they opened or broke up the same, and fill in the ground and make good the surface and generally restore the street or public road to as good a condition as that in which it was before being opened or broken up, and carry away all rubbish occasioned thereby.
2. They shall, in the meantime, cause the place where the street or public road is opened or broken up to be fenced and watched and to be properly lighted at night.
3. They shall pay all reasonable expenses of keeping the street or public road in good repair for six months after the same is restored so far as such expenses may be increased by such opening or breaking up.

21. If the Company fail to comply in any respect with the provisions of the present section they shall for every such offence (without prejudice to the right of any body or person to enforce specific performance of the requirements of this Ordinance or to any other remedy against them), be liable to a penalty not exceeding fifty pounds, and to a further penalty not exceeding five pounds for each day during which any such failure shall continue after the first day when such penalty was adjudged, and any such penalty shall (notwithstanding anything hereinbefore or in any Ordinance contained) go and belong to the body or person having the control of the street or the public road, and shall form part of the funds applicable by them or him to the maintenance of the street or public road.

Penalty for non-compliance with provisions herein stated.

22. Whenever the permanent surface or soil of any street or public road is broken up or opened by the Company, it shall be lawful for the body or person having the control of the street or road, in case they think it expedient so to do, to fill in the ground and to make good the pavement or surface or soil so broken up or opened, and to carry away the rubbish occasioned thereby instead of permitting such work to be done by the Company, and the costs and expenses of filling in such ground, and of making good the pavement or soil so broken up or opened, shall be repaid on demand to the body or person having the control of the street or road by the Company, and in default thereof may be recovered by the body or person having the control of the street or road from the Company as a penalty is, or may be recoverable from the Company.

Company chargeable with cost of repairing street, &c., broken up by them.

23. The Company shall not stop or impede traffic in any street or public road or into or out of any street or public road further than is necessary for the proper execution of their works. They shall not close against traffic more than one-third in width of any street or public road or of any way opening into any street or public road at one time; and in case two-thirds of such street or road are not wide enough to allow two carriages to pass each other, they shall not occupy with their works at one time more than fifty yards in length of the one-third thereof, except with the special consent of the body or person having the control thereof.

Provision against the interference with the traffic in any street, &c.

*Removal or alteration of Works affecting Lands or Buildings.*

Removal or alteration of works affecting lands or buildings.

24. Where at any time before or after the passing of this Ordinance the Company has constructed any work under, in, upon, over, along, or across any land or building and any owner, lessee or occupier of such land or building or other person having any interest in such land and building desires to build upon or inclose such land, or in any manner to improve or alter such land or building, or to use such land or building in some manner in which it was not actually used at the time of the construction of such work by the Company, and with which the continuance of such work would interfere, then and in every such case the following provisions shall take effect:—

1. Such owner, lessee, or occupier or other person interested may give to the Company a notice specifying the nature of such intended building, inclosure, improvement, alteration or other use of the land or building including ingress or egress thereto or therefrom and requiring the Company to remove or alter their work so that the same may not interfere therewith.
2. Within fourteen days after the receipt of such notice, or in case of difference between the Company and the person giving the same as to his intention, then within fourteen days after the receipt of a certificate signed by a stipendiary justice of the peace certifying that he is satisfied of the intention of such person to make such building, inclosure, improvement, alteration, or other use of the land or building and that the continuance of such works would interfere therewith, the granting of such certificate being deemed to be a matter referred to the determination of the justice so certifying, the Company shall remove or alter their work so that the same shall not interfere with such intended building, inclosure, improvement, alteration or other use of the land or building.
3. When such certificate is required by the Company the costs thereof when obtained shall be paid by the Company to the person giving the notice.

4. Nothing herein contained shall empower any person to obtain the removal or alteration of any work contrary to the terms of any grant, or consent in writing made or given by him, or by any person through whom he takes his estate or interest.

*As to Works affecting Sea Shore.*

25. The Company may in or about the construction, maintenance, or repair of any such work use on board ship or elsewhere any light or signal allowed by any regulation to be made in that behalf by the Governor and published in the *Royal Gazette*. Power to use light or signal in the construction, &c., of works.

26. If any such work, buoy or sea mark is abandoned or suffered to fall into decay, the Superintendent of Public Works may, if and as the Governor thinks fit, at the expense of the company, either repair and restore it, or abate and remove it, or any part of it, and restore the site thereof to its former condition. As to the repair or removal of such sea-marks, &c.

*General Obligations and Liabilities of the Company and their Servants.*

27. Every telegraph of the company shall be open for the messages of all persons alike, without favour or preference, and all such messages shall be forwarded in the order of their receipt, but this provision shall not prejudicially affect the operation of any lease or agreement authorised by this Ordinance. Transmission of messages.

28. The company shall publish daily at their stations in Port of Spain and San Fernando free of all charge a bulletin of public information, general news, monetary intelligence, and the current market prices. Publication of news.

29. The company shall be answerable for all accidents, damages, and injuries happening through the act or default of the company or of any person in their employment by reason or in consequence of any of the company's works, and shall save harmless all bodies and persons having the control of streets or public roads collectively and individually, and their officers and servants from all damages and costs in respect of such accidents and injuries. Company to be answerable for accidents, &c.

Service of notices.

30. The company shall within one month after the passing of this Ordinance give to the Registrar-General notice of the situation of some office where notices may be served on the company within the Island, and the company shall from time to time give to such Registrar-General notice of any change in the situation of such office; every such notice shall be recorded by the Registrar-General and the record thereof may be inspected from time to time by any person. The delivery at the office of which notice is so given of any notice, writ, summons, citation or other document addressed to the company shall for the purposes of the Ordinance and all other purposes be deemed good service on the company. The company shall on giving each notice to the Registrar under the present section pay a fee of five shillings. If the company shall make default in giving such notice it shall be liable to a penalty of five pounds.

Penalty for neglect to transmit or deliver messages, or for improperly divulging purport thereof.

31. If any person in the employment of the company in this Colony wilfully or negligently omits or delays to transmit or deliver any message in its proper order or by any wilful or negligent act or omission prevents or delays the transmission or delivery of any message in its proper order, or improperly divulges to any person the purport of any message, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

*Powers of the Colonial Government over Company.*

Government messages to have priority over private messages.

32. All messages of the Government of the Colony shall be secured priority over private messages, and whenever the Governor requires the company to transmit any messages on the public service the company shall as soon as reasonably may be transmit the same, and shall until transmission thereof suspend the transmission of all other messages.

Power to Governor to direct that the company's works be taken possession of and used for Her Majesty's Service.

33. Where in the opinion of the Governor an emergency has arisen in which it is expedient for the public service that the Colonial Government should have control over the transmission of messages by the company's telegraph, the Governor, by warrant under his hand, may direct and cause the company's works and lines or any part thereof in this colony to be taken possession of in

the name or on behalf of Her Majesty, and to be used for Her Majesty's service and subject thereto, for such ordinary service as may seem fit, or may direct and authorize such persons as he thinks fit to assume the control of the transmission of messages by the company's telegraphs either wholly or partly or in such manner as he directs: Any such warrant shall not have effect for a longer time than one week from the issuing thereof, but the Governor may issue successive warrants from week to week as long as in his opinion such emergency continues. The Receiver-General shall, on the warrant of the Governor, pay to the company as compensation for any loss of profit sustained by the company by reason of the exercise by the Governor of any of the powers of the present clause out of the public revenue of the Colony such sum as may be settled between the Governor of the Colony and the company by agreement or, in case of difference by arbitration, such arbitration to be conducted as follows:—

Compensation  
to be allowed  
in such cases.

1. The Governor and the said company shall each within fourteen days after the delivery by one to the other of a demand in writing for an arbitration nominate an arbitrator.
2. The two arbitrators nominated shall before entering on the arbitration nominate an umpire.
3. If either party or arbitrator makes default in nominating an arbitrator or umpire within fourteen days after receiving from the other a demand in writing for such nomination the Chief Justice of this Island may, on the request of the Governor or of the said company, under his hand nominate an arbitrator or umpire.
4. The arbitrators shall make their award within twenty-eight days after their nomination, otherwise the matter shall be left to be determined by the umpire.
5. The umpire shall make his award within twenty-eight days after notice from the arbitrators or one of them, that the matter is left to be determined by him, or in default a new umpire shall be appointed as nearly as may be in manner aforesaid who shall make his award within the like time, or in default be superseded, and so *toties quoties*.

Award of arbitrators in matters of compensation to be final.

Penalty for damaging works.

34. The award of the arbitrators or umpire shall be final and conclusive, as between the Governor and the said company.

35. Every person who shall unlawfully and maliciously commit any damage, injury, or spoil to, or upon any telegraph, work, or post, mentioned in this Ordinance, whether laid down, erected, or placed before or after the passing of this Ordinance, shall, on conviction thereof before any Stipendiary Justice of the Peace, be imprisoned and kept to hard labour for such term not exceeding two calendar months as such Justice shall see fit.

*Miscellaneous.*

Ordinance grants no exclusive privileges.

36. Nothing in this Ordinance contained shall be understood to grant any exclusive rights to the company or to prevent the like privileges being extended to any private persons or corporate bodies desiring to carry on telegraphic communications with this Island.

Company not to acquire exclusive privilege of telegraphic communication in State of Panama.

37. Provided always that the powers and privileges granted to the company by this law are so granted on the condition that the company is not now in possession of, and shall not at any time hereafter acquire any exclusive right or privilege of telegraphic communication in the State of Panama, and that in case of such possession or acquisition all the powers and privileges by this law granted shall cease and determine.

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

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

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No. 7.—1871.

AN ORDINANCE for amending the laws relating to the admission of Attorneys and Solicitors.

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

21st August, 1871.

**W**HEREAS it is expedient to alter and amend the laws relating to the admission of attorneys and