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CHAPTER 26. No. 9.

PIPE-LINES.

Ordinances Ch.26. No.9-1940. No: 8-1945.

AN ORDINANCE RELATING TO THE LAYING OF PIPE-LINES.

Commence-
ment.

[21st December, 1933.]

NB*

Short title.

1. This Ordinance may be cited as the Pipe-lines Ordinance.

Interpre-
tation.

Ord. 8-1945,
s. 2.

2. In this Ordinance—

“ pipe-line ” means a pipe-line laid and connected or used or intended to be used for conveying any substance to which this Ordinance applies or shall be made to apply by proclamation of the Governor, in the manner hereinafter provided;

“ telephone line ” means a telephone line erected along a pipe-line to be used in connection therewith, and includes the posts to which the telephone wires are attached, which posts shall be erected within the area allotted for the laying of such pipe-line;

“ railway ” means the existing railway owned by the Government and any railway which by any Ordinance may be authorised to be constructed by the Government as public property, and includes all the land occupied by or used for the purposes of the railway;

“ road ” means a public road as defined in section 2 of the Roads Ordinance;

“ trace ” means any track or bye-way, other than a public road, directed under the Roads Ordinance to be maintained and kept in good order for purposes of traffic or otherwise;

* Ordice repealed only in relation to petroleum operations should not have been creoled.

“waterway” includes any navigable river, water-course or canal directed under the Roads Ordinance to be maintained and kept in good order for the purposes of traffic, navigation or otherwise.

3. (1) It shall be lawful for the Governor by proclamation published in the *Royal Gazette* to declare that this Ordinance shall apply to any particular substance or substances as shall be specified in such proclamation and which the Governor shall consider expedient to bring within the purview of this Ordinance; and the Governor may by the same or any other proclamation limit the application of this Ordinance as regards any particular substance to any specified area of the Colony.

Governor may, by proclamation, extend or limit application of Ordinance.

(2) Until the publication of any such proclamation this Ordinance shall apply to the following substances only, namely: Mineral oil and natural gas and any of their derivatives or components, and also any substance (including steam and water) when used or intended to be used in the production or refining of mineral oil or natural gas, and their derivatives or components.

Application of Ordinance pending proclamation.

4. (1) No person shall lay or connect any pipe-line, in, along, across, over or under any road, trace, waterway, railway or land vested in the Crown unless a licence in writing authorising such operation shall first have been obtained—

Licence to lay pipe-lines.
Ord. 8-1945,
s. 3.

(a) in the case of any road or waterway, from the Director of Works and Hydraulics;

(b) in the case of any trace or other land vested in the Crown, from the Sub-Intendant of Crown Lands;

(c) in the case of any railway, from the General Manager of Railways,

or from such other officer or officers as may be authorised by any of the aforesaid persons or by the Governor to issue such licence.

(2) A licence shall not be unreasonably withheld but may be made subject to such conditions as the officer granting it shall think fit: Provided that if a licence is refused or the applicant considers that any condition

attached thereto is unreasonable, he may within twenty-one days of notification of refusal to grant a licence or of the grant of a licence subject to conditions, as the case may be, appeal in writing to the Governor in Council who shall consider the matter and, in his discretion, direct that the licence be granted free of conditions or subject to such conditions as to him may seem fit, or withheld, as the case may be; and on communication of such decision to the officer concerned such officer shall forthwith give effect thereto.

Notice to
disconnect
pipe-line
laid without
licence.

5. (1) Where any pipe-line is used or laid down and connected in contravention of the provisions of the last preceding section, the relevant Officer mentioned in subsection (1) of section 4 or any person authorised in writing by him may, by notice in writing to be served upon the person who has laid or connected such pipe-line require that such pipe-line be immediately disconnected and rendered useless as a pipe-line.

(2) Should the requirements of any such notice not be complied with within forty-eight hours of the service thereof, it shall be lawful for any person authorised in writing by the relevant Officer, with such workmen and assistants as may be necessary, to enter upon any land and carry out the requirements of such notice, and thereafter to re-enter from time to time to enforce and keep enforced such requirements without other or further authority. Production of such written authority shall be sufficient evidence of the issue thereof, and no proof of the signature thereon shall be necessary.

(3) Any person obstructing the execution by any person so authorised, his workmen or assistants, of any thing required to be done to give effect to the requirements of any such notice so long as the same shall be in operation shall be liable, on summary conviction, to a fine of ninety-six dollars.

Penalty for
reconnecting
without
licence.

Ord. 8-1945,
s. 4.

6. If any person shall, after any pipe-line has been disconnected in accordance with the provisions of the last preceding section, reconnect the same without having been granted a licence under section 4; such person shall be

liable, on summary conviction, to a fine of two hundred and forty dollars, and to a further fine of forty-eight dollars for each day during which such pipe-line continues so reconnected.

7. (1) Every person who desires to lay a pipe-line in, along, across, over or under any lands other than roads, traces, waterways or railways or lands vested in the Crown shall—

Notice to landowner of desire to lay pipe-line. Ord. 8-1945, s. 5.

(a) notify in writing the owners of the lands over which he desires way-leave of his intention at the expiration of two weeks from the date of the notice to enter on such lands on a specified day for the purpose of fixing the location of the proposed pipe-lines; and

(b) within six weeks of such entry serve each of such owners with a statement in writing containing full particulars of the description and proposed location of such pipe-lines, and a notice requiring such owners to execute a deed or instrument of assent under the provisions of section 8.

(2) Any such owner may waive service of the notices called for in subsection (1) of this section and permit entry within the said period of two weeks.

8. (1) Any such owner, after service of such notices (unless service thereof is waived) and statement of particulars may by deed or instrument in the forms prescribed in the Schedule hereto, with such variations and additions as the circumstances of the particular case may require, assent to the laying of such pipe-lines, and to the erecting of telephone lines, upon payment of such compensation as may be agreed upon, and any assent so given shall be binding on all parties having any estate or interest in the land.

Assent by landowner to proposal to lay pipe-line.

(2) It shall be lawful for married women, whether they be of full age or not, as if they were sole and of full age, and for guardians on behalf of their wards, and for committees on behalf of persons of unsound mind, and for persons having the care and custody of illegitimate persons not of full age on behalf of such last-mentioned persons, to accept service of the notices and statement of

particulars mentioned in section 7, or to waive service of such notices, to grant the assent in this section mentioned, and that to the same extent as such wives, wards, persons of unsound mind or illegitimate persons respectively could have exercised the same powers under the authority of this Ordinance, if they had been respectively under no disability or incapacity: Provided that the person executing such deed or instrument shall annex thereto a statutory declaration to the effect that she is a married woman not of full age, or that he stands in one of the aforesaid relations to the owner, and such declaration shall be sufficient evidence till the contrary be proved of the truth of the facts contained therein.

(3) Any compensation to be paid by the person giving notice to the owner, in cases where such owner is under any disability or incapacity or has not power to assent, except under the provisions of this Ordinance, or is absent from the Colony, shall be dealt with in the manner in which the compensation awarded to parties under disability or incapacity is payable under the Land Acquisition Ordinance.

(4) Any occupier or person, other than the owner, interested in the lands shall be entitled to compensation for any injury he may sustain by the laying of such pipe-lines, provided that the claim therefor be made within twelve months after the laying of such pipe-lines, the amount of such compensation to be determined in case of dispute in the manner in which disputed compensation for land is required to be determined by the Land Acquisition Ordinance.

(5) On presentation to the Registrar General of any instrument relating to lands under the Real Property Ordinance in the form B prescribed in the Schedule hereto with such variations and additions as the circumstances of the particular case may require and executed and proved in accordance with the provisions of the Real Property Ordinance and of this Ordinance, and on payment of the appropriate fees, the Registrar General shall register such instrument and shall endorse the same on the certificate of title and on the proper page of the Register Book; and every such instrument when registered shall operate as an encumbrance on the lands therein specified and shall be binding against the registered proprietor and against

all persons claiming under him: Provided that no such encumbrance shall be valid and binding against a prior mortgagee or encumbrancer, unless such mortgagee or encumbrancer shall have assented thereto prior to the same being registered, and a note of such assent entered in the Register Book.

(6) Where such assent relates to lands under the Real Property Ordinance then upon production of a memorandum signed by the person to whom such assent shall have been granted or his transferee and attested by a witness to the satisfaction of the Registrar General discharging the land from such assent, and on payment of the appropriate fees, the Registrar General shall enter such memorandum in the Register Book and upon such entry having been made the land shall cease to be subject to such assent.

9. (1) An owner shall be deemed to have dissented from the proposal to lay pipe-lines on his land if he fail to execute a deed or instrument of assent under the provisions of section 8 of this Ordinance within one month after the service of the notice on him under section 7; and in the event of such dissent there shall be decided by the Magistrate of the district, on the application of the person desiring to lay such pipe-lines, the question whether the proposed pipe-lines will cause any injury to such owner or to the occupier or other person interested in the lands which is or is not of a nature to admit of being fully compensated by money.

Dissent by
land owner
from
proposal to
lay pipe-line
and power
of Magistrate
to adjudicate

(2) The result of any such decision shall be as follows, that is to say—

(a) if the decision is that injury will be caused to the owner, occupier, or other person interested in the lands, which is of a nature to admit of being fully compensated by money, the Magistrate shall proceed to assess such compensation and to apportion the same amongst the parties in his judgment entitled thereto, subject to the provisions of section 14, and may adjudge that the applicant may proceed to lay the proposed pipe-lines and to erect the necessary telephone lines; such compensation may be a sum of money

payable forthwith or a sum payable yearly so long as the pipe-lines shall be maintained on the land or both;

(b) on the registration of the certificate of adjudication as hereinafter provided the applicant may proceed to lay the proposed pipe-lines and to erect the necessary telephone lines;

(c) if the decision is that injury will be caused to the owner, occupier, or other person interested in the lands, and that such injury is not of a nature to admit of being fully compensated by money, the applicant shall not be entitled to lay the proposed pipe-line.

Procedure
before
Magistrate.

10. (1) Where any application is made under the last preceding section, the Magistrate may summon the parties and such other persons interested in the lands as he may, in his discretion, deem necessary in the circumstances (or if such parties or person be under a disability or incapacity their guardians or committees or if they be illegitimate and not of full age the persons having their care or custody) to appear before him at a time and place to be named in the summons, and upon the appearance of such parties or persons so summoned or in the absence of any of them upon proof of the due service of the summons, it shall be lawful for such Magistrate to hear and determine the question and the amount of the compensation, and for that purpose to examine such parties and persons or any of them and their witnesses upon oath; and the costs of every such enquiry shall be at his discretion and he shall settle the amount thereof. Such costs shall be recoverable in the Petty Civil Court of the district without limit of amount.

(2) For the purpose of compelling the attendance of and the giving of evidence by any witness the Magistrate shall have all the powers conferred on him by the Summary Courts Ordinance.

(3) When the Magistrate decides the question in manner referred to in subsection (2) (a) or (b) of the last preceding section he shall reduce his decision to writing in the form of a certificate (in this Ordinance referred to as a certificate of adjudication) which certificate may

be in the form C prescribed in the Schedule hereto, with such variations and additions as the circumstances of the particular case may require; and the Magistrate shall deliver such certificate of adjudication to the applicant.

(4) On production to the Registrar General of the certificate of adjudication and on payment of the appropriate fees, the Registrar General shall forthwith register the same and enter the particulars thereof in a book in alphabetical order by the name of the person whose lands are intended to be affected by the certificate of adjudication; and all persons shall be at liberty to search the said book on payment of the sum of sixty cents.

(5) Every certificate of adjudication registered in the manner directed by this section shall operate as an encumbrance on the lands therein specified and shall be binding as against the person against whom such certificate of adjudication shall be entered up and against all persons whomsoever claiming through or under him or otherwise.

(6) Where the lands are held by title under the Real Property Ordinance, the Registrar General shall, on registration of the certificate of adjudication, after payment of the appropriate fees, note the particulars of the certificate of adjudication on the certificate of title.

(7) On production to the Registrar General of a document signed by the person who shall have laid any pipe-line in pursuance of any such certificate of adjudication or his transferee and attested by a witness to the satisfaction of the Registrar General discharging the land from such certificate of adjudication, and on payment of the appropriate fees, the Registrar General shall cancel the registration of such certificate of adjudication and if the lands are under the Real Property Ordinance shall endorse such cancellation on the certificate of title.

(8) All moneys payable under any certificate of adjudication shall be recoverable by the person to whom they are payable in the Petty Civil Court of the district without limit of amount.

11. There shall be a right of appeal to a Judge in Chambers from any decision of the Magistrate in any matter under this

Appeal from
decision of
Magistrate.

Ordinance irrespective of the amount involved, and the procedure governing appeals under the Petty Civil Courts Ordinance, shall apply to appeals under this Ordinance, with necessary modifications.

Transfer of rights.

12. All rights, liberties and privileges granted to a person by any deed or instrument under the provisions of section 8 or enjoyed by virtue of any certificate of adjudication under the provisions of section 10 shall be transferable by such person or his transferee by deed or by memorandum of transfer under the provisions of the Real Property Ordinance as the case may be.

Registration of plan of pipe-line.

13. A comprehensive plan of survey of a complete pipe-line system or any portion thereof may be attached to the first instrument which is registered under the Real Property Ordinance affecting any land through which such pipe-line is to be laid; and in any subsequent instrument affecting any other lands shown on such plan through which such pipe-line is to be laid, a reference may be made in such instrument to such plan of survey without it being necessary to have a copy of such plan attached to any subsequent instrument.

Compensation to owners under disability.

14. Where the compensation assessed by the Magistrate is payable to any owner or other person who is under any disability or incapacity, or is absent from the Colony, such compensation shall be dealt with in the manner in which the compensation awarded to parties under disability or incapacity is payable under the Land Acquisition Ordinance.

Compensation where title disputed.

15. If any difficulty or question shall arise as to the person entitled to compensation assessed under this Ordinance, the Magistrate shall upon receipt of the amount deposit the compensation payable in such case in the name and with the privity of the Registrar of the Supreme Court with the Accountant General, to be placed to the credit of the persons interested.

Money deposited to be paid out on order of Supreme Court.

16. Upon the application by petition of any person making claim to any moneys deposited under the last preceding section, the Supreme Court may, in a summary

way at the cost of the person giving notice under section 7, and after such notice as the Court may deem fit, and to such person or persons as the Court shall direct, order distribution and payment of such moneys according to the respective rights and interests of the persons making claim to such moneys or any part thereof, and may make such other order in the premises as to the Court shall seem fit.

17. Notwithstanding anything to the contrary contained in the Trinidad Consolidated Telephones Limited Ordinance, every person authorised under the provisions of this Ordinance to lay and connect any pipe-line may erect, maintain and operate a telephone line to be used solely in connection with such pipe-line.

Permission to erect and maintain telephone line.
Ord. 8-1945, s. 8.

18. After pipe-lines have been laid and telephone lines erected in accordance with the provisions of this Ordinance, it shall be lawful for the owner or person in charge of such pipe-lines, or any person authorised in writing by either of them, from time to time as it becomes necessary, to enter upon the lands through which such pipe-lines have been laid for the purpose of inspecting and, with such assistance as may be necessary, maintaining and repairing the same, and any telephone lines erected in connection therewith, or, in case such pipe-lines shall no longer be required, for the purpose of removing the same and any telephone lines. Where pipe-lines are removed, the surface of the land shall forthwith be restored to its former condition. In default thereof such restoration may be carried out by the owner of the land, and the costs thereof shall be recoverable from the person liable therefor in the Petty Civil Court of the district without limit of amount.

Power to enter land to inspect and repair pipes and telephone lines.

19. Any person hindering, obstructing, or interfering with the exercise by any owner or person in charge of a pipe-line, or by the servants or agents or other persons duly authorised in writing of any such owner or person, of any right of entry upon land conferred by this Ordinance for the purpose of laying and connecting, or repairing, inspecting, or removing any pipe-line shall be liable, on summary conviction, to a fine of ninety-six dollars.

Obstructing owner of pipe-line and other persons interested.

Liability of
owner of
pipe-line to
pay com-
pensation
for damage.

20. The provisions of this Ordinance shall not relieve any owner of a pipe-line of the liability to pay compensation to the owner or occupier of the lands, or the agents, workmen, or servants of such owner or occupier, for any damage or injury done or caused by the exercise or use of any power or authority hereby conferred or by any irregularity, trespass, or other wrongful proceeding in the execution of this Ordinance, or by the breaking or bursting of any pipe-line, or by reason of any defect in any pipe-line: Provided that if before action brought in respect thereof the owner of a pipe-line makes tender of sufficient amends to the party injured and subsequently pays the amount into court, the party injured shall not recover in any action any further amount, nor shall he be entitled to the costs of such action.

Service of
notice.

21. Service of any notice or statement in writing or summons or other process under this Ordinance may be effected either personally on the person affected by the same or by leaving the same with some adult person at his last or most usual place of abode, or if the person to be served cannot be found in the Colony and the place of his abode in the Colony either is not known or if known admission thereto cannot be obtained then by posting the same on some conspicuous place on the land on which any pipe-line is to be laid.

(Section 8.)

SCHEDULE.

FORM A.

THIS DEED made the _____ day of _____ in the year of Our Lord One thousand nine hundred and _____ Between _____ (hereinafter called the Grantor) of the One Part and _____ (hereinafter called the Grantee) of the Other Part. Whereas pursuant to the provisions of the Pipe-lines Ordinance, the Grantee has applied to the Grantor for permission to lay a _____ inch pipe-line from _____ at _____ to _____

And whereas in the laying of the said pipe-line it is proposed to cross the lands of the Grantor described in the Schedule hereto attached the route and direction of the said pipe-line being shown as nearly as may be by a green line on the plan marked "A" hereto attached. And whereas the Grantor has agreed to assent to the laying of the said pipe-line in manner hereinafter appearing [*And to the laying by the Grantee of such other pipe-lines (not exceeding _____ inches in diameter) as the Grantee may from time to time desire to lay across the said lands in manner hereinafter appearing*] subject however to the provisions and conditions hereinafter expressed.

Now These Presents Witness and it is hereby agreed covenanted and declared

between the parties hereto for themselves respectively and for their respective heirs and assigns as follows:

1. The Grantor hereby assents to the laying of the said pipe-line across the said lands of the Grantor described in the Schedule hereto the course and direction to be taken by the same being indicated as nearly as may be by a green line on the plan hereto attached and marked "A."

2. *[Here insert provisions if desired as to depth of pipe-lines below surface.]*

3. The Grantee shall maintain an open space not exceeding _____ feet in width along the said pipe-line *[firstly hereinbefore mentioned]* and shall at all times keep such space clear of all trees, bush, trash, rubbish and other inflammable matter inclusive of cocoa, immortelle trees and other cultivation and shall compensate the Grantor for all cultivation which may be or may have been destroyed by the Grantee in clearing such space according to the rates to be determined. *[Here set out the manner in which such compensation may be assessed.]*

4. *The Grantor hereby assents to the laying by the Grantee within the said space of _____ feet hereinbefore mentioned of such other pipe-lines (not exceeding _____ inches in diameter) as the Grantee shall from time to time think fit to lay and also a telephone line and posts to carry such line.]*

5. So long as the said pipe-line (or other pipe-lines hereinafter referred to) shall be maintained on the said lands or any part thereof the Grantee shall pay yearly in advance to the Grantor the sum of *[here set out the amount and times of payment]* the first of such payments to be made on the execution of these presents.

6. Should the Grantor at any time desire to carry on or mining operations or perform other necessary works on or over any portion of the said lands covered by the said pipe-line *[or pipe-lines]* the Grantee shall on the request in writing of the Grantor remove the said pipe-line *[or pipe-lines]* or any part thereof as the case may be: Provided however that in such event the Grantee shall be at liberty to relay the same *[in the manner set out in Clause 2]* across such other portion of the said lands as shall be most convenient to the Grantor and shall be approved in writing by the Grantor; and that if the Grantee shall fail to comply with such request within thirty days after the same has been received by him the Grantor may cause such pipe-line *[or pipe-lines]* or any part thereof as the case may be to be removed and the Grantee shall upon demand in writing forthwith pay to the Grantor the expenses incurred by him in such removal and all costs incidental thereto.

7. The Grantee shall at no time have any claim against the Grantor for any damage which may be done to the said pipe-line *[or pipe-lines]* or its *[or their]* appurtenances by the Grantor or by his servants or agents unless such damage be caused by the wilful act of the Grantor or of any person in his employment while acting within the scope of his authority.

8. The Grantee will make pay and give to the Grantor and to all persons whomsoever full compensation for any loss injury or damage which the Grantor or any person shall or may incur or sustain by reason of any works or operations of the Grantee under the powers and authorities aforesaid or by reason of the interference of any third party with such pipe-line *[or pipe-lines]* works or operations: Provided always that the amount of such compensation in the case of damage to the cultivation of the Grantor shall be according to the rates from time to time to be determined *[here set out the manner in which such compensation may be assessed]* and in other cases shall be ascertained by arbitration pursuant to the proviso in that behalf hereinafter contained and provided also that the Grantee shall not be responsible for any loss, injury or damage resulting to the Grantor or to any person from any wilful act of the Grantor or of any person in his employment when acting within the scope of his authority.

9. The Grantee will keep the Grantor indemnified against all actions proceedings claims and demands in respect of any loss damage or injury for which the Grantee is made liable under Clause 8 hereof.

10. The Grantee will pay the cost of preparing, revising, stamping and registering these presents.

11. If any question difference or dispute shall arise between the parties hereto or any person, persons or corporation claiming under them respectively touching the construction of any clause herein contained or the rights duties or liabilities of the parties hereunder or in any way touching or arising out of these presents the same shall be referred to the determination of two arbitrators one to be appointed by each party or of an umpire to be appointed by such arbitrators before proceeding to a reference in accordance with the Arbitration Ordinance, or any statutory modification or re-enactment thereof for the time being in force.

12. The provisions of the Pipe-lines Ordinance and of any statutory modification or re-enactment thereof for the time being in force and any regulations thereunder, and any regulations for the time being in force and made under the Petroleum (Pipe-lines) Ordinance, Cap. 146—1925 Revised Laws, notwithstanding the repeal of that Ordinance, shall apply to the said pipe-line [or pipe-lines] and the rights duties and liabilities of the parties hereto shall save, in so far as the same have been altered or modified by the provisions hereof, be determined by the provisions of the said Ordinance and regulations.

In witness whereof the parties hereto have hereunto set their hands the day and year first herein written.

SCHEDULE ABOVE REFERRED TO.

(To contain particulars of such lands only as are held by Common Law title.)

FORM B.

WHEREAS pursuant to the provisions of the Pipe-lines Ordinance, C.D. has applied to A.B. for permission to lay a inch pipe-line from to And whereas in the laying of the said pipe-line it is proposed to cross the lands of A.B. hereinafter described. And whereas the said A.B. has agreed to assent to the laying of the said pipe-line in manner hereinafter appearing [And to the laying by the said C.D. of such other pipe-lines (not exceeding inches in diameter) as the said C.D. may from time to time desire to lay across the said lands in manner hereinafter appearing] subject however to the provisions and conditions hereinafter expressed.

Now, therefore, I, A.B. of being registered as the proprietor of an estate subject however to such mortgages or encumbrances as are notified by memorial underwritten or endorsed hereon in that piece of land situated in the containing described in the Crown Grant registered in Volume folio and bounded do hereby assent to the laying of the said pipe-line across the said lands the course and direction to be taken by the same being indicated as nearly as may be by a green line on the plan hereto attached subject to the following conditions covenants and restrictions:

1. So long as the said pipe-line (or other pipe-lines hereinafter referred to) shall be maintained on the said lands or any part thereof of the said C.D. shall pay yearly in advance to the said A.B. the sum of . [Here set forth all special covenants and conditions (if any) as in Form A.]

In witness whereof, etc.

Signed by the said A.B. and C.D.
in the presence of

Note.—This form is to be used where the lands are under the Real Property Ordinance.

FORM C.

Certificate of Adjudication under Section 10.

Whereas *A.* has made an application to me under section 9 of the Pipe-lines Ordinance, with respect to the laying of a pipe line [or pipe-lines] on that parcel of land situate in the Ward of _____ comprising _____ [under the Real Property Ordinance, state reference to the Real Property Register]. And whereas the course of the proposed pipe is shown on the plan attached hereto [or on the comprehensive plan filed in the Registrar's office and attached to _____]. And whereas I have enquired into and determined the matters referred to me by the said application.

Now therefore I certify my finding to be as follows:

[no injury will be caused to any person interested in the said land]

or

[injury will be caused to *B.* the owner, registered proprietor, occupier or other person interested and I assess the compensation payable to *B.* at the amount of _____ [here state the names of all persons to whom compensation is payable, the conditions of payment and the manner in which payments are to be applied].]

And I adjudge accordingly that *A.* the applicant shall be at liberty to lay and maintain the said pipe-line and to erect and maintain telephone lines to be used in connection therewith and to maintain an open space not exceeding _____ feet in width along the said pipe-line and keep such space cleared of all trees, bush, trash, rubbish and other inflammable matter (inclusive of cocoa, immortelle trees and other cultivation).

Subs leg. Sec 4(1) :- 68/57(46)