

No. 1.—1872.

16th January.

AN ORDINANCE for vesting certain powers in the West India and Panama Telegraph Company, Limited.

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

25th January, 1872.

WHEREAS an Ordinance, No. 6 of 1871, was passed on the first day of July, one thousand eight hundred and seventy-one, entitled "The West India and Panama Telegraph Company (Limited) Ordinance, 1871:" And whereas for the purpose of enabling the said Company to keep the telegraph free from obstruction, it is expedient to grant to the said Company the powers hereinafter mentioned: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council thereof, as follows:

1. Throughout this Ordinance the word "owner" means the person having the actual possession of any lands; and the word "tree" means any tree, wood, bamboo, underwood, or other produce of the soil, whether cultivated or not.

Interpretation of terms.

2. It shall be lawful for the Company, from time to time, subject to the payment of such compensation as hereinafter mentioned, to cut down, remove and convert to the use of such Company any tree growing or being in any part of any lands on either side of such telegraph, and within a distance not exceeding one hundred and twenty feet from such telegraph; and the compensation to be allowed for all trees so cut down and removed, and also for any damage occasioned by the cutting down of any such tree, where such compensation shall not be agreed on between the Company and the owner of such lands, shall be settled in the manner hereinafter mentioned.

Power to Company to cut down trees, subject to compensation.

3. In all cases of disputed compensation, where the amount of compensation claimed by the owner of the land shall not exceed twenty pounds, it shall be lawful for any Justice of the Peace on application of the Company or of the owner of the land to summon the other party to appear before a Stipendiary Justice of the Peace at some time and place to be named in the summons, and on the appearance of the parties, or in the absence

In cases of disputed compensation, amount (if the claim be for less than £20) to be settled by Stipendiary Justice.

of either of them, on proof of due service of such summons, such Stipendiary Justice shall hear and determine such question, and for that purpose shall examine all witnesses upon oath, and the costs of such inquiry shall be at the discretion of such Justice; and he shall settle the amount of such compensation, and of the costs of the inquiry, and his finding shall be final and conclusive.

Jury to decide as to amount of compensation where the claim exceeds £20.

4. In any case of disputed compensation, where the amount of compensation claimed by the owner of the land shall exceed twenty pounds sterling, the amount of compensation shall be settled by the verdict of a jury to be summoned on the application of the Company, or of the owner of the lands.

Notice to be given when case is intended to be referred to a Jury.

5. Before making such application, the Company or the owner of the land, as the case may be, shall give not less than seven days' notice thereof to the other party, and in such notice shall state the sum of money which the Company are willing, where such notice shall be given by the Company, to pay, or which such owner, when the notice is given by the owner, is willing to accept as such compensation.

Order by Judge.

6. And thereupon it shall be lawful for a Judge of the Supreme Civil Court, on the application of the Company or the owner, and on proof of the service of such notice, to make order that the amount of compensation shall be inquired of and assessed by a jury at the next sittings of the Court for the trial of issues, not less than fourteen days from the day of such order being made.

Witnesses may be summoned.

7. On every such inquiry the owner of the land shall be deemed the plaintiff, and the Company shall be deemed the defendant, and either party shall have power to subpoena any person as a witness, and to enforce the attendance of such witness, and any witness failing to attend without sufficient excuse, or who shall appear but refuse to be examined, or to give evidence touching the subject matter in question, shall be proceeded against in the same manner as any other person failing to attend or refusing to be examined, or to give evidence as a witness on the trial of any issue in the Supreme Civil Court.

8. Before the jury proceed to inquire of the compensation in respect whereof their verdict is to be given, they shall make oath or affirmation in those cases where an affirmation is admitted in lieu of an oath, that they will truly and faithfully inquire of and assess such compensation. Jury to be sworn.

9. Where the verdict of the jury shall be given for a sum not exceeding the sum, if any, previously offered as compensation to the owner of the same, all the costs of such inquiry shall be borne by such owner, and shall be deducted from and out of the compensation assessed by the jury; but if the verdict of the jury shall be given for a greater sum than the sum previously offered as compensation to the owner, or if no compensation shall have been previously offered to the owner, the costs of such inquiry shall be allowed to the owner. Costs to be allowed.

10. The costs of any inquiry before a jury under this Ordinance shall be settled by one of the Judges of the Court on the application of either party, and such costs shall include all reasonable costs, charges and expenses incurred in obtaining the order for inquiry, the summoning, empanelling and returning the jury, the attendance of the witnesses, the employment of counsel and solicitors, and recording the verdict and judgment thereon, or otherwise, incidental to such inquiry. Costs to be settled by Judges.

11. The Registrar of the Supreme Civil Court shall sign judgment, which judgment shall be for the amount of compensation assessed by the jury, together with the costs, if any, allowed to the owner of the land, or for the amount of such compensation after deducting the costs, if any, payable by the owner, and shall keep such judgment among the records of the Supreme Civil Court. Registrar of Court to sign and record judgment.

12. No claim for compensation under this Ordinance shall be admitted or entertained unless the same shall be made within two years next after the act for which such compensation would be payable, shall have been done by the Company. Limit of time in which claim for compensation may be made.

13. Any summons to the Company may be served in the same manner as is provided with regard to notices by the said Ordinance of the first day of July aforesaid; and all notices and summons to any owner under this Ordinance shall either be served personally on such Service of summons.

owner, or, if such owner shall be absent from this Island, on the attorney of such owner, or if such owner shall be absent from the Island and not represented by any attorney, or such owner or attorney shall not be found after diligent search, then such notice shall be affixed upon some conspicuous part of the lands mentioned in such notice.

Ordinance to  
be read as  
part of  
Ordinance  
No. 6 of 1871.

14. This Ordinance shall be construed with and read as if the same formed part of the said Ordinance No. 6 of 1871, of the first day of July aforesaid.

Passed in Council this sixteenth day of January, in the year of our Lord one thousand eight hundred and seventy-two.

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

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## No. 6.—1872.

*20th May.*

AN ORDINANCE for the prevention of danger from Petroleum.

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

*31st May, 1872.*

**W**HEREAS it is expedient to make provision for the safe keeping of petroleum and other substances of like nature: 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 Petroleum Ordinance, 1872."

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*Section 2 repealed by Ordinance 13 of 1874.*

Vessels having  
petroleum on  
board to be  
moored in  
places named  
in regulations  
issued by  
harbour  
master.

3. Every vessel carrying a cargo consisting wholly or in part of petroleum, or entering the harbour of Port of Spain or San Fernando, shall conform to such regulations in respect to the place at which she is to be moored, as may from time to time be issued by the harbour master. If any vessel is moored in any place in contravention of such regulations, the owner or master of such vessel shall incur a penalty not exceeding twenty pounds for each day during which the vessel remains moored, and it shall be lawful for the harbour master or any other person acting under his orders to