

“I, *A. B.* do sincerely promise and swear, that I will
 “be faithful and bear true allegiance to her Majesty
 “Queen *Victoria*,

“So help me God.”

which oath shall be taken and subscribed by such memorialist, and shall be duly administered to him before the Governor, and the Governor shall thereupon grant to the memorialist a certificate, to be endorsed on the certificate of naturalization, of his having taken and subscribed such oath accordingly, and such certificate shall be signed by the Governor.

5. Every person to whom a certificate shall be granted under this Ordinance, shall pay to the Colonial Secretary the sum of ten pounds sterling, and to the Registrar-General, on the enregistration of the certificate, the sum of one pound sterling, which sums shall be paid by the Colonial Secretary and the Registrar-General to the Receiver-General. ^{Amount of fees payable.}

Passed in Council this second day of November in the year of our Lord one thousand eight hundred and sixty-eight.

A. C. ROSS,

Acting Clerk of the Council.

No. 28.—1868.

10th November.

AN ORDINANCE for regulating the laying out of New Streets and the Construction of Buildings in the Town of Port-of-Spain.

(L. S.) ARTHUR GORDON.

April 26th, 1869.

WHEREAS it is expedient to make provision for regulating the laying out of new streets, and the construction of buildings in the town of Port-of-Spain

and the suburbs thereof: Be it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Interpreta-
tion of cer-
tain terms in
this
Ordinance.

1. In the construction of this Ordinance the following terms shall have the respective meanings hereinafter assigned to them (that is to say), the words "Port-of-Spain" shall mean the town of Port-of-Spain and the suburbs thereof, as defined by an Ordinance passed in Council on the nineteenth day of August one thousand eight hundred and fifty-three, entitled, "An Ordinance for the Regulation of Municipal Corporations in this Island:" the word "premises" shall extend to all messuages, lands or tenements whether open or enclosed, whether built on or not, and whether public or private; the word "dwelling-house" shall extend to any store or warehouse or other building not being a kitchen, stable or out-house; the word "builder" shall apply to and include the builder or other person employed to execute or who actually executes any work upon any building; the word "Surveyor General" shall include any assistant of such Surveyor General or other person acting under his authority in writing; the word "owner" shall apply to every person in possession of or in the receipt either of the whole or of any part of the rents or profits of any land or tenement, or in the occupation of such land or tenement other than as a tenant from year to year, or for any less term, or as a tenant at will; the word "person" and words applying to any person or individual shall apply to and include Corporations.

Defines limits
of town and
divisions
thereof for
purposes of
this
Ordinance.

2. The town of Port-of-Spain shall, for the purposes of this Ordinance, be divided into two divisions, whereof the *first* division shall include all such parts of the town of Port-of-Spain as lie within a line drawn from the western bank of the river Saint Ann's, at the foot of the bridge over the said river contiguous to the Colonial Hospital, in a straight line along the centre of the road between the Observatory lands and the lands of the Colonial Hospital to the centre of the Saint Ann's Road, and thence in a northerly direction along the centre of the Saint Ann's Road, to the point where the same meets Barrack Street, and thence in a westerly direction along the centre of Barrack Street to First East Street, and

thence in a southerly direction along the centre of First East Street to the point where the same meets the Saint James' Road, and thence across the Saint James' Road to the northern extremity of Richmond Street, and thence in a southerly direction along the centre of Richmond Street to the eastern end of Charles Street, and thence in a westerly direction along the centre of Charles Street to the sea shore, and thence along the sea shore to the western bank of the mouth of the river Saint Ann's, and thence along the western bank of the river Saint Ann's to the point at which the said line commences; and shall also include all new streets to be laid after the commencement of this Ordinance; and the *second* division shall include all parts of the borough of Port-of-Spain not included in the first division.

New Streets.

3. It shall not be lawful for any owner of lands to lay out any new street without having first given two calendar months notice in writing under his hand to the Surveyor General.

Surveyor-General to be notified of the laying out of any new street.

4. Every owner of lands desiring to lay out any new street shall deposit in the office of the Surveyor General a map or plan on a scale of one inch to every fifty feet showing the direction and width of such proposed street, the extent of such lands, and the number, area, and form of the several parcels into which it is proposed to divide the same; and the Surveyor General shall, within fifteen days after the day on which such map or plan shall have been so deposited, visit and inspect such lands, and may require any alterations which he shall see fit to be made in the direction of any such street; and the Surveyor General shall, at the foot or on the back of such map or plan so deposited with him, or of a new map or plan altered as to the direction of the street in such manner as he may require, certify under his hand his allowance of the same, and deliver such map or plan to the owner of such lands; and a duplicate of such map or plan, signed by such owner, shall be registered in the office of the Surveyor General.

Plan of proposed new street to be submitted for approval of Surveyor-General.

5. All lands comprised in such map or plan shall be

Size of new lots.

set out in lots having a frontage on the street on which the same shall front of not less than fifty feet, and a depth of not less than one hundred feet measured backward from such street; and every such lot shall be distinguished in such map or plan by a particular and distinguishing number; and it shall not be lawful to sell, demise or devise or to purchase or to take on lease any such lands not being a lot marked on such map or plan, or whereof the frontage, extent or depth shall vary in any particular from the frontage, extent or depth of such lot as shown by such map or plan; and the Surveyor General shall not in any case register any memorandum of any deed whereby any such lands, not being a lot marked on such map or plan, or varying in frontage, extent, or depth from such map or plan, shall be sold or demised.

As to roadways and footways of new streets.

6. Every new street shall have a roadway of thirty feet at the least between the side drains or gutters of such street, and a footway of not less than eight feet in width on each side of such street, with gutters between the roadway and the footways sufficient to carry off the storm waters from such street, and from the lands fronting on such street; and such streets, footways and gutters shall be formed, levelled and paved with proper and sufficient materials to the satisfaction of the Surveyor General; the expense of forming, levelling and paving the same shall be borne and paid by the owner of such lands; and the charge of keeping the same in repair and good order after the same shall have been so formed, levelled and paved, shall be borne by the Mayor and Burgesses of Port-of-Spain.

Surveyor-General to certify as to the sufficiency of the drainage, &c., of the parcels of land abutting on any new street before building operations are commenced.

7. In every new street provision shall be made for the drainage or sewerage of the parcels of land abutting on such street to the satisfaction of the Surveyor General, who shall grant a certificate under his hand to be published in the *Royal Gazette*, that the requisitions of this Ordinance in respect of such drainage or sewerage have been complied with; And it shall not be lawful for any person to commence erecting any building on any parcel of lands comprised in such map or plan until such certificate as hereinbefore provided shall have been published in the *Royal Gazette*.

New Buildings.

The following rules and regulations shall be observed with regard to new buildings:—

8. A building shall be deemed to be new whenever the external walls thereof have not been carried higher than the footings previously to the first day of October, one thousand eight hundred and sixty-eight.

Building when deemed to be new.

9. Whenever any old building has been taken down to an extent exceeding one half of such building, such half to be measured in cubic feet, the rebuilding thereof shall be deemed to be the erection of a new building, and every portion of such old building that is not in conformity with the regulations of this Ordinance shall be forthwith taken down.

Rebuilding old buildings.

10. In every dwelling house the enclosing or external walls shall be of stone or brick, or partly of stone and partly of brick, or of brick nogging, or of iron, and the roof shall be of slates, tiles, metal or other uninflammable material to be allowed by the Surveyor General.

Material to be used in the construction of the external walls and roofs of dwelling houses.

11. Provided always that where any house shall be detached and there shall be a clear open space of land not less than fifteen feet in width on every side of such house except on the front towards the street, exclusively belonging thereto, it shall be lawful to build the external walls of any story of such house above the basement or ground story of tapia or wood.

Proviso with regard to detached houses.

12. In every dwelling-house the floor of the lower basement story shall be not less than four feet above the level of the string line or bottom of the gutter of the street on which such house shall front.

As to elevation of floor of basement story.

13. In every house every habitable room shall be in every part at least nine feet in height from the floor to the plate, and of an area not less than one hundred and forty-four square feet.

As to height and area of habitable rooms.

14. The roof of every kitchen shall be covered with slates, tiles, metal, or other unflammable material, and the side against which the fire place and chimney are erected shall be built of stone or brick or partly of stone and partly of brick.

As to the construction of kitchens.

15. The roof of every stable or other out-house not

As to the con-

struction of out-houses. being a kitchen, shall be covered with slates, tiles, metal or other unflammable material.

When side of any kitchen, &c., shall abut on street.

16. Where any side of any kitchen, stable or other out-house shall abut upon or be within ten feet of any street, or of any adjoining lot not belonging to the same owner, such side shall be built of stone or brick, or partly of stone and partly of brick.

Enclosure of premises.

17. All premises shall be enclosed or fenced in from every street upon which the same may abut by a sufficient wall, enclosure or fence, of stone, brick, iron or wood, to the satisfaction of the Surveyor General.

As to the construction of roofs.

18. The roof of every house and building and the roof, flat, or gutter of every balcony, verandah, or other projection shall be so arranged and constructed and so supplied with gutters and pipes of unflammable materials, that the storm waters may be conveyed from such house, building, balcony, verandah or other projection to some canal or pipe under the footway leading into the side gutter of the public street to the satisfaction of the Surveyor General.

As to the construction of balconies, verandahs, &c.

19. Every balcony, verandah, balustrade, or architectural projection whatsoever of any building, not being a detached dwelling-house distant at least fifteen feet from any other building and from the ground of any adjoining owner, shall be of brick, tile, stone, or other fire-proof material; Provided always that the flooring of any balcony or verandah may be of wood.

Premises already built upon, and additions, alterations, and repairs to all buildings not being new buildings.

Rules as to premises already built upon, and repairs, &c., to old buildings.

20. The following rules and regulations, shall be observed with respect to all premises already built upon, and all buildings and additions, alterations and repairs of or to all buildings, not being new buildings within the meaning of this Ordinance.

As to the alteration of or addition to any building.

21. It shall not be lawful to make any alteration or addition of or to any building already built with any materials which it would not be lawful under this Ordinance to use for the erection of such building if the same were a new building within the meaning of this Ordinance.

22. It shall not be lawful to repair the covering of the roof of any building, or of any dormer-light or other erection thereon, except with slates, tiles, metal, or other unflammable material.

As to the repair of the covering of the roof.

23. It shall not be lawful to make any repairs to the external walls or sides of any building within the first division of the town, where such repairs shall extend to a space of one half of the whole surface of such external walls or sides, with any materials which it would not be lawful under this Ordinance to use for the erection of such building, if the same were a new building within the meaning of this Ordinance.

As to the repair of external walls of buildings within the first division of the town.

24. The owner of every building shall, within twelve calendar months next after the commencement of this Ordinance, cause such building to be provided with proper and sufficient gutters, downfalls and other conveniences of unflammable materials to be approved by the Surveyor General, for the collection of rain water and carrying off the same by a gutter under the footway into the side gutter of the street on which such building shall front; and if by reason of any defect or non-repair of any such gutter, downfall or other convenience, any rain water shall be allowed to fall from any building upon the roadway, or footway of any street, the occupier of such building shall for every day on which the rain water shall so fall be liable to penalty not exceeding five shillings, to be recovered on the information of the Surveyor General before any Justice of the Peace.

All buildings to be provided with gutters, &c., for carrying off the rain water.

25. The yards of all premises shall, within two years after the commencement of this Ordinance, be filled up so as to have a fall sufficient to the satisfaction of the Surveyor General to drain and carry off all storm waters from such premises, into the side gutter of any street on which the same may abut.

Yards to be filled up.

26. All privies in any district not provided with underground sewerage shall, within six calendar months after the commencement of this Ordinance, be constructed, altered or arranged in such manner and with such materials, and shall be thereafter kept in such repair to the satisfaction of the Surveyor General as to prevent leakage or effluvia therefrom.

As to the construction of privies.

Gutters to be formed at expense of Borough Council.

27. The Mayor and Burgesses shall, within twelve calendar months from the commencement of this Ordinance, cause proper and sufficient side drains or gutters to be formed and laid in stone or other sufficient material, in all streets already opened, and in which such gutters have not been already completed; in case such work shall not be completed within the time hereinbefore mentioned, the same may be done and completed by the Surveyor General, and the expenses thereby incurred shall be paid from the Colonial Treasury on the certificate of the Surveyor General, and the amount so paid shall be recoverable from the mayor and burgesses as a debt due to Her Majesty, together with full costs of suit.

As to the paving of foot ways.

28. It shall be lawful for the owner of any premises to pave the footway of any street on which such premises shall abut, with such materials and in such manner as the Surveyor General may approve; and one half of the expenses incurred in such paving to be allowed by the certificate in writing of the Surveyor General, shall be paid to such owner by the Mayor and Burgesses of Port-of-Spain within one calendar month after the delivery of such certificate to the Town Clerk and Treasurer for the time being of the borough of Port-of-Spain, and if not so paid may be recovered by the owner with full costs of suit in an action of debt against the said Mayor and Burgesses.

"Town Improvement Rate" to be levied.

29. For the purpose of defraying the expenses of the works mentioned in the two foregoing sections, it shall be lawful for the Mayor and Burgesses to levy a rate, to be called the "Town Improvement Rate," on all houses within the town of Port-of-Spain, of three pence in the pound on the amount of the rental or annual value of all such houses, and such rate shall be payable and assessed in the same manner as the House Rate, and shall be collected together with the House Rate, and if not paid may be recovered in the same manner as the House Rate may be recoverable.

Town Clerk to publish annual statement of work done by Mayor and

30. The Town Clerk and Treasurer of the borough of Port-of-Spain shall, on or before the first day of February of each year, make out and publish a statement in writing, certified under his hand, of all works done

by the Mayor and Burgesses under the provisions of this Ordinance, and of the moneys expended on such works, and of the amount of the rates applicable to the payment of such works which may have been paid during the year ending on the thirty-first day of December next preceding.

Burgesses under the provisions of this Ordinance.

31. When and so soon as the rates so received shall be sufficient to defray the expenses of such works together with interest and costs, if any, which may have been paid into the Colonial Treasury, such "Town Improvement Rate" shall cease.

When "Town Improvement Rate" shall cease.

Dangerous Buildings.

32. Whenever it shall be made known to the Surveyor General that any structure (including in such expression any building, wall, fence or other structure) is in a dangerous state the Surveyor General shall survey the same or cause the same to be surveyed by some competent person to be named by such Surveyor General; and if such Surveyor General, on his own survey, or on the report of the person appointed by him to survey the same, shall be satisfied that such structure is in a dangerous state to passengers or to any person who may reside on the premises, the Surveyor General shall cause the same to be shored up or otherwise secured, and a proper hoarding or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier of such structure, requiring him forthwith to take down, secure or repair the same, as the case may require, within a reasonable time to be specified in such notice.

Survey to be made of dangerous structures, and Surveyor General to make order for their demolition or otherwise.

33. If the owner or occupier to whom notice is given as last aforesaid shall fail to comply, within the time limited by such notice, with the requisition of such notice, the Surveyor General may make complaint thereof before a Justice of the Peace, and it shall be lawful for such Justice to order the owner, or on his default, the occupier of any such structure to take down, repair or otherwise secure, to the satisfaction of the Surveyor General, such structure, or such part thereof as appears to him to be in a dangerous state, within a time to be fixed by such Justice; and in case the same

On non-compliance with notice, Justice to summon owner, &c., and make order to comply with requisition.

is not taken down, repaired or otherwise secured within the time so limited, the Surveyor General may, with all convenient speed, cause all or so much of such structure as is in a dangerous condition to be taken down, repaired or otherwise secured, in such manner as may be requisite; and all expenses incurred by the Surveyor General in respect of any dangerous structure shall be paid by the owner of such structure, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs: and if not paid, may be sued for and recovered with full costs of suit by the Surveyor General in any competent court.

General Regulations for Building.

Surveyor
General to
have supervi-
sion of every
building, and
of work done
to any build-
ing, and notice
to be given to
him by
builder in re-
spect thereof.

34. Every building and work done to, in, or upon any building shall be subject to the supervision of the Surveyor General two days before the following acts or events, that is to say, before any building shall be begun to be built; and also before any addition or alteration which by this Ordinance is placed under the supervision of the Surveyor General shall be made to any building; and also before any external wall shall be begun to be built, pulled down, rebuilt, cut into or altered; and also before any other matter or thing be done which by this Ordinance is placed under the supervision of the Surveyor General, except as hereinafter is provided; also if the progress of such building or work is, after the commencement thereof, suspended for any period exceeding three months, then two days before such building or work is resumed; and also if during the progress of any such building or work, the builder employed thereon is changed, then two days before any new builder enters upon the continuance of such building or work, it shall be the duty of the builder engaged in building or rebuilding such building, or executing such work, or in continuing such building or work, to give to the Surveyor General notice in writing stating the situation, area and height, and intended use of building or buildings about to be commenced, or to, in, or upon which, any work is to be done, and the number of such buildings, if more than one, and also the particulars of any such proposed work, and stating also his name and address; but any works to, in, or upon

the same building that are in progress at the same time may be included in one notice.

35. The Surveyor General shall, upon the receipt of any such notice as aforesaid, and also upon any work affected by the Rules of this Ordinance, but in respect of which no notice has been given, being observed by, or made known to him, and also from time to time, during the progress or any work, affected by the Rules and Directions of this Ordinance as often as may be necessary for securing the due observance of such Rules, survey any building or work hereby placed under his supervision, and cause all the Rules of this Ordinance to be duly observed.

Surveyor-General to cause rules of this Ordinance to be observed.

36. Every notice to build or repair given in pursuance of this Ordinance, shall be deemed, in any question relative to any building or work, to be *prima facie* evidence as against such builder of the nature of the building or work proposed to be built or done.

Notice to be evidence of intended works.

37. If any builder shall neglect to give notice in any of the cases aforesaid, or shall execute any work, of which he is hereby required to give notice, before giving the same, or, having given due notice of any work, shall execute the same before the expiration of two days from the time of giving such notice, such builder shall, for every such offence, incur a penalty not exceeding twenty pounds to be recovered before a Justice of the Peace.

Penalty on builder neglecting to give notice.

38. At all reasonable times, during the progress of any building or work affected by this Ordinance, it shall be lawful for the Surveyor General to enter and inspect such building or work, and if any person shall refuse to admit such Surveyor General to enter and inspect such work, or refuse or neglect to afford such Surveyor General all reasonable assistance in such inspection, in every such case the offender shall incur a penalty not exceeding twenty pounds to be recovered before a Justice of the Peace.

Surveyor General may enter and inspect buildings affected by this Ordinance.

39. Any person intending to erect any structure abutting on any street (including in such expression any building, wall, fence or other structure) shall, before he shall begin to erect such structure, give notice of his intention to the Surveyor General, who shall

Surveyor-General to be notified of the proposed erection of any structure abutting on

any street and thereupon inspect the premises and ascertain and lay down the alignment of the street or footway on which such premises may abut.

Surveyor-General to order removal of any new structure which is found to encroach on any street.

40. If the Surveyor General shall find that any such structure to be erected after the commencement of this Ordinance encroaches on any street or footway, the Surveyor General shall give notice in writing to the owner of the premises, requiring such owner within forty-eight hours from the date of such notice to cause such structure to be removed.

Notice by Surveyor General in case of irregularity.

41. If, in erecting any building, or in doing any work to, in or upon any building, anything is done contrary to any of the rules of this Ordinance, or anything required by this Ordinance is omitted to be done, or, in cases where due notice has not been given, if the Surveyor General on surveying or inspecting any building or work, shall find that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the rules of this Ordinance, or whether anything required by the rules of this Ordinance has been omitted to be done, in every such case the Surveyor General shall give to the builder engaged in erecting such building, or in doing such work, notice in writing requiring such builder, within forty-eight hours from the date of such notice, to cause anything done contrary to the rules of this Ordinance to be amended, or to do anything required to be done by this Ordinance, but which shall have been omitted to be done, or to cause so much of any building or work as shall prevent the Surveyor General from ascertaining whether anything has been done or omitted to be done as aforesaid, to be, to a sufficient extent, cut into, laid open or pulled down.

On non-compliance with notice, Justice to summon builder to comply with requisition.

42. If the builder, to whom such notice shall be given, shall make default in complying with the requisition thereof within such period of forty-eight hours, the Surveyor General may cause complaint of such non-compliance to be made before a Justice of the Peace, and such Justice shall thereupon issue a summons, requiring the builder so in default to appear before him, and if upon his appearance, or in his absence upon the proof of the service of such summons, it shall

appear to such Justice that the requisitions made by such notice or any of them are authorised by this Ordinance, he shall make an order on such builder, commanding him to comply with the requisition of such notice, or any of such requisitions that may, in his opinion, be authorised by this Ordinance, within a time to be named in such order.

43. If such order is not complied with, the builder, on whom it is made, shall incur a penalty not exceeding five pounds a day, to be recovered before a Justice of the Peace, during every day of the continuance of such non-compliance; and in addition thereto, the Surveyor General may, if he shall think fit, proceed with a sufficient number of workmen to enter upon the premises and do all such things as may be necessary for enforcing the requisitions of such notice, and for bringing any building or work into conformity with the rules of this Ordinance; and all expenses incurred by him in so doing, and in any such proceedings as aforesaid, may be recovered from the builder, on whom such order was made, in a summary manner before a Justice of the Peace, or may be recovered from the owner of the premises in the same manner in which expenses incurred in respect of any work are hereinafter directed to be recovered from any owner.

Penalty on non-compliance of order of Justice.

44. If any workman, labourer, servant or other person employed in or about any building shall wilfully and without the privity or consent of the person causing such work to be done, do anything in or about such building contrary to the rules of this Ordinance, he shall, for each offence, incur a penalty not exceeding fifty shillings, to be recovered in a summary manner before a Justice of the Peace.

Penalty on workmen, &c. doing anything contrary to rules of Ordinance.

45. Where any building shall belong to Her Majesty the Queen, any work, matter or thing, by this Ordinance required to be made, done and performed by the owner of such building, shall be made, done and performed by the Surveyor General, and the expenses thereof shall be paid by the Receiver General on the warrant of the Governor.

Expenses incurred under this Ordinance in the repair, &c., of public buildings to be paid out of the Treasury.

46. Where any premises shall be held or occupied by the Colonial Government for public purposes under

As to the repair, &c., of premises

occupied by
the Colonial
Government
under lease.

lease, any work, matter or thing by this Ordinance required to be made, done or performed by the owner of such premises, may, if the Governor shall so direct, be made, done or performed by the Surveyor General, and the costs and expenses of and attending the making, doing or performing of such work, matter or thing shall be paid by the Receiver General, on the warrant of the Governor, and the amount so paid shall be retained by the Receiver General from and out of any rent due to or to become due to the owner of such premises, either in one sum or in such sums from time to time as the Governor may direct.

Where work
to be done
under this
Ordinance
shall not be
completed
within pre-
scribed time.

47. Where any work required by this Ordinance to be done by the owner of any premises shall not be completed within the time limited for that purpose, the Surveyor General may, if he shall think fit, with a sufficient number of workmen, enter upon the premises and do and complete all such work in conformity with the rules of this Ordinance; and all expenses thereby incurred by the Surveyor General shall be borne and paid by the owner, by whom the work ought to have been done.

Repayment of
expenses by
owner.

48. The Surveyor General shall, within one month after the completion of any work, the expenses of which are to be borne by the owner of any premises, deliver to the owner of such premises an account in writing of the expense of the work, and every such work shall be estimated at fair average rates and prices according to the nature of the work, and the locality, and the market price of materials and labour at the time.

Objections to
be referred to
arbitration.
How Arbitra-
tors are to be
appointed.

49. At any time within one month after the delivery of such account, the owner of the premises may object to such account by a notice in writing addressed to the Surveyor General, in which notice objections to such account shall be specified; and upon such notice being given, such objections shall be referred to such person as the Surveyor General and the person making such objection may concur in appointing, or if they shall not so concur, then they shall each appoint an arbitrator, and the two arbitrators so appointed shall name an umpire, and such one person or such arbitrators or umpire or any two of them shall determine such

objections, and the award of such person or of such arbitrators or umpire or any two of them shall be conclusive, and shall not be questioned in any Court.

50. If any party, making any such objection, makes default in naming an arbitrator for ten days after he shall have given the notice making such objection, the Surveyor General may make the appointment in the place of the party so making default.

In case of default in naming Arbitrator by party making objection.

51. The costs incurred in obtaining any such award as aforesaid shall be paid by the Surveyor General or by the party making the objection, as the person or persons making such award may determine.

Payment of costs incurred in obtaining award of Arbitrators.

52. If the party receiving such account does not make any objection to the same, within the period of one month from the delivery of such account as aforesaid, he shall be deemed to have accepted the same.

When account shall be deemed to be accepted.

53. In all cases, where the owner of any premises is unknown or cannot be found, it shall be lawful for the Surveyor General to cause a notice to be inserted in the *Royal Gazette*, stating the particular situation of the premises in respect of which such expenses have been incurred, and the amount of such expenses, and that unless the owner of such premises, do, within three calendar months from the publication of such notice, pay the amount of such expenses, or make objection in writing to such account, such premises will be sold under the provisions of this Ordinance.

How Surveyor General is to proceed in cases where owner cannot be found.

54. If the amount of such expenses be not paid within three calendar months from the day on which the owner shall be deemed to have accepted the account of such expenses as hereinbefore mentioned, or in case of any objection being made to such account, then within one calendar month from the day of the publication of the award determining such objections, or in case where the owner is unknown or cannot be found, then within three calendar months from the day of the publication of such notice as hereinbefore mentioned, the Surveyor General shall cause such premises to be sold at public auction, by such person, and at such time and place as he shall see fit; and two calendar months notice of the time and place of such sale shall be

Authorises the sale of premises in certain cases.

published in the *Royal Gazette*, and unless the amount of such expenses, together with a further sum at the rate of ten per cent. on the amount of such expenses be paid to the Surveyor General before the day of such sale, such premises shall be sold to the highest bidder for the same, who shall forthwith pay down the amount of the purchase money to the person by whom such sale shall be conducted, and the Surveyor General shall, on the request and at the cost of such purchaser, convey the same to such purchaser, and every such conveyance may be according to the form in the schedule to this Ordinance, and such purchaser shall hold the premises so conveyed, free and absolutely discharged from all estates, charges and incumbrances, whether of Her Majesty the Queen or of any other person.

How balance of purchase money after payment of expenses is to be disposed of.

55. The balance of such purchase money after deducting such expenses and percentage, shall be paid by the Surveyor General into the Supreme Civil Court to an account to be entitled "In the matter of the Ordinance entitled (stating the title of this Ordinance) and of the premises (specifying their local situation) sold under the provisions of the said Ordinance;" and the Supreme Civil Court, or any Judge thereof may, on the petition of any person entitled or claiming to be entitled to such moneys, or any part of the same, make order for the payment of such moneys or any part of the same to the person or persons entitled thereto, and in the meantime and until the same can be so paid, may make order for the investment of such moneys or any part thereof at such interest and on such security as the Court may see fit.

How notices are to be served.

56. Any notice or order under this ordinance, may be served on the owner of any premises by delivering the same to him, or leaving the same at his usual place of abode with some person actually residing thereat with him or by prepaid letter through the post, if he shall be residing within the colony, or if not so residing, then by leaving the same with the occupier of such premises or any part thereof, or with any inmate of the abode, or servant of such occupier, or if there is no occupier, then by putting up such notice or order on a conspicuous part of the premises to which the same relates, and any

notice under this Ordinance, may be served on the Surveyor General by leaving the same at his office.

57. No action shall be commenced against any Surveyor General or other person for anything done or intended to be done under the provisions of this Ordinance until the expiration of one month next after notice in writing has been delivered to him, or left at his office or usual place of abode, stating the cause of action and the name and place of abode of the intended plaintiff and of his solicitor in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in such last mentioned notice, and unless such notice is proved, the jury shall find for the defendant; and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and the defendant shall be at liberty to plead the general issue, and give this Ordinance and all special matter in evidence thereunder.

Regulation of actions against Surveyor General or other person acting under this Ordinance.

58. The Ordinances No. 10 of 1840, entitled "An Ordinance for regulating buildings in the town of Port of Spain" and No. 29 of 1845 entitled "An Ordinance for declaring the limits of the town of Port of Spain and the suburbs thereof for certain purposes," shall be and the same are hereby repealed.

Repeals Ordinances No. of 1840, and No. 29 of 1845.

Passed in council this tenth day of November in the year of our Lord, one thousand eight hundred and sixty-eight.

A. C. ROSS,

Acting Clerk of Council.

SCHEDULE.

This Deed made this day of in the year one thousand eight hundred and sixty- Between L. H. M., Surveyor General of the island of Trinidad, of the one part and of the other part, witnesseth, that the said Surveyor General, in pursuance of the powers vested in him by the Ordinance (*state title of Ordinance*) and in consideration of the sum of to the said Surveyor General by the said in hand well and truly paid at or immediately before the execution of these presents, the receipt whereof is hereby

acknowledged, doth by these presents bargain and sell unto the said _____ and his heirs, all and singular (*describe the premises.*)

To have and to hold the same with the appurtenances unto and to the use of the said _____ his heirs and assigns for ever. In witness whereof the Surveyor General hath hereunto put his hand at Port of Spain, in the Island of Trinidad, the day and year first herein written.

Signed and delivered }
in the presence of }

No. 1.—1869.

19th January.

AN ORDINANCE to improve the administration of the law so far as respects summary proceeding before Justices of the Peace.

(L. S.) ARTHUR GORDON.

25th January, 1869.

WHEREAS it is expedient that provision should be made for obtaining the opinion of the Supreme Civil Court in questions of law which arise in the exercise of summary jurisdiction by Justices of the Peace: Be it therefore enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, as follows:

Justice on application of a party aggrieved to state a case for the opinion of Supreme Civil Court.

1. After the hearing and determination by a Justice of the Peace of any information or complaint which he has the power to determine in a summary way, by any law now in force or hereafter to be made, either party to the proceeding before the said Justice who may be dissatisfied with the said determination as being erroneous in point of law may apply in writing, within seven days after the same, to the said Justice to state and sign a case, setting forth the facts and the grounds of such determination, for the opinion thereon of the Supreme Civil Court, and such party, hereinafter called the "Appellant," shall, within seven days after receiving such case, transmit the same to the Registrar of the