

To be construed with Ordos. 1 of 1930; 22 of 1930;
3 and 10 of 1932; 11 of 1932; 23 of 1936; 23 of 1938

CHAPTER 86.

GEORGETOWN TOWN COUNCIL.

[No. XLIV of 1918.]

[26th November, 1918.]

1. This Ordinance may be cited as the Georgetown Short title.
Town Council Ordinance.

2.—(1) In this Ordinance, unless the context otherwise Interpreta-
requires,— tion.

“ the city ” means the city of Georgetown as com-
prised within the limits of the several wards;

“ the Council ” means the Mayor and Town Council of
the City;

“ the Town Clerk ” means the Town Clerk of George-
town;

“ magistrate of Georgetown ” means any magistrate
of the Georgetown judicial district.

(2) Words importing the masculine gender include
females, and vice versâ; “ father ” includes “ mother ”;
and “ wife ” includes “ husband.”

THE MUNICIPAL COUNCIL.

3.—(1) Subject to the provisions of this Ordinance, the Continuation
of municipal
corporation
as established
by law.
(1 of 1860.)
municipal council in and for the city, established as one
body politic and corporate by the Georgetown Town
Council Ordinance, 1860, by the name and style of “ The
Mayor and Town Council of Georgetown,” is hereby con-
tinued.

(2) By that name the Council shall have perpetual
succession and may have and use a common seal, and by
and in the name of “ the Town Clerk of Georgetown ” may
sue and be sued in all courts of justice and before all magis-
trates and justices.

EXTENT OF THE CITY.

Extent of
city and of
jurisdiction
of Council.

4.—(1) For the purposes of this Ordinance the city shall include all the land, houses and buildings within the following boundaries, that is to say :—

northern boundary :—commencing from a point at low water mark of spring tides of the Demerara river, and extending thence eastward along the northern boundary of the Kingston koker-run to the western edge of the trench along the eastern side of Water Street; thence northward along the western edge of the said trench to its junction with the southern edge of the trench along the northern side of Young Street; thence eastward along the southern edge of the said trench to a point opposite the prolongation of the western edge of the trench along the eastern side of Parade Street; thence southward along the western edge of the said trench to the southern edge of the trench along the northern side of Cowan Street; thence eastward along the southern edge of the said trench prolonged to the western edge of the trench along the eastern side of Camp Road; thence northward along the western edge of the said trench to the northern edge of the trench along the southern side of the Thomas Public Road; thence eastward along the northern edge of the said trench to the eastern edge of the trench along the western side of Vlissengen Road;

eastern boundary :—commencing from the eastern extremity of the northern boundary and extending thence southward along the eastern edge of the trench along the western side of Vlissengen Road to its junction with Vlissengen Avenue; thence southward along the eastern edge of the trench along the western side of the said Vlissengen Avenue to the northern edge of the trench along the southern side of Hadfield street; thence eastward along the northern edge of the said trench across Vlissengen Avenue to the eastern boundary of the said Vlissengen Avenue; thence southward along the eastern boundary of the said Vlissengen Avenue to the northern boundary of D'Urban street; thence eastward along the said northern boundary of D'Urban street, to a point opposite the prolongation of the eastern boundary of Cemetery Road; thence southward along the eastern boundary of the said Cemetery Road to the centre of the dam forming the continuation of Princes Street; thence eastward along the centre of the said dam

to the eastern boundary for the time being of Le Repentir Cemetery; thence southward along the said eastern boundary of Le Repentir Cemetery to the centre of the dam forming the continuation of Sussex Street;

southern boundary:—commencing from the southern extremity of the eastern boundary and extending thence westward along the centre of the dam forming the continuation of Sussex Street to a point opposite the eastern boundary of Callender Street; thence southward along the eastern boundary of the said Callender Street prolonged to the northern edge of the plantation La Penitence navigation canal; thence westward along the northern edge of the said canal prolonged to the east bank of the Demerara river, and thence further prolonged westward to low water mark of spring tides of the said Demerara river;

western boundary:—low water mark of spring tides of the Demerara river between the western extremities of the northern and southern boundaries as herein defined.

(2) The Council with the approval of the Governor in Council may from time to time extend the limits of the city and add any new wards thereto, or alter the limits of any ward, or amalgamate any wards, or abolish any ward created under this or any other Ordinance.

(3) The jurisdiction of the Council shall extend to low water mark of spring tides of the Demerara river and to all stellings thereon.

DIVISION OF THE CITY INTO WARDS.

5. The city shall be divided into separate wards, which shall be called and shall be respectively as follows:—

Division of
Georgetown
into wards:

From and after the first day of January, nineteen hundred and fifteen, for all the purposes of this Ordinance and of any amending Ordinance:—

Ward no. 1, Kingston: northern boundary:—commencing from a point at low water mark of spring tides of the Demerara river and extending thence eastward along the northern boundary of the Kingston koker-run to the western edge of the trench along the eastern side of Water Street; thence northward along the western edge of the said trench to its junction with the southern edge of the trench along the northern side of Young Street; thence eastward along the southern edge of the said trench to a point opposite the prolongation of the western edge of the trench along the eastern side of Parade Street; thence

southward along the western edge of the said trench to the southern edge of the trench along the northern side of Cowan Street; thence eastward along the southern edge of the said trench prolonged to the western edge of the trench along the eastern side of Camp Road; thence northward along the western edge of the said trench to the northern edge of the trench along the southern side of the Thomas public road; thence eastward along the northern edge of the said trench to the eastern edge of the trench along the western side of Vlissengen Road;

eastern boundary;—commencing from the eastern extremity of the northern boundary, and extending thence southward along the eastern edge of the trench along the western side of Vlissengen Road to the southern edge of Cumings canal;

southern boundary;—commencing from the southern extremity of the eastern boundary and extending thence westward along the southern edge of Cumings canal to low water mark of spring tides of the Demerara river;

western boundary;—low water mark of spring tides of the Demerara river between the western extremities of the northern and southern boundaries.

Ward no. 2, North Cumingsburg, East and West: northern boundary;—the southern boundary of ward no. 1, Kingston, commencing from the western extremity and extending eastward as far as a point opposite the prolongation of the centre line of Cumings Street;

eastern boundary;—commencing from the eastern extremity of the northern boundary and extending thence southward along the centre line of Cumings Street to its intersection with the centre line of Middle Street;

southern boundary;—commencing from the southern extremity of the eastern boundary and extending thence westward along the centre lines of Middle Street and Bentinck Street and the prolongation thereof to low water mark of spring tides of the Demerara river;

western boundary;—low water mark of spring tides of the Demerara river between the western extremities of the northern and southern boundaries;

Ward no. 3, South Cumingsburg, East and West: northern boundary;—the southern boundary of ward no. 2, North Cumingsburg, East and West;

eastern boundary;—commencing from the eastern extremity of the northern boundary and extending thence

southward along the centre line of Cumings Street to the centre of the southern draining trench of the Lamaha conservancy;

southern boundary;—commencing from the southern extremity of the eastern boundary and extending thence westward along the centre of the southern draining trench of the Lamaha conservancy as far as Camp Street, thence along the centre of the southern draining trench of the company's path and the prolongation thereof in a straight line to low water mark of spring tides of the Demerara river;

western boundary;—low water mark of spring tides of the Demerara river between the western extremities of northern and southern boundaries.

Ward no. 4, Lacytown, Robbstown, and Newtown: northern boundary;—the southern boundary of ward no. 3, South Cumingsburg, as far eastward as a point opposite the prolongation of a line drawn northward along the western edge of Bourda Street;

eastern boundary;—commencing from the eastern extremity of the northern boundary and extending thence southward along the western edge of Bourda Street to the centre of the Vlissengen main draining trench;

southern boundary;—commencing from the southern extremity of the eastern boundary and extending thence westward along the centre of the Vlissengen main draining trench and the continuation in a straight line of the line thereof to low water mark of spring tides of the Demerara river;

western boundary;—low water mark of the spring tides of the Demerara river between the western extremities of the northern and southern boundaries.

Ward no. 5, Stabroek: northern boundary;—the southern boundaries of ward no. 4, Lacytown, Robbstown, and Newtown and ward no. 8, Bourda;

eastern boundary;—commencing from the eastern extremity of the northern boundary and extending thence southward along the eastern edge of the trench on the western side of Vlissengen Avenue to the northern edge of the trench along the southern side of Hadfield Street;

southern boundary;—commencing from the southern extremity of the eastern boundary, and extending thence westward along the northern edge of the trench along the

southern side of Hadfield Street and the continuation in a straight line of the line thereof to low water mark of spring-tides of the Demerara river;

western boundary;—low water mark of spring-tides of the Demerara river between the western extremities of the northern and southern boundaries.

Ward no. 6, Werk-en-Rust and Wortmanville : northern boundary;—the southern boundary of ward no. 5, Stabroek, prolonged eastward as far as a point opposite the eastern edge of the Vlissengen Road;

eastern boundary;—commencing from the eastern extremity of the northern boundary and extending thence southward along the eastern edge of Vlissengen Avenue to D'Urban Street; thence eastward along the northern boundary of D'Urban Street to a point opposite the prolongation of the eastern boundary of Cemetery Road; thence southward along the said eastern boundary to the centre of the dam which is the continuation of Princes Street;

southern boundary;—commencing from the southern extremity of the eastern boundary and extending thence westward along the centre of dam which is the continuation of Princes Street and the prolongation thereof in a straight line to low water mark of spring-tides of the Demerara river;

western boundary; low water mark of spring-tides of the Demerara river between the western extremities of the northern and southern boundaries.

Ward no. 7, Charlestown and Albuystown : northern boundary;—the southern boundary of ward no. 6, Werk-en-Rust and Wortmanville, prolonged eastward to the eastern extremity for the time being of Le Repentir cemetery;

eastern boundary;—commencing from the eastern extremity of the northern boundary and extending thence southward along the line which is for the time being the eastern boundary of the Le Repentir cemetery to the centre of the dam forming the continuation of Sussex Street; thence westward along the said dam to a point opposite the prolongation of the eastern side of Callender Street; thence southward along the said eastern side of Callender Street to the northern edge of the navigation canal of plantation La Penitence;

southern boundary;—commencing from the southern extremity of the eastern boundary and extending thence

westward along the northern edge of the navigation canal of plantation La Penitence and the prolongation thereof to low water mark of spring-tides of the Demerara river;

western boundary;—low water mark of spring-tides of the Demerara river between the western extremities of the northern and southern boundaries.

Ward no. 8, Bourda :—northern boundary ;—the centre line of the southern draining trench of the Lamaha conservancy, commencing at a point on the line prolonged northward from the western edge of Bourda Street and extending thence eastward to the eastern edge of the trench along the western side of Vlissengen Avenue;

eastern boundary;—commencing from the eastern extremity of the northern boundary and extending thence southward along the eastern edge of the trench along the western side of Vlissengen Avenue to the centre of the Vlissengen main draining trench;

southern boundary;—commencing from the southern extremity of the eastern boundary and extending thence westward along the centre of the Vlissengen main draining trench to a point opposite the line prolonged southward from the western edge of Bourda Street;

western boundary; the line of the western edge of Bourda Street prolonged to meet the western extremities of the northern and southern boundaries.

Ward no. 9, Albert Town and Queenstown :—northern boundary;—the southern boundary of ward no. 1, Kingston, commencing from its eastern extremity and extending westward as far as a point opposite the centre line of Cumings Street;

eastern boundary;—commencing from the eastern extremity of the northern boundary and extending thence southward along the eastern edge of the trench on the western side of Vlissengen Road to the centre of the southern draining trench of the Lamaha conservancy;

southern boundary;—commencing from the southern extremity of the eastern boundary and extending thence westward to a point opposite the centre line of Cumings Street;

western boundary;—the centre line of Cumings Street prolonged to meet the western extremities of the northern and southern boundaries :

Provided that (a) except as herein prescribed, when any of the wards created by this Ordinance or by any other

Proviso.

Ordinance is mentioned in any Ordinance, by-law, transport, or other document, that Ordinance, by-law, transport, or other document shall be held to apply only to the original wards unless otherwise provided by any Ordinance or by-law, or by the transport or other document; and

(b) for all purposes at any date prior to the first day of January, nineteen hundred and fifteen, the wards of Georgetown shall be deemed to be those constituted by the Georgetown Town Council Ordinance, 1898.

Number of
councillors :

6. For each ward of the city for the time being there shall be returned one member to serve in the Council who, being actually resident in the colony, is duly qualified and elected as hereinafter mentioned :

Proviso.

Provided that the Governor in Council may, after any general election of councillors, nominate in writing a number of persons not exceeding three to serve on the Council until the end of the year in which the next general election takes place, and in case of death, resignation, illness, incapacity, or absence from the colony of any nominated councillor, may nominate in writing any other person to serve in his place during the remainder of his term of office or until a date prescribed in writing at the time of the nomination by the Governor in Council; and the nominated councillors shall be eligible for election to the mayoralty or to any other office of honour under the Council.

Disqualifica-
tion of
certain
persons.

7. No one shall be capable of being elected a councillor, or, having been so elected, shall sit or vote in the Council, who—

- (a) is not entitled to vote at the election of a member of the Council for any ward; or
- (b) is a minister of religion; or
- (c) is the holder of any place of profit in the gift or disposal of the Council; or
- (d) is either directly or indirectly pecuniarily or otherwise interested in any contract with the Council, even though the contract, by virtue of the provisions of any Ordinance, be null and void; but no one shall be deemed to be so interested in any contract within the meaning of

this paragraph by reason only of his having any share or interest in—

- (i) any agreement for the loan of money only; or
- (ii) any newspaper in which advertisement relating to the affairs of the Council is inserted; or
- (iii) any incorporated company or society in which he does not hold more than one-fifth of the shares.

(e)

*Sec. 2 of Ch. 86.
30/11/35*

8.—(1) The qualification for election as a member of the Council shall be possession by the member or his wife, under a title by grant from the Crown, transport, letters of decree, inheritance, on intestacy or under a will, or devise, of premises within the city of the appraised value of fifteen hundred dollars or upwards, over and above the amount of any mortgage, or tenancy, or occupation of premises within the city the rental value whereof is not less than thirty dollars a month, that tenancy or occupation to include residence therein for six months immediately preceding the election.

Qualification of councillors :

(2) The attorney or any director of any limited liability company whose name appears on the register of voters shall be qualified for election as a member of the Council if the company is in possession or occupation of premises within the city which would have given the necessary qualification to an owner or occupier thereof not being a company, if that director submits to the returning officer at the time of his nomination a resolution by his board of directors authorising him to accept nomination, but he shall cease to be a member of the Council if he ceases to hold sufficient shares to be a director of the company :

Provided that a husband and wife shall not both be eligible for election in respect of the same qualification.

Proviso.

QUALIFICATION OF VOTERS.

9. Subject to the provisions hereinafter contained, every male person shall be entitled to be registered in every year as a voter and, when registered, to vote at the election of a member of the Council or a ward who is qualified as follows, that is to say, who—

Qualification of voters :

- (a) has attained the age of twenty-one years; and
- (b) is under no legal incapacity; and
- (c) is a British subject by birth or naturalisation, or being any other person, has actually resided in

the colony for a period or periods in all of not less than three years; and

(d) possesses within the ward some one of the following qualifications :

- (i) possession individually, or as father or natural guardian of his minor children, or by his wife, under a title by grant from the Crown, transport, letters of decree, inheritance on intestacy or under a will, or devise, of premises within the city of the appraised value of two hundred and fifty dollars or upwards; or
- (ii) tenancy of premises within the city the rental whereof is not less than fifteen dollars a month, if the tenant has occupied premises within the same ward of the rental value as aforesaid during six months immediately preceding his being registered as a voter; or
- (iii) position as attorney or as director of any limited liability company owning property within the city which would give the necessary qualification as a voter to the owner thereof, not being a company, if the company has been registered for a period of six months immediately preceding his being registered as a voter; but not more than one representative of the company shall be entitled to be registered as a voter under this paragraph :

Proviso.

Provided that a husband and wife shall not both be registered in respect of the same qualification, nor shall they have the right to exercise more than one vote in any ward in respect of the same property.

Disqualification of certain persons.

10. No one shall be entitled to be registered as a voter who—

- (a) cannot read and write the English language; or
- (b) has, within three months previous to registration, received any relief from public or parochial funds; or
- (c) has been sentenced in any part of his Majesty's dominions to death, or penal servitude, or

imprisonment with hard labour for any term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or some other punishment by competent authority substituted for it, or received a free pardon from His Majesty.

11. Where any premises are jointly owned or occupied by more persons than one as joint owners or tenants, each of the joint owners shall be deemed to have the property qualification for membership of the Council, and each of the joint owners or tenants to have the qualification for a voter, if the value or rental of the premises is of an amount which, when divided by the number of the owners or tenants in cases of equal ownership, or when apportioned among them according to the interest of each therein, gives a qualification for each of them but not otherwise.

Qualification of joint owners or joint tenants.

12. The premises in respect of the ownership of which a person shall be entitled to be elected a member of the Council, or to vote at the election of a member, shall not be required to be the same premises but may be different premises owned in immediate succession by that person, and he shall be entitled to vote in respect of the property held by him in immediate possession, although his qualification is in respect of property other than the one mentioned in the list of voters if the Town Clerk is satisfied that that other property is held by the person so entitled.

Premises may be owned in succession.

13.—(1) No property qualification shall be deemed to be sufficient unless the persons who claim thereunder are registered as owners on the books of the Town Clerk and the particulars of the premises in respect of which the qualification is claimed are also recorded therein.

Persons claiming property qualification to be registered on town books.

(2) Any owner of property within the city shall be entitled, without payment of any fee, to inspect the books of the Town Clerk in order to ascertain whether the several matters specified in the preceding sub-section affecting his qualification are duly recorded.

(3) For the purpose of the aforesaid qualifications the word "premises" means any land, or land and building.

REGISTRATION OF VOTERS.

14. The Town Clerk shall be the registering officer for the purposes of this Ordinance.

Town Clerk to be registering officer.

Publication
of notice by
registering
officer :

15. On or before the tenth day of January in each year the registering officer shall cause to be published in the Gazette and to be posted at such one or more conspicuous places as he thinks fit within each ward, a notice requiring everyone in the ward entitled to vote at the election of a member of the Council to deliver or cause to be delivered to him, upon or before the fifteenth day of February, a notice of the person's claim to be registered as a voter :

Proviso.

Provided that no one whose name is placed upon the register of voters for the time being in force under this Ordinance for any ward shall be required thereafter to make the claim aforesaid so long as he retains the same qualification.

Registration
by attorney
of person
absent.

16. The attorney, specially authorised in writing, of anyone entitled to be registered as a voter, but absent from the colony at the time when claims are required to be transmitted to the registering officer may register that person as a voter, and shall, at the time of sending in his notice of claim, produce to the registering officer a copy of his power of attorney duly deposited or recorded in the deeds registry.

Delivery of
claim to be
registered
and duties
of registering
officer
thereon ;
first
schedule.

17.—(1) Between the fifteenth day of January and the fifteenth day of February, both inclusive, in each year, everyone entitled to be registered as a voter in any ward shall deliver to the registering officer a notice of his claim to be registered as a voter, according to the form contained in the first schedule hereto, and shall produce any deeds or documents or any other evidence necessary to establish his claim to be so registered.

(2) The registering officer shall inquire into, examine, and investigate the qualification in respect of which the claim is made, and shall receive the evidence necessary to prove to his satisfaction that the person making the claim possesses the qualification in respect of which he claims to be registered as a voter.

(3) If the registering officer is satisfied that the claimant possesses the qualification in respect of which the claim is made, he shall register the claimant in the manner hereinafter provided, otherwise he shall disallow the claim.

(4) The registering officer, in the month of February in each year, shall ascertain whether any of those admitted and registered as voters in the list, made up as hereafter mentioned, in the year immediately preceding have ceased to retain the qualifications in respect of which they were

registered, or whether any of them are dead; and he shall, in the next list of voters to be made up by him in the month of March following as hereinafter provided, write the words "objected to" against the name of everyone whom he has cause to believe has ceased to retain the qualification in respect of which he was registered, and shall write the word "dead" against the name of everyone whom he has grounds for believing to be dead.

18. The registering officer, on or before the fifteenth day of March in each year, shall make out an alphabetical list for each ward, according to the form contained in the second schedule hereto, of all those registered as voters in the register of voters then in force who in his opinion are qualified to be retained as voters, and of any other persons in his opinion so qualified, and of all those claiming to be registered as voters whose claims he has allowed, and shall cause copies of the lists, signed by him to be published in the Gazette, and also to be posted at any one or more conspicuous places within each ward he thinks fit, until the thirty-first day of March then next ensuing.

List of voters to be published: second schedule.

19. The registering officer shall keep the original lists, to be perused by anyone during office hours without payment of any fee, and the lists shall be sufficient to warrant any election being had for the wards to which they relate without awaiting their correction as hereinafter provided.

Original lists to be kept by registering officer.

20.—(1) Everyone whose name has been omitted from any of the lists of voters, and who claims to have his name inserted therein, shall, on or before the fifteenth day of April, give notice thereof in writing to the registering officer, according to the form contained in the third schedule hereto; and everyone whose name appears in a list may object to anyone whose name also appears therein as not being entitled to have his name inserted therein.

Claims of persons omitted from and objections to persons put on list: third schedule:

(2) Everyone so objecting shall, on or before the fifteenth day of April give or cause to be given to the registering officer and to the person objected to, or leave or cause to be left at the usual place of abode of that person, notice of the objection in writing, according to the form contained in the fourth schedule hereto.

fourth schedule.

(3) Immediately after the fifteenth day of April the registering officer shall prepare a list of all claims and objections and of the names of the persons who have made

them, and shall cause a copy of the list to be published in the Gazette and in one or more newspapers in the city for two consecutive weeks.

Council to hold court for revision of list.

Procedure relating thereto.

21.—(1) Before the fifteenth day of May in each year the Council shall hold an open court for the purpose of revising the list of voters.

(2) The court shall be held on a day fixed by the Council, and not less than six days' notice of the holding of the court and of the place at which it is to be held shall be given in the Gazette and by posting the notice at any one or more conspicuous places within each ward the Council thinks fit.

(3) The registering officer shall deliver, or cause to be delivered, to the Council, before the holding of the court, the list of voters made out by him as aforesaid and the list of those claiming to be registered as voters or objected to as voters.

(4) The Council shall go through the last-mentioned list of persons and insert in the list of voters the name of everyone who is proved to its satisfaction to be entitled to have his name inserted therein, and shall strike out of the lists the name of everyone therein who, upon the application of the objector or someone qualified to appear for him, is in the opinion of the Council not entitled to have his name retained therein.

(5) If the objector does not appear in person or by some agent duly authorised by him in that behalf, the objection made shall be overruled, and the name of the person to whom objection is made shall be retained on the list of voters.

(6) The Council shall expunge from the list of voters the name of everyone who is proved to be dead, and shall correct any error or supply any omission which is proved to exist in the lists in respect of the name, place of abode, description, or qualification of anyone included therein.

Council may adjourn Court, and president may administer oaths.

22.—(1) The Council holding a court shall have power to adjourn it to such time and as often as may be necessary.

(2) The Mayor or presiding member shall also have power to administer oaths to all persons claiming to be registered as voters, or claiming to have any mistake or omission corrected in the list of voters, and to all witnesses produced on either side.

23.—(1) The Council shall in open court determine all claims or objections made before it, and the Mayor or presiding member shall write his initials against each name struck out of the lists of voters or inserted therein, and against any mistake or omission corrected, and shall sign his name to every page of the lists when they are finally settled.

Power of Council to determine claims and objections and to order payment of costs.

(2) If the Council is of opinion that the claim or the objection of anyone is without foundation or frivolous, he shall pay the expenses to which anyone has been put in resisting the claim or objection, including the expenses of witnesses, and compensation for loss of time, and those expenses shall be recoverable with costs by an action before any court of competent jurisdiction against the person by whom the claim or objection was made.

(3) A certificate, signed by the Mayor and purporting to state the opinion of the Council, shall in any proceedings be conclusive evidence thereof.

24.—(1) The lists of voters when finally settled and signed as aforesaid, shall be delivered by the Council to the registering officer who shall keep them, and shall cause the names in each list to be fairly and truly recorded in alphabetical order in a book to be by him provided for that purpose, with every name therein numbered, beginning the numbers from the first name and continuing them in a regular series to the last name, and shall cause the recording to be completed within ten days after the delivery to him of the revised lists by the Council.

Lists when settled to be recorded in register of voters and published in the Gazette.

(2) The book in which the revised lists are recorded shall be the register of voters for the several wards for the ensuing year, and the revised lists shall be forthwith published in the Gazette and one or more newspapers in the city.

25.—(1) The decision of the Council, so long as it remains unaltered, shall be conclusive on the parties claiming or objecting as above :

Decision of Council conclusive until altered :

Provided that any party considering himself aggrieved thereby may demand, within four days from the date thereof, that the Council shall draw up a statement of the facts and reasons on which it is founded and submit it, within four days after the demand, to one of the judges of the Supreme Court for his judgement, and the judge, after hearing the parties interested, if they or either of them think proper to appear, shall give his judgement, which

Proviso : but may be reviewed by a judge.

shall be final, and all costs in the proceedings shall be in the discretion of the judge.

(2) The registering officer shall, if necessary, alter and amend the list and register according to the judgement.

MODE OF ELECTION OF COUNCILLORS AND PROCEEDINGS AT ELECTIONS.

Place where elections are to be held.

26.—(1) A general election of councillors for all the wards of the city shall be held every two years during the first fifteen days in December, the elections to take effect from the first day of January in the ensuing year.

(2) The days and hours on and at which the elections are to be held shall be fixed by the Council at its first statutory meeting in November; and notice shall be given in the Gazette and one or more newspapers in the city and notices shall be posted in the wards of the city not less than ten days before the elections.

(3) All elections shall be held at the town hall or at any other place within the city the Council from time to time appoints.

(4) The Town Clerk shall forthwith notify in writing to everyone duly elected a member of the Council the fact of his election.

(5) The councillors so elected and the nominated councillors shall be summoned by the Town Clerk to meet at the town hall on a day during the last ten days of December to be fixed by the retiring Council, when all the councillors shall take and subscribe the oath of office.

Returning officer.

27.—(1) The Town Clerk, or some other person to be from time to time appointed by the Council, shall be the returning officer for each of the municipal wards at all elections.

(2) The returning officer shall not in any case be entitled to vote at an election for which he is the returning officer.

OATH, DECLARATION, AND TERM OF OFFICE OF COUNCILLOR.

Statement and declaration by person elected; fifth schedule.

28.—(1) Everyone elected a member of the Council shall, before voting or sitting at any meeting thereof, deliver to the Town Clerk a statement in writing, signed by him, of his qualification, in the form contained in the fifth schedule hereto, and shall sign the declaration in the form contained in that schedule.

(2) Everyone so elected who wilfully and knowingly delivers a false statement of his qualification, or makes a false declaration thereof, shall forfeit and pay the sum of five hundred dollars, one-half of which shall be payable to any voter who sues for it, and the other half to the Town Clerk in aid of the town funds, and the sum shall be recoverable, with costs, before the Supreme Court by an action in the name of that voter or of the Town Clerk.

Consequences of false statement or declaration.

(3) Anyone contravening this section shall thereafter be ineligible for election as a member of the Council.

29. Every elected and nominated member of the Council shall, at the first meeting if possible after his election, and before he sits or votes in the Council, take and subscribe before the Council, the following oath of office, or an affirmation in the form prescribed by the Evidence Ordinance:—

Oath by member.

Chapter 25:

“I swear that I will, according to the best of my ability execute the office of a town councillor in and for the city of Georgetown, without fear, favour, or partiality.—So help me God.”

30. If at any election a person is elected a councillor for more than one ward, he shall, within three days after notice thereof, choose, or in his default the Council shall declare, for which of those wards he shall serve, and he shall thereupon be held to be elected for the ward only so chosen by him or so declared by the Council.

Where a person is elected for more than one ward.

31.—(1) Every member of the Council shall continue in office for the term of two years from the date of his election:

Term of office:

(2) The term of office of the retiring councillors shall cease on the thirty-first day of December at midnight, and the new Council shall then immediately assume office:

Provided that the term of service of any Councillor elected to fill a vacancy occurring after a general election shall cease at midnight on the thirty-first day of the December in which the next ensuing general election is held.

Proviso.

32.—(1) Whenever the seat of a member of the Council becomes vacant a notice shall be forthwith published by the Council in the Gazette and one or more newspapers in the city for the election of a new member in the place of the member whose seat has become vacant and intimation thereof given to the returning officer.

Notice when a seat becomes vacant.

(2) By-elections to fill vacancies occurring in the Council from whatever cause between the general elections shall be held in the manner provided in this Ordinance.

Notice of
day and
place of
nomination.

33.—(1) The returning officer shall thereupon cause to be published, in the Gazette and one or more newspapers in the city and to be posted at some one or more conspicuous places he thinks fit within the ward in which the vacancy has occurred, a notice of the day and place on and at which he will receive the nomination of a candidate for the seat to be filled by election.

(2) The day so fixed shall not be less than five nor more than twelve days after the day on which the intimation was received by the returning officer.

Nomination
of candidate.

34.—(1) On the day and at the place so fixed the returning officer shall attend at eleven o'clock in the forenoon and for fifteen minutes thereafter and receive the nomination of any duly qualified candidate for the seat to be filled.

(2) Every candidate shall be proposed and seconded by two persons whose names appear on the register of voters for the ward, who shall give assurances to the satisfaction of the returning officer (whose decision upon this point shall be final) that the candidate has consented to the nomination, but the nomination of a candidate absent from the colony shall be void unless his written consent, given within six weeks before the date of his nomination in the presence of two witnesses, is produced and deposited with the returning officer at the time of the nomination.

(3) If only one candidate has been nominated the returning officer shall declare him to have been duly elected.

Procedure
where more
candidates
than one are
nominated.

35.—(1) If more candidates than one are nominated the returning officer shall thereupon appoint a day, not more than five days thereafter, for holding the election.

(2) A candidate may, at any time before the day appointed for holding the election but not afterwards, withdraw from his candidacy by giving a notice to that effect signed by him to the returning officer, and in that case if only one candidate besides the candidate so withdrawing has been nominated, he who has not withdrawn shall be deemed to be duly elected and notice of his election shall be published by the returning officer in the Gazette.

36. The returning officer shall preside at and conduct the election at the polling station.

Returning officer to preside at election.

37. The voting shall commence at the polling station at ten o'clock in the morning of the day appointed for holding the election and shall close at five o'clock in the afternoon of the same day.

Hour of voting.

38. The returning officer shall provide himself with a certified copy of the register of voters for the ward.

Returning officer to have copy of register of voters.

THE BALLOT.

39. In case of a poll at an election the votes shall be given by ballot. The ballot of each voter shall consist of a paper (in this Ordinance called a ballot paper) showing the names of the candidates, and each ballot paper shall have a number printed on the back and attached to it a counterfoil with the same number printed on the face.

Votes to be given by ballot.

40. In cases where a poll is to take place, the returning officer shall take care beforehand that the polling-place is provided with proper conveniences, and that they are properly arranged for carrying out the provisions of this Ordinance, and he shall also provide the polling-place with a proper ballot box and a sufficient number of voting papers, in conformity with the provisions of this Ordinance, and any other convenience necessary for taking the poll.

Preparing polling places.

41. For the guidance of electors in voting, notices shall be printed in conspicuous characters and placarded in various places outside and inside of the polling station, in the following form:—

Placarding directions to voters.

DIRECTIONS.

- (1) To vote, you must draw your pen through the names of all the candidates other than the one for whom you wish to vote.
- (2) You can vote for one candidate at this election.
- (3) When you have voted, fold up your ballot paper so as to conceal your vote, but so as to show the official mark on the back, show the returning officer the official mark, then put your ballot paper in the ballot box and leave the room.

Duty of voter on coming to vote.

42. Each person on coming to vote shall address himself to the returning officer and shall state his name and address in an audible voice.

Duties of returning officer and of voter at time of voting.

43.—(1) The returning officer shall proceed to write on the counterfoil of a voting paper the number of the elector on the register of voters, mark the voting paper with an official mark and, calling out the name of the voter in an audible voice, deliver it to the voter within the polling station.

(2) The voter shall then retire to a table apart but within the polling station and, having secretly voted and folded up the ballot paper so as to conceal his vote, but so as to show the official mark at the back, shall place it in the ballot box in the presence of the returning officer, after having shown to the officer the official mark at the back, and having voted shall forthwith leave the polling station.

(3) The returning officer, after having delivered to the voter a ballot paper and while the voter is recording his vote, shall make a mark against his name on the copy of the register of voters to indicate that that voter has voted at the election, but not so as to show the particular voting paper given to him.

How to vote.

44. The voter shall vote upon the voting paper by drawing his pen through the names of all the candidates other than that of the person for whom he wishes to vote.

Who are to be admitted within polling place.

45. No one shall be admitted within any polling-place during the hours appointed for taking the poll, except the returning officer and his clerks, the candidates, one agent for each candidate appointed by the candidate in writing, and one voter at a time.

How agents to be placed.

46. The agents aforesaid, shall be so posted that they can see each person who presents himself as a voter and hear his name as given in by him, and interfere in the proceedings to the extent allowed by this Ordinance, but so that they cannot see how any voter votes or otherwise interfere.

Non-attendance of candidate or agent not to invalidate any act.

47. The non-attendance of a candidate or of any agent nominated by him shall not in anywise invalidate any act or thing done under this Ordinance, if that act or thing is otherwise duly done, notwithstanding that it is required or authorised to be done in the presence of the candidate or of his duly authorised agent.

48. If any agent persists, after being warned, in contravening these provisions, the returning officer may have him turned out of the polling-place, and the returning officer may at any time summon constables within the polling-place for the purpose of preserving order.

Preservation
of order.

49. The returning officer shall, on request, give any necessary instructions to a voter as to the manner in which he shall record his vote.

Returning
officer to
instruct
voter.

50.—(1) The returning officer may in his discretion, and, if required by any candidate or anyone representing a candidate at an election, shall put to any voter, at the time of tendering his vote, the following questions or either of them, and no other:—

Questions
allowed to be
put to voter.

First: Are you the same person whose name appears as *A.B.* on the register of voters now in force for this ward?

Second: Have you already voted at this election for a councillor for this ward?

(2) If anyone refuses to answer either of those questions, the returning officer or his substitute may refuse to receive his vote.

(3) If anyone wilfully makes a false answer to any question so put to him, he shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding one year.

51. If a person representing himself to be a particular elector named on the register applies for a ballot paper after another person has voted as that elector, the applicant shall, upon duly answering the questions set forth in the preceding section, be entitled to mark a ballot paper in the same manner as any other voter; but the ballot paper (hereinafter called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and, instead of being put into the ballot box, shall be given to the returning officer and indorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the returning officer, and the name of the voter and his number on the register shall be entered on a list to be called "The Tendered Votes List."

Where a
person
claims to
vote as an
elector after
another has
voted as that
elector.

"Tendered
votes" list.

As to spoilt
ballot paper.

52. A voter who has inadvertently so dealt with his ballot paper that it cannot be conveniently used as a ballot paper may, on delivering it to the returning officer and proving the fact of the inadvertence to the satisfaction of the returning officer, obtain another ballot paper in the place of that so delivered up (hereinafter called a spoilt ballot paper), which shall be immediately cancelled by the returning officer writing the word "cancelled" across its face.

Physical
incapacity
to vote.

53. If any voter is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Ordinance, the returning officer shall, at his request, in the presence of the agents of the candidates, if present, cause his vote to be marked on a ballot paper in manner directed by him, and the ballot paper so marked to be placed in the ballot box; and the name and number on the register of voters of every voter whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list to be kept by the returning officer.

Size and
construction
of ballot
box.

54.—(1) The ballot box shall be of convenient size, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, but cannot be withdrawn unless it is unlocked.

Exhibition
thereof
before taking
the poll.

(2) It shall be exhibited empty to the persons in the polling-place immediately before the taking of the poll and then securely locked, and not be unlocked again except by the returning officer at the close of the poll in manner hereinafter mentioned.

Counting of
votes and
other duties
of returning
officer at
close of poll.

55.—(1) The returning officer, at the close of the poll, shall—

- (a) proceed, in the presence of the candidates or their agents appointed as aforesaid, to count the votes contained in the ballot box, keeping the ballot papers with their faces upwards, and taking all proper precautions for preventing anyone from seeing the numbers on their backs;
- (b) compare their number and that of the unused and spoilt papers, with the number of voting papers provided by him for the election and record the number of votes given for each candidate;
- (c) after having counted and recorded the contents of the ballot box in manner aforesaid, wrap the voting papers contained therein with the

counterfoils and spoilt, tendered, and unused voting papers, the marked copy of the register of voters, the tendered votes list, and the list of votes marked by him, and a statement of the number of the voters whose votes are so marked by him, and so seal up the parcel that it cannot be opened without breaking the seals.

(2) The returning officer shall not himself refer, and shall take proper precautions to prevent anyone else referring, to the counterfoils of the used ballot papers.

56. Any ballot paper which has not the official mark on its back, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything except the said number on the back is written or marked by which the voter can be identified, shall be void and not counted.

What ballot papers not to be counted.

57.—(1) The returning officer shall indorse “ rejected ” on any ballot paper which he rejects as invalid, and shall add to the indorsement “ rejection objected to ” if an objection is in fact made by any agent to his decision.

Rejected ballot papers.

(2) The returning officer shall report to the Council the number of ballot papers rejected and not counted by him under the several heads of—

Report as to same.

- (a) want of official mark;
- (b) voting for more candidates than entitled to;
- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty,

and shall on request allow any agents of the candidates to copy the report before it is sent, and the Council shall cause it to be published in the Gazette.

58. Subject to reversal on petition questioning the election or return, the decision of the returning officer of any question arising in respect of any ballot paper shall be final.

How far decision of returning officer final.

59. In any case where the proceedings at an election are interrupted or obstructed by any riot or open violence at the polling station, the returning officer may adjourn the further holding of the election there until the next working day, and so on as often as necessary.

Procedure in case of obstruction of election.

Declaration
of result of
poll.

60.—(1) As soon as possible after the close of the poll, but not later than eleven o'clock in the morning on the working day next thereafter, the returning officer shall attend at the polling station and publicly state the result of the poll, and make declaration of the person elected to be a member of the Council, and he shall forthwith make to the Council a return of the member elected.

False return
by returning
officer.
Penalty.

(2) If the returning officer wilfully makes a false return, he shall forfeit the sum of one thousand dollars, which may be recovered with costs by an action in the Supreme Court at the suit of anyone aggrieved.

Case of
equality of
votes.

61. Where two or more candidates have an equal number of votes the returning officer shall make a special return of the result of the election, and the Council shall have the right of electing by ballot one of those candidates to be a member of the Council.

Return of
particulars
of voting to
Council.

62. The returning officer shall, as soon as practicable after an election, make a return to the Council, showing the number of persons who appear to have voted and the number of spoilt ballot papers and the number of persons to whom, from the counterfoil, voting papers appear to have been supplied.

Papers to be
sent to the
Council and
duty of
Council
therein :

63. The returning officer shall, as soon as practicable after making the return, send the parcel made up by him in accordance with section fifty-five of this Ordinance to the Council, who shall keep it in safe custody and allow no one to have access thereto :

Proviso.

Provided that—

(a) when an election petition has been presented questioning the validity of any election or return, the Council shall, on the order of a judge of the Supreme Court, deliver to him the parcel of papers relating to the election that is in dispute; and

(b) after the expiration of twelve months from the day of any election the Council may burn the parcel of papers used at that election.

Protection
to voter.

64. No voter who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted.

OFFENCES RELATING TO ELECTION.

65. Everyone who at an election applies for a ballot paper in the name of another person, whether that name is the name of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name, shall be guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment with or without hard labour for any term not exceeding two years.

Punishment of personation.

66.—(1) Everyone who—

- (a) forges or counterfeits, or fraudulently defaces or destroys, any ballot paper or the official mark thereon; or,
- (b) without due authority supplies a ballot paper to anyone; or
- (c) fraudulently puts into the ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (d) fraudulently takes out of the polling station any ballot paper; or,
- (e) without due authority, destroys, takes, opens, or otherwise interferes with the ballot box or packet of ballot papers then in use for the purposes of any election,

Certain other misdemeanours.

shall be guilty of misdemeanour and be liable, if he is the returning officer or clerk employed at the polling station, to imprisonment for any term not exceeding one year with or without hard labour, or to a fine not exceeding five hundred dollars, and if he is any other person, to imprisonment for any term not exceeding three months with or without hard labour or to a fine not exceeding one hundred dollars.

Penalty therefor.

(2) Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

Attempts to commit offences.

67. In any information or prosecution for an offence in relation to the ballot box, ballot papers, and other things in use at an election, the property in them may be stated to be in the returning officer at the election.

Laying property in information.

68. Every officer, clerk, and agent in attendance at the polling station shall maintain and aid in maintaining the secrecy of the voting there, and shall not, before the poll is

Secrecy by officer present at polling stations.

Voter not to be interfered with.

closed, except for some purpose authorised by law, communicate to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at that station; and no one whomsoever shall interfere with, or attempt to interfere with, a voter when marking his vote, or otherwise attempt to obtain in the polling station any information as to the candidate for whom any voter there is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter there.

Secrecy by officers present at counting of votes.

69. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt at the counting to ascertain the number on the back of any ballot paper, or communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.

Inducing voter to display his marked ballot paper.

70.—(1) No one shall directly or indirectly induce any voter to display his ballot paper after he has marked it, so as to make known to anyone the name of the candidate for or against whom he has so marked his vote.

Penalty.

(2) Everyone who acts in contravention of the provisions of this section shall be liable on summary conviction before a magistrate to imprisonment for any term not exceeding six months, with or without hard labour.

Bribery treating and undue influence.

71. No candidate at any election may, before or during or after any election, by himself or his agent, directly or indirectly, give any entertainment of provisions or liquor to any voter whomsoever, or give, make over, or assign to any voter, or to the wife, child, or relation of any voter, or to anyone whomsoever in trust for any voter, or for his use or benefit, or in trust for or for the use or benefit of the wife, child, or relation of that voter, directly or indirectly, any money, office, place, or emolument, gift, or reward, or any promise or security for any money, office, place, emolument, gift, or reward, in order to obtain a vote or to recompense anyone for a vote at that election or any other election whatsoever.

On proof of any of above offences, election of candidate to be declared void.

72. If any candidate does, or is guilty of doing any of the matters or things prohibited in and by the preceding section in manner and form therein mentioned, contrary to the true spirit and meaning of this Ordinance, then and in

each case, upon proof thereof on petition questioning the election or return, the election of that candidate shall be declared null and void; and if he has a majority of votes on the poll a new election shall take place, and he shall be adjudged incapable of being chosen, a councillor during the space of two years next after that election.

73. Each and every transport, lease, or assignment thereof whatsoever, made to anyone in any fraudulent or collusive manner to qualify him to give his vote at any election of a councillor, shall be deemed and taken, against those who executed it, as valid and absolute, and every bond, covenant, collateral and other security, contract, or agreement between or with the parties, or any of them, for the redeeming, revoking, or defeating the transport, lease, or assignment, shall be null and void to all intents and purposes whatsoever; and everyone who makes and executes any transport, lease, or assignment aforesaid, and everyone who, by colour thereof, gives any vote at any election of the councillor, shall, for each offence, forfeit the sum of five hundred dollars to anyone who sues therefor in the Supreme Court.

Collusive transport, for qualification to be deemed valid as against parties thereto.

Penalty.

74. Any returning officer, clerk, or anyone whomsoever, who wilfully contravenes, or disobeys the provisions of this Ordinance, or any of them, with respect to any matter or thing which he is required to do, shall for that offence be liable to be sued in the Supreme Court by any registered voter, candidate, member actually returned, or other party aggrieved, for the sum of five hundred dollars; and the defendant in the action having judgement against him, shall pay the sum so awarded, with full costs of suit, to the party who sues therefor :

Officer contravening provisions of Ordinance liable to suit by aggrieved party :

Provided that—

Proviso.

- (a) the action shall be commenced within four calendar months next after the cause of action arose, and notice in writing shall be given to the defendant within one month after the cause of action arose, signed by the party bringing the action or his solicitor, and setting forth the place of abode of the party signing it; and
- (b) the defendant against whom judgement is obtained in the action shall be allowed to plead that judgement as a bar to any other action brought against him for the same matter or thing.

Objection to
return by
candidate
or voter.

75. A petition complaining of an undue return or undue election of a councillor, hereinafter called an election petition, may be presented to the Supreme Court within seven days after the return or election by any one or more of the following persons, that is to say, some person who—

- (a) voted or had a right to vote at the election to which the petition relates; or
- (b) claims to have had a right to be returned or elected at the election; or
- (c) alleges himself to have been a candidate thereat.

Procedure
thereon.

76.—(1) On presenting an election petition the person presenting it shall deposit with the registrar a sum of one hundred and twenty dollars, or give security with one or more sureties for payment of the like amount, as security for costs.

(2) The registrar shall not receive and file any petition unless that sum is paid or secured as aforesaid.

Trial of
election
petition.

77.—(1) Every election petition shall be tried by a judge of the Supreme Court, sitting alone without a jury, in open court.

(2) At the conclusion of the trial, the judge shall determine whether the councillor whose return or election is questioned, or any other and what person, was duly returned or elected, or whether the election was void, and shall certify the determination to the Council; and upon that certificate being given, the determination shall be final; and the return shall be confirmed or altered or a new election shall be held, as the case may require, in accordance with the certificate.

Procedure
at trial of
election
petition.

78. At the trial of an election petition, the procedure shall, as near as circumstances will admit, be the same, and the judge shall have the same powers, jurisdiction, and authority, as if he were trying a civil action without a jury; and witnesses shall be summoned and sworn in the same manner, as near as circumstances will admit, as in the trial of a civil action in the Supreme Court, and shall be subject to the same penalties for perjury.

Where
objection is
not pursued
or is declared
frivolous:

79. If any candidate or voter, after objecting to an election or return, does not proceed to try its validity, or if his petition is declared frivolous and vexatious, he shall be liable to pay all the costs and expenses incurred by the

candidate whose election or return is so objected to, those costs and expenses to be paid by order of the Court out of the money to be deposited or secured as aforesaid, and if that money is not sufficient to pay all the costs and expenses, the balance of it shall be recovered by action in any court of competent jurisdiction :

Provided, that if the candidate or voter so objecting to the election or return as aforesaid within five days thereafter gives notice to the candidate whose return is objected to that it is not his intention to proceed to try the validity of the election or return, then and in that case the last-mentioned candidate shall not be entitled to recover the costs or expenses aforesaid.

ELECTION OF MAYOR.

80.—(1) The Town Clerk as returning officer shall summon a meeting of the Councillors for the ensuing year for the twenty-fourth day of December and if that day is a Sunday or public holiday, then on the next preceding business day, for the purpose of electing out of their number a fit person to be the Mayor for the ensuing year, and not less than three days' notice of the meeting shall be given.

Mode of
election.

(2) The Town Clerk as returning officer shall preside at the meeting but shall not be entitled to a vote.

(3) If only one candidate is nominated that candidate shall forthwith be declared to have been elected as Mayor for the ensuing year.

(4) If more councillors than one are nominated for the office, the Town Clerk as the presiding officer shall proceed to take the votes of the councillors present, and the councillor present securing the greatest number of votes shall forthwith be declared to have been elected as Mayor for the ensuing year, but if there is no election on account of equality of votes, the Council shall immediately select a day for the election of a Mayor by the ratepayers on a date not later than the twenty-ninth of December.

*Sec. 2 of Ord.
23 July 36*

(5) In the event of a tie the election shall be conducted in the same manner as prescribed in this Ordinance for the election of town councillors, except that the city shall be treated as a single ward for the purpose of the election.

(6) The candidate receiving the greatest number of votes recorded shall be deemed to be elected as Mayor.

(7) At the election no voter shall be entitled to more than one vote.

One vote to
each voter.

Governor to give casting vote in case of tie.

(8) The Town Clerk shall forthwith report the election of a mayor to the Governor, and, if there is no election owing to a tie, similarly report that fact. In case of a tie the Governor shall give a casting vote.

How far decision of returning officer final.

(9) The decision of the returning officer as to any question in respect of the election of a mayor shall be final, subject to the right of any voter to apply by way of petition, not later than thirty days after the election, to a judge of the Supreme Court against that decision, but that proceeding shall not prevent the Mayor so elected from taking the prescribed oaths of office and discharging the duties of mayor pending the decision of the judge, and that decision shall be final.

Procedure on appeal. Deposit of \$120.

(10) Any voter desiring so to question the decision of the returning officer shall deposit the sum of one hundred and twenty dollars with the registrar to abide the cost of the petition.

(11) The Council may in any year appropriate out of the city funds any sum not exceeding one thousand dollars it thinks fit, to be placed at the personal disposal of the Mayor.

Oath of office;

81.—(1) The Mayor—

(a) shall, before he exercises any mayoral function, take before the Governor the following oath of office, or an affirmation in the form prescribed by the Evidence Ordinance:—

“ I swear that I will, according to the best of my ability, execute the office of Mayor of the City of Georgetown, without fear, favour or partiality.—So help me God;”

Chapter 25.

Ex officio a justice of the peace;

(b) shall be ex officio a justice of the peace in and for the city and take the oath required to be taken by a justice of the peace;

empowered to administer oaths;

(c) shall have power to administer all oaths required to be administered by him under the provisions of this Ordinance;

assumption of office;

(d) shall assume office on the first day of January and continue therein until the thirty-first day of December in the same year, but shall be eligible for re-election;

Proviso added by sec. 2 of Ord. 23 of 1988

(e) may resign his office of mayor by writing under his hand addressed to the Town Clerk, but the resignation shall not affect his position as a member of the Council.

82.—(1) The Town Clerk shall summon a meeting of councillors for the next ensuing year, on a day during the last ten days of December in each year, when they shall appoint one of their body to be Deputy Mayor, who shall assume office on the first day of January and continue therein until the thirty-first day of December in the same year.

Deputy
mayor.

(2) In the event of absence or illness of the Mayor, the Deputy Mayor shall be deemed to have authority to exercise all the powers and discharge all the duties vested in and imposed upon the Mayor under and by virtue of this Ordinance and any Ordinance amending it, and all powers and things exercised, done, or suffered by the Deputy Mayor, shall be as valid and effectual in all respects as if they had been exercised, done, or suffered by the Mayor.

(3) The Deputy Mayor shall be ex officio a justice of the peace and shall take the oath required to be taken by that justice.

(4) The Deputy Mayor shall forthwith after his appointment take before the Governor the following oath of office, or an affirmation in the form prescribed by the Evidence Ordinance;

Oath of
office.

Chapter 25.

“ I swear that I will, according to the best of my ability execute the office of Deputy Mayor of the City of Georgetown without fear, favour, or partiality.—So help me God.”

(5) In the event of a vacancy occurring in the office of mayor by reason of the holder's death, resignation, or absence from the colony without leave, or any incapacitation for performance of the duties of that office, the Deputy Mayor shall forthwith succeed to the office of mayor and continue therein for the unexpired term.

(6) In the event of a vacancy occurring in the office of Deputy Mayor by reason of the holder's death, resignation, or absence from the colony without leave, or succession to the office of mayor, or any other incapacitation for the performance of the duties of that office, the Council shall, within ten days after the vacancy, appoint another councillor to be Deputy Mayor for the unexpired term.

Vacancy in
office.

(7) If the Mayor is dead, or absent, or otherwise incapable of acting in the exercise of his powers and duties under this or any other Ordinance for the time being in force, and the Deputy Mayor is also incapable of acting, the Town Clerk shall forthwith call a meeting, and the

Council shall thereat elect a councillor to execute those powers and duties in the place of the Mayor for any term the Council by resolution determines.

VACATION OF SEAT BY MEMBERS.

Councillor's seat vacated in certain events.

83. If any member of the Council,—

(a) by writing under his hand addressed to the Mayor or the Council resigns his seat in the council; or

(b) departs from the colony without the leave of the Council or of the Mayor; or,

(c) having departed from the colony with leave, remains out of the colony after that leave or any extension thereof has expired,

his seat in the Council shall thereupon ipso facto become vacant.

Validity of proceedings not affected by vacancy.

84. The existence of any vacancy or vacancies among the members of the Council shall not affect the validity of any proceedings of the Council.

Penalty on person not qualified who sits or votes.

85. Everyone who, having been returned as a member of the Council but not having been qualified at the time of his election to be a member, sits or votes in the Council, shall be liable to a penalty of two hundred and fifty dollars for every day on which he so sits or votes; and the penalty may be recovered with costs by an action in the Supreme Court in its civil jurisdiction by any registered voter who sues for it, and one half of any sum so recovered shall be paid to the Town Clerk in aid of the city funds.

MEETINGS OF THE COUNCIL.

Dates.

86. Meetings of the Council shall be held on the second and fourth Mondays in every month, and also at any other times appointed by the Mayor.

Who is to preside.

87.—(1) The Mayor (if present) or the Deputy Mayor, or in their absence the councillor chosen by the majority of members present, shall preside at meetings of the Council.

(2) The Mayor, or other presiding member, shall be the sole judge of order at a meeting of the Council.

(3) In the absence of provision in any Ordinance, or of any by-law, for the composition of a committee, the

Mayor shall appoint the members of all committees and shall be ex officio a member of and, if present, shall preside at any committee meeting.

88. Every question before the Council shall be determined by the votes of a majority of the members present, and the Mayor, or other presiding member, shall have an original vote thereon, and also a casting vote if the votes are equally divided.

Questions determined by majority of votes, and Mayor to have casting vote.

89. No business except that of adjournment shall be transacted at any meeting of the Council unless there are at least five members present and voting.

Quorum.

90. Minutes of the proceedings of all meetings of the Council shall be drawn up and entered in a book to be kept for that purpose and, when confirmed at the next meeting, shall be signed by the Mayor or other member then presiding, and they shall be open to the inspection of any councillor during office hours free of charge, and during office hours, to that of any registered voter on payment to the Town Clerk of a fee of twenty-four cents.

Minutes.

91.—(1) The Council, or in any case of urgency between the meetings of the Council the Mayor, may grant to any councillor other than the Mayor leave of absence, not exceeding four months at any one time, from the service of the Council, whether that member does or does not remain in the colony.

Leave of absence.

(2) The Council may grant leave of absence to the Mayor for any period not exceeding four months, but any leave granted as provided in this and the foregoing subsection may be extended in special circumstances by the Council for any period which, together with the leave first granted, does not exceed in the aggregate six months.

(3) When the Mayor grants leave of absence, he shall report the fact to the Council at its next meeting.

92.—(1) The Council may from time to time make rules to be observed in the discussion of business at its meetings.

Rules for discussion of business ;

(2) Until altered the rules contained in the sixth schedule hereto which are in force at the commencement of this Ordinance shall continue to be observed.

sixth schedule.

OFFICERS OF THE COUNCIL.

Town
Council
may appoint
officers,

93.—(1) The Council may from time to time appoint—
a town clerk,
a clerk of markets,
a sexton,
an inspector of hackney carriages,
sanitary inspectors,
town overseers,

and any other officers the Council from time to time deems necessary, with the salaries and emoluments assigned to them respectively by the Council, which shall be paid out of the general revenue of the Council.

(2) The Council may also, but subject to previous consultation with, and the approval of, the Governor in Council, from time to time appoint a city engineer, a managing engineer of water works, and a medical officer of health.

and suspend
or dismiss
them :
Proviso.

(3) The Council shall have the power of suspending or dismissing any of those officers :

Provided that, in the case of the city engineer, managing engineer of water works, or medical officer of health—

(a) no dismissal shall take place without the approval of the Governor in Council; and

(b) the Governor in Council may, after consultation with the Council, direct it to suspend or dismiss any of those officers, or, on giving a three months' notice, to terminate his employment.

(4) All reference in this Ordinance, or in any regulation or by-law made under any Ordinance, or in any resolution of the preceding Ordinances repealed by this Ordinance, or in any document whatsoever, to the town superintendent shall be deemed to refer to the city engineer under this Ordinance.

(5) Nothing herein contained shall invalidate or affect the several appointments of the existing officers of the Council or the security bonds given by them and each of them and their respective sureties (in all cases where that security has already been given), and those officers shall be deemed to have been duly appointed under the provisions of this Ordinance for all the purposes hereof.

Council may
award pen-
sions and
gratuities :

94. The Council may award pensions, gratuities, or premiums (if any) to any of their officers or servants as seems

to them just, and the pensions, gratuities or premiums, shall be paid out of the general revenue aforesaid :

Provided that any award of pension, gratuity, or premium shall be in accordance with the conditions and rules and shall not exceed the rate of allowance, for the time being prescribed by law in the case of public officers.

95.—(1) The Town Clerk, the city engineer, the clerk of markets, and such other of its officers as the Council from time to time directs, shall each give security by bond executed by himself as principal and two sureties, jointly and severally, or in the alternative give a fidelity bond from an insurance company approved by the Council in an amount determined by the Council, for the due and faithful performance of his duties and for the due and punctual accounting for and payment of all moneys received by him for the Council; and all expenses incurred in connection with a security bond or fidelity bond shall be borne by the officer giving the bond.

Security to be given by officers.

(2) The security given by any officer existing on the coming into force of this Ordinance shall continue and have the same effect as if it had been given hereunder.

96. The clerk of markets shall not, nor shall anyone in the employ of the Council at any of the markets belonging to the Council, be interested by himself or his wife or otherwise in any stall or stand in any of the markets on pain of immediate dismissal and forfeiture of all pay then due to him.

Market officers not to have interest in markets.

97.—(1) The Town Clerk shall pay no money on account of the Council except upon its order duly entered on its minutes, or upon the order in writing of any three of its members specially appointed by it for that purpose, at the meeting held for the election of a Deputy Mayor in the month of December in each year.

Town Clerk to pay no money but on order of Council.

(2) All moneys of the Council shall be paid into some bank or banks approved by resolution of the Council, and cheques or orders against any banking account shall be signed by the Mayor, or Deputy Mayor, and Town Clerk; in the event of the absence, inability, or refusal, by the Mayor, or Deputy Mayor, or Town Clerk, cheques may be signed by any three members of the accounts committee appointed by the Council.

(3) All payments out of the Council's funds shall be made by cheques signed as aforesaid, except sums for ten dollars and under, which the Town Clerk is authorised to pay on accounts duly signed by the officers incurring the debt on behalf of the Council.

Town Clerk's
office fees.

98. The Town Clerk shall be entitled to demand a fee of forty-eight cents for each search of the records of the Council, and also for giving information and certificate if required as to the ownership or appraised value of any lot or building thereon in the city, and the fee shall be paid by the party applying for the information and be applied in aid of the town funds.

INSURANCE OF OFFICERS.

Interpreta-
tion of
"officer."

99. For the purpose of sections one hundred to one hundred and fourteen, inclusive, of this Ordinance, the expression "officer" means anyone who holds or is appointed to an office for the time being of a permanent nature in the employ of the Council, and whose salary is not less than four hundred and eighty dollars per annum.

Obligation
on officer to
insure.

100. Every officer shall insure his life and keep it insured for a sum not less than the minimum annual salary of the office which he holds or to which he is appointed.

Additional
insurance on
promotion.

101. Every officer whose life is insured under this Ordinance, as often as he is promoted to an office in a higher class, shall effect an additional insurance on his life to the extent of the annual increase in his salary.

Terms of
insurance.

102. Every insurance must be effected in a company approved by the Council, and the class and nature of the insurance shall be subject in each case to the approval of the Council.

Policy to be
in favour of
Town Clerk.

103.—(1) The policy in every case of insurance effected under this Ordinance shall be effected when practicable in favour of the Town Clerk and his successors in office, and shall so continue until the policy moneys secured thereby have been received by him and are absolutely free and discharged from any liability of the officer in respect of whom the insurance is effected.

(2) On any change in the person discharging the duties of the office of the Town Clerk no assignment shall be necessary to transfer the policy to and invest it in his successor.

104. A sum equal to four per centum on his annual salary shall in each and every year be deducted by the Town Clerk by equal monthly instalments from the salary of every officer obliged to insure under this Ordinance, and the whole amount so deducted shall be applied as nearly as may be in payment of the annual premiums on the insurance to be so effected.

Payment of premiums.

105. The Council may advance to any officer the whole or any portion of the annual premiums on his policy to be repaid by the monthly deductions from his salary as aforesaid; and if the officer dies or is discharged or leaves the employ of the Council for any reason whatsoever, the portion of the advance due at the time of his leaving shall be deducted from any salary then due to him.

Advance for payment of premiums.

106. Every officer appointed after the commencement of this Ordinance shall, before entering the service of the Council, pass an examination for the required insurance.

Officer to be examined for insurance.

107. Every officer appointed after the commencement of this Ordinance shall effect the required insurance within six months after his appointment to any office in the employ of the Council; and every officer in the employ of the Council at the commencement of this Ordinance shall effect the required insurance within six months after the commencement of this Ordinance.

Time within which insurance to be effected.

108. The sum assured on the life of an officer and any accumulations thereon by way of bonus or otherwise, shall, on the death of the officer, be received and held by the Council and shall be absolutely freed and discharged from any claim whatsoever of any creditor of the deceased officer, but, after payment of any costs for receiving it, shall be paid by the Council either to the widow of the deceased officer for the benefit of herself and of his children (if any), or to the guardians of the children (if any) for their benefit, or to his mother, or to the persons selected by the Council in their uncontrolled discretion, for the benefit of the widow and children or of the mother as the Council deems desirable; and in the event of the officer leaving neither widow

Receipt and application of insurance moneys.

nor child nor mother, then the Council shall pay the money to his heirs, executors, or administrators, and the receipt of anyone to whom the money is paid by the Council shall be an absolute discharge therefor, and the Council shall not be bound to see to the application thereof, or be liable for the misapplication or non-application thereof.

Officer on retirement to have policy transferred to him.

109. Any officer insured under this Ordinance who is dismissed, or who leaves the service of the Council from any cause whatsoever, shall have his policy of insurance transferred to him by the Council, freed from all liability or restrictions imposed by this Ordinance, on payment to the Council of any sums of money advanced to him and due by him under this Ordinance.

Provision for officers insured otherwise than under Ordinance.

110. No officer shall be obliged to insure his life under this Ordinance if and so long as the Council is satisfied that his life is insured for a sum not less than that required by this Ordinance in some company approved by the Council, and that the insurance moneys have been or are duly secured for the benefit of his wife and children, or mother, and protected from his debts, and he exhibits to the Town Clerk the receipt for each premium as and when it becomes due and is paid, or the Council is satisfied that the premiums on the policy have been already paid up in full.

Provision for officer failing to insure his life.

111.—(1) If any officer in the employ of the Council fails to obtain an insurance in accordance with the provisions of this Ordinance, the amount of four per centum shall be deducted monthly from his salary and placed to his credit in the Government savings bank at the disposal of the Council; and on his death the capital and interest at the credit of that account shall be paid in the same manner and to the same persons as prescribed in section one hundred and eight of this Ordinance; and if he is dismissed or leaves the service of the Council for any cause, the amount of capital and interest at the credit of the said account shall be paid to him forthwith.

(2) The Council, when the sum deposited in the Government savings bank as aforesaid is equivalent to a sum which can be invested either in government or municipal bonds, may make investment of the sum in those bonds and hold them for the benefit of the officer, and all interest derivable therefrom shall be deposited in the Government savings bank as provided in this section until

it amounts to a sum for which government or municipal bonds may be obtained, and any further sums may from time to time be similarly dealt with.

112. If an officer dies before a sum equivalent to three months' salary has been deducted, the Council shall make good the difference and pay the sum in the same manner and to the same persons as prescribed in section one hundred and eight of this Ordinance.

Officer dying before three months' deductions made.

113. The deduction aforesaid shall begin, in the case of officers in the employ of the Council at the commencement of this Ordinance, six months thereafter, and, in the case of officers hereafter appointed, six months after the appointment is made.

Date from which deductions to begin.

114. Any officer who declines or neglects to insure his life in accordance with this Ordinance, or, after having insured, neglects or refuses to continue the policy by paying the premiums when due, or objects to the Town Clerk making the deductions from his salary according to this Ordinance, shall be deemed to have thereupon given up his appointment and shall cease to be an officer of the Council.

Officer neglecting to insure vacates his office.

TOWN CONSTABLES.

115. The Council may appoint any number of town constables it may from time to time deem necessary for the apprehension of offenders against, and generally for the carrying out of the provisions of, this Ordinance.

Appointment.

116. Every town constable on his appointment shall take before the Mayor the following oath of office:—

Oath.

“ I, *A.B.*, of _____, do swear that I will well and truly serve our Sovereign Lord the King as a town constable for the city of Georgetown.—So help me God.”

117. Town constables shall be furnished with the uniforms and bâtons and shall receive the pay determined by the Council.

Uniform and pay.

118. Every town constable, for the purpose of carrying out and enforcing the provisions of this Ordinance in relation to any offence against or breach of them, and also in relation to all offences against the law committed in any

Powers and privileges.

market or within the limits of any land or property belonging to or vested in the Council, shall have all the powers and be entitled to all the privileges and immunities conferred by any law or Ordinance for the time being in force upon a police constable or upon any constable.

Dismissal.

119. The Council may at any time dismiss a town constable on giving him one month's previous notice, or without any notice, for misconduct or neglect of duty.

Not to own
cab or cart,
or market
stall or
stand.

120. No town constable shall own or be interested by himself or his wife or otherwise in any cab or cart plying for hire, or in any stall or stand in a market within the city, on pain of immediate dismissal and forfeiture of all pay then due to him.

Resignation.

121. No town constable shall be at liberty to resign his office without giving one month's previous notice or receiving from the Council permission to resign, and a constable who resigns without giving the notice or receiving the permission shall be liable to a penalty not exceeding twenty-four dollars.

Penalty.

Effect of
resignation
and duty
thereon.

122.—(1) When a town constable resigns, or is dismissed, or ceases to hold and exercise his office, all powers and authorities vested in him as a constable shall immediately cease and determine, and he shall, within seven days thereafter, surrender to the city engineer all articles or appointments supplied to him for the execution of his office.

Contraven-
tion of this
section.
Penalty.

(2) Every town constable who contravenes this section shall be guilty of an offence and shall be liable to a penalty not exceeding twenty-five dollars, or to imprisonment with or without hard labour for any term not exceeding one month; and the magistrate of Georgetown may issue his warrant to search for and seize all articles or appointments not so surrendered, wherever they are found.

Surrender of
uniform on
death.

123.—(1) When any town constable dies, his heir, executor, or other representative, or the person in whose house he dies, being possessed of any articles or appointments supplied to him for the execution of his office, shall be bound, within fourteen days after the death, to deliver to the city engineer all those articles or appointments in the possession of the constable at the time of his death.

(2) Everyone who contravenes this section shall be guilty of an offence and liable to a penalty not exceeding twenty-five dollars, or to imprisonment with or without hard labour for any term not exceeding one month; and the magistrate of Georgetown may issue his warrant to search for and seize all the articles or appointments not so delivered wherever they are found.

Penalty for contravention.

124. If any town constable,—

(a) refuses or neglects to obey any order lawfully given to him by the Council or any of its officers; or

Neglect of duty :

(b) is guilty of any violation or neglect of duty, he shall be guilty of an offence and be liable to a penalty not exceeding twenty-four dollars, and shall also on conviction forfeit all pay then due to him :

Penalty :

Provided that for minor offences, not deserving a more severe punishment, the Mayor may inflict small fines, not exceeding the sum of five dollars in any case, by way of deduction from the pay of a town constable.

Proviso.

SUB-DIVISION OF LOTS.

125. From and after the commencement of this Ordinance, lots of land within the city shall not be sub-divided by transport in less portions than half lots, and every transport purporting to sub-divide any lot contrary to this section shall be void.

Restriction on sub-division.

126. From and after the commencement of this Ordinance, a lot may not be sub-divided by transport so as to create for the time being a separate ownership of the land, in less portions than half lots, or in such a way as to cut off any portion of the lot from proper drainage, or to interrupt or interfere with the proper drainage of any portion of the lot, or unless each portion of the divided lot has a frontage to a street.

Restriction on sub-division into less than half lots or so as to interfere with drainage.

127. Where transports or letters of decree are held at the commencement of this Ordinance for less portions of lots than half lots, the less portions may continue to be sold and transported :

Where transports or letters of decree are held for less than half lot :

Provided that, if any portion, or any half lot, not having a frontage to a street, is or becomes the property of the owner of a contiguous lot or portion of a divided lot having

Proviso.

a frontage to a street, it shall not be dealt with again by way of sale, transport, or otherwise, except in accordance with this Ordinance.

Special cases.

128. In special cases, with the sanction of the Council, any portion of a lot may be transported to the owner of a contiguous lot, or of a divided portion of a lot having a frontage to a street, but shall not thereafter be dealt with except in accordance with the provisions of this Ordinance.

Transport of less than whole lot not to be passed without certificate of Town Clerk.

129.—(1) No transport shall be passed for any portion of a lot of land in the city less than a whole lot, except upon production to the judge of a certificate signed by the Town Clerk that the provisions of this Ordinance will not thereby be contravened.

Official Receiver and Registrar must obtain certificate.

(2) Neither the Official Receiver nor the registrar may sell any portion of a lot less than a whole lot unless he is first supplied with that certificate, which shall be supplied to the registrar by the judgement creditor.

Anyone may obtain certificate.

(3) Anyone desiring to sell or to purchase any portion of a lot less than a whole lot may at any time obtain a similar certificate.

Fee.

(4) For each certificate required in the terms of this section a fee of forty-eight cents shall be paid.

Where Town Clerk refuses to issue certificate.

(5) Anyone dissatisfied with the refusal of the Town Clerk to issue a certificate may apply to a judge of the Supreme Court in the manner prescribed by rules of court, for an order to compel him to do so.

TOWN TAXES.

Council may raise taxes.

130.—(1) The Council shall have full power and authority to assess, levy and raise town taxes, and to superintend and direct the collection and appropriation thereof, for all or any of the following purposes, namely,—

(a) the maintenance of the public streets, roads, thoroughfares, dams, trenches, drains, ways, places, sluices, kokers, stellinges, bridges, and canals of the city which are vested in or under the control of the Council;

(b) the exercise or discharge of any authority or obligation for the benefit of public health within the city vested in or imposed on the Council by the Local Government Ordinance, or by any other Ordinance;

Chapter 84.

- (c) the supply of water for the use of the city as herein provided;
- (d) the provision and maintenance of any burial ground, public garden, pound, market, or slaughter house;
- (e) the lighting of all public streets, roads, thoroughfares, stellings, and bridges of the city;
- (f) the acquisition of land under the provisions hereinafter contained;
- (g) the repayment of any moneys raised on loan as hereinafter specified, and the payment of interest on any part of those moneys for the time being not repayable;
- (h) the payment of the salaries and wages of all officers and servants duly employed by the Council;
- (i) the payment of any expenditure which the Council is by this or any other Ordinance authorised to incur;
- (j) the provision of one-half the cost of the annual upkeep of a public free library in the city;
- (k) at any time during any year for the purpose of making a contribution to the cost of the sea defences of the city and its approaches and of the coast of the colony;
- (l) any other purpose for which under this or any other Ordinance the Council is authorised to levy and raise taxes.

(2) The contribution of the city to the cost of the sea defences during the five years ending the thirty-first day of December, nineteen hundred and twenty-one, shall be the sum of ten thousand dollars per annum, and the expenditure so incurred shall be deemed to be expenditure which the Council is authorised to incur within the meaning of this Ordinance. The sum may be paid to the chairman of the sea defence commissioners in quarterly instalments.

(3) (a) The Council may delegate from time to time all or any of the powers conferred upon it by this Ordinance or by any other Ordinance in regard to the matters mentioned in paragraphs (a), (b), (c) and (d) of sub-section (1) of this section to an executive committee of not more than five persons, consisting of the chairman of the Local Government Board, the medical officer of health for the city, if any, a medical officer of the Local Government

Board, and two other persons, of whom one shall be appointed by the Mayor and the other by the Governor in Council.

(b) The committee shall hold office until the next general election of councillors, but the Council, with the approval of the Governor in Council, may prescribe a shorter period and any or all of the members of the committee may be re-appointed.

Appointment
of Auditor
and auditing
of accounts.

131.—(1) The accounts of the Council shall at some date between the first day of January and the thirty-first day of March in each year be audited by the Auditor who shall give one month's notice in writing to the Town Clerk of the date of his intention to commence the work of audit, and at the audit any ratepayer may be present and shall be at liberty to communicate with the Auditor on any matter relating to the accounts of the Council. The expenses of the audit shall be borne by the Council.

(2) An account duly made up and balanced of all moneys received and of all moneys expended and applied by the Council during the year preceding the audit, together with all rate books, account books, contracts, accounts, vouchers, and receipts, relating thereto, shall be deposited in the Town Clerk's office and be open during office hours thereat to the inspection of all ratepayers for fourteen days before the audit, and the ratepayers may take copies thereof or extracts therefrom without payment; and the Town Clerk, or any officer or servant of the Council, who, being liable to make up the account, fails to do so, or who alters or allows it to be altered when made up, or refuses to allow inspection thereof, shall be liable to a penalty not exceeding twenty-five dollars.

Penalty.

(3) Any ratepayer may be present at the audit and may make any objection to the accounts before the Auditor, and the Auditor shall hear and determine every objection, and shall, whether an objection is made or not, state in writing whether any item of the account is in his opinion not authorised by law.

(4) Any ratepayer may, by action before any court of competent jurisdiction, recover with costs any sum which has been paid or applied without legal authority from any member of the Council who has authorised or taken part in authorising the payment or application, or, if the payment was not authorised as required by section ninety-seven of this Ordinance, from the person who was the Town Clerk making the payment or application.

(5) Any sum so recovered shall be paid to the Town Clerk in aid of the town funds.

(6) The Council may appoint auditors for the purpose of making monthly audits and remunerate them as it thinks proper.

132.—(1) On or before the twenty-eighth day of February in each year the Council shall transmit to the Governor a written report, signed by the Mayor, containing an account of all moneys received, expended, and applied by the Council during the preceding year.

Council to
make annual
report to
Governor.

(2) The report shall be forthwith published in the Gazette.

(3) On or before the fifteenth day of November in each year the Council shall transmit to the Governor a written report, signed by the Mayor, containing—

(a) an estimate of the sum required for the expenses of the ensuing year, with a statement of ways and means;

(b) the amount of the tax, calculated upon the appraised value of all lots or portions of lot and buildings, and buildings only, within the city not exempted from taxation, intended to be levied to meet those expenses,

and the report so transmitted shall be forthwith published in the Gazette for four successive weeks.

133.—(1) After the publication prescribed in subsection (3) of the last preceding section, the Council may levy in each year the amounts of the taxes upon the appraised value of lots within the city not exempted from taxation, and all of those lots shall be liable and executable therefor.

Levy of
taxes.

(2) The tax shall be payable when and in the instalments from time to time directed by the Council by notice in the Gazette and one or more newspapers in the city.

Sec. 3 of Chs.
3 of 1925

(3) When any instalment of tax remains unpaid for more than two months from the date fixed for the payment of the tax, interest at the rate of six per centum per annum from that date until the date of the payment of the instalment shall be payable by way of surcharge upon the amount of the instalment and shall be recoverable in the manner provided for the recovery of the instalment, and the Town Clerk shall not receive the amount of the tax without that interest.

Mode of
recovering
tax.

3
Sec. 4 of
1797

Taxes and
interest
preferent
except as
against
Crown or
colony.

134. In default of payment of any tax or instalment or interest payable under the last preceding section the Council may proceed for the recovery thereof by summary execution against the property in default.

134-A - Sec. 3. of Ord. 23 of 1797

135.—(1) Every tax and interest shall be preferent over and above all claims of whatever nature, whether they be against the lots or against the proprietors thereof, except claims due to the Crown or the colony, anything in any statute or Ordinance to the contrary notwithstanding.

(2) The claim of the Council for taxes and interest shall be enforceable against any company, or the property of any company in liquidation, anything in any law to the contrary notwithstanding.

Crown and
colony pro-
perty subject
to tax.

136. All lands and buildings within the city the property of the Crown or of the colony shall be liable and subject to any town tax in the same manner and degree as lots and buildings the property of private persons.

Exemption
of certain
lands and
buildings.

137. The following lands and buildings within the city shall be exempt from taxation while used for the purposes hereinafter mentioned, that is to say,—

all churches and chapels and any mosque in the city and the land therewith occupied with the approval of the Council;

all buildings and the land therewith used by the owner thereof solely as schools for elementary, industrial, or secondary education with the approval of the Council;

the Ursuline convent and the land therewith occupied; the Georgetown public free library (Carnegie Library) and the land therewith occupied in the city;

that portion of the building in Georgetown presently used as a museum under the control of the Royal Agricultural and Commercial Society and so long as it is used for that purpose by the Society;

that portion of the buildings on lots forty-eight and forty-nine, North Cummingsburg, so long as it is used only as a school, together with that portion of the land therewith occupied with the approval of the Council;

all lots and the buildings thereon used by the Salvation Army solely for religious purposes with the approval of the Council;

- all lots and the buildings therewith used as homesteads for the relief of widows and orphans with the approval of the Council;
- any lot or portion of land, with any buildings or erections owned in the city by the Young Men's Christian Association, and any other similar recognised association or organisation approved of by the Council, so long as they are used for the convenience of the members of that association or similar organisation.
- four plots or pieces of Crown lands under the control of the Council situate, lying, and being to the west of the public buildings and the Demerara ice house, and between Hadfield Street on the south and Croal Street on the north;
- the land, buildings, and erections, with any palings, fencing, or other enclosure thereof, presently used and under the control of the following clubs in the city:—
- the British Guiana Cricket Club in ward no. 1, Kingston, adjoining the Thomas lands;
- the British Guiana Churchmen's Union Cricket Club also in ward no. 1, Kingston, adjoining the Thomas lands;
- the Georgetown Cricket Club in ward no. 8, Bourda;
- the Georgetown Football Club in ward no. 8, Bourda;
- the British Guiana East Indian Cricket Club in ward no. 9, Queenstown.

and any other land, buildings, and erections, with the palings, fencing, or enclosure thereof used by and under the control of any similar clubs hereafter approved by the Council, so long as the land aforesaid is used by the several clubs for the use and convenience of their members as recreation grounds.

138.—(1) Where any lot or portion of a lot belonging to the Crown or colony has a building thereon owned by someone but is not the property of the Crown or colony, that lot or portion of a lot and that building shall be taxed separately, and the value of the building shall not be taken into account in fixing the amount of the tax to be levied on the lot or portion of a lot.

Where Crown or colony land has a building thereon not the property of Crown or colony.

(2) In the sections of this Ordinance relating to taxes the word "lot" shall be deemed to include any portion of a lot with any buildings thereon taxable therewith, and any

building on any lot or portion of a lot taxable apart from the lot or portion of a lot.

Proof of amount of town taxes in proceedings therefor.

139. In any proceeding for the recovery of any town taxes, the signature of the Town Clerk subscribed to any document containing a statement of the amount claimed for taxes in respect of each lot or portion of a lot of land, whether with or without buildings thereon, or in respect of any building or buildings or any land, as the case may be, shall, without proof of that signature and without proof of any other matter or thing, be deemed in all courts and for all other purposes *prima facie* evidence that the amount so claimed is due and payable.

Mode of serving summation.

140. In any proceedings for the recovery of town taxes a summation against the owner, or representative of the owner, of any lot or portion of a lot of land, or any building or buildings on any land, the name of the owner or representative not being mentioned, shall be deemed to be sufficiently served if it is affixed to the principal building, or if there is no building, then to any railing, bridge, tree, or post, on the lot or portion of a lot, or to any other part thereof which the marshal thinks most suitable for the purpose.

SPECIAL RATES.

Sewage rate for part of Werk-en-Rust:

141.—(1) The Council shall have power by resolution to levy a special sewage rate upon all lots in that part of Werk-en-Rust district bounded on the east by High Street, on the west by Lombard Street, on the north by Hadfield Street, and on the south by Princes Street, and upon the buildings thereon, according to the appraised values thereof respectively, sufficient to cover the estimated amount required in each year to defray the expenses rendered necessary by the special sanitary arrangements in operation in that part of the district.

(2) Every resolution of the Council to levy the special sewage rate shall be published in the Gazette and one or more newspapers in the city, and thereupon all lots in that part of Werk-en-Rust in this section defined shall be liable and leivable for that rate, and the amount of that rate shall be preferent and shall be recoverable in like manner and to the same extent as taxes levied in pursuance of this Ordinance:

Proviso.

Provided that the rate payable in respect of any lot shall be paid to the Town Clerk with and at the

same time as the town tax or taxes payable in respect of the lot and the Town Clerk shall not be compellable to receive payment of the one without the other.

142.—(1) The Council shall also have power by resolution, with the approval of the Governor in Council, to levy a special rate upon the appraised value of all lots and buildings in the city, or within any portion of it, for the liquidation of any claim for compensation admitted or awarded for loss sustained by reason of any building, paling, or erection, being pulled down or otherwise destroyed for the purpose of arresting the progress of any fire in the city, and that rate shall be preferent and shall be recoverable in the same manner as a town tax.

Rate for
payment of
compensation
for
destruction
to arrest
progress
fire

(2) The Council shall also have power by resolution to levy a special rate not exceeding one half per centum in each year on all lots and portions of lots in that portion of Werk-en-Rust district bounded by Hadfield Street on the north, Princes Street on the south, the Demerara river on the west, and High Street on the east, and the buildings thereon, according to the appraised values thereof, until the sum of thirty-five thousand dollars, the amount of money raised by the issue of bonds with interest thereon for the improvement of that district, has been fully paid.

Rate for
Werk-en-
Rust in
respect of
bond issue :

(3) Every resolution of the Council to levy the special rate shall be published in the Gazette and one or more newspapers in the city, and thereupon all lots in the portion of the Werk-en-Rust district defined as aforesaid, and the buildings thereon, shall be liable and leviable for that rate; and the amount thereof shall be preferent and shall be recoverable in like manner and to the same extent as taxes levied in pursuance of this Ordinance :

Provided that the special rate payable in respect of any lot and the buildings thereon shall be paid to the Town Clerk with and at the same time as the town tax or taxes payable in respect of that lot and the buildings thereon; and the Town Clerk shall not be compellable to receive payment of the one without the other.

Proviso.

143.—(1) The Council shall have power by resolution to levy a special rate, not exceeding one per centum per annum, on any particular lots or portions of lots and particular buildings in any of the wards in the city through which the street known as Water Street passes, according

Rate for
improvement
of Water
Street :

to the appraised value of those lots and buildings, to cover the estimated amount required in any year to execute any extraordinary and special work considered by the Council necessary to be done for improving, repairing, and maintaining Water Street.

(2) Every resolution of the Council to levy that rate shall be published in the Gazette and in one or more newspapers in the city, and thereupon all the particular lots or portions of lots and buildings thereon mentioned in the resolution shall be liable and leviable therefor; and the amount of the special rate shall be preferent and be recoverable in like manner and to the same extent as taxes levied in pursuance of this Ordinance :

Proviso.

Provided that the rate in respect of any of those lots and the buildings thereon shall be paid to the Town Clerk with and at the same time as the town tax or taxes payable in respect of the lot and buildings thereon, and the Town Clerk shall not be compellable to receive payment of one without the other.

Official Receiver or Registrar selling lots to deduct taxes due :

144. The Official Receiver and the Registrar of Deeds shall, if the proceeds of the sale of any lots or portions of lots and buildings in the city sold by them are sufficient to enable them to do so, after paying all the expenses of the sale and the amount of all claims due to the Crown and the colony, deduct from the proceeds of sale the amount of all taxes, rates, and interest payable to the Council in respect of those lots or portions of lots and buildings and pay it over to the Council :

Proviso.

Provided that the obligation imposed by this section on the Official Receiver and Registrar shall not in any case arise unless the Town Clerk before the sale gives notice in writing to the Official Receiver or the Registrar, as the case may be, of the existence of the unpaid taxes, rates, or interest, and of the amount thereof.

Council cannot exempt from taxation.

145. The Council may not grant any exemption from taxation, except as provided by section one hundred and thirty-seven of this Ordinance.

Description of Wortmanville.

146. For the purposes of this Ordinance " Wortmanville " means that part of Werk-en-Rust referred to in the

resolution hereinbefore mentioned, and bounded as follows :—

- on the east by the road leading to Le Repentir Cemetery between Hadfield Street and Princes Street, in continuation of the Vlissengen Avenue;
- on the west by the eastern boundary of Louisa Row;
- on the north by the trench running along the southern side of Hadfield Street;
- on the south by the dam which is the continuation of Princes Street.

147.—(1) The Council shall have power by resolution to levy a special rate not exceeding one per centum per annum on all lots in Wortmanville and the buildings thereon, according to the appraised value thereof respectively, until the sum of thirteen thousand five hundred dollars to be expended on the improvement of that area and the interest thereon has been thereby raised.

Rate in respect of sum raised for improvement :

(2) Every resolution of the Council to levy that rate shall be published in the Gazette and one or more newspapers in the city, and thereupon all lots in Wortmanville and the buildings thereon shall be liable and leviable for the rate; and the amount thereof shall be preferent and shall be recoverable in like manner, and to the same extent as taxes levied in pursuance of this Ordinance :

Provided that the special rate payable in respect of any lot and the buildings thereon shall be paid to the Town Clerk with and at the same time as the town tax or taxes payable in respect of the lot and the buildings thereon; and the Town Clerk shall not be compellable to receive payment of the one without the other.

Proviso.

148.—(1) For the purposes of this Ordinance the district known as Albuoystown means that piece of land known as Albuoystown, bounded as follows, that is to say,

Boundaries of Albuoystown.

- on the north by the northern edge of the trench along the southern side of Sussex Street prolonged westward to low water mark of spring tides of the Demerara river;
- on the east by the eastern boundary of Callender Street;
- on the south by the northern edge of Plantation La Penitence navigation canal prolonged westward to

low water mark of spring-tides of the Demerara river;

on the west by low water mark of spring-tides of the Demerara river between the western extremities of the northern and southern boundaries.

Vesting powers in the Council. (XXV of 1898.)

(2) All the provisions of and powers vested in the Council shall apply as far as practicable to that district in the same way as if the city had, at the time of the passing of the Georgetown Town Council Ordinance, 1898, included the district known as Albuoystown with ward no. 11, Charlestown, as herein provided.

Rate for special improvement:

149.—(1) The Council shall have power by resolution to levy a special rate not exceeding one-half per centum per annum on all lots or portions of lots and buildings in Albuoystown aforesaid, according to the appraised values thereof respectively, to cover the estimated amount required in each year to defray the expenses rendered necessary for the special improvement of the district.

(2) Every resolution of the Council to levy that rate shall be published in the Gazette and one or more newspapers in the city, and thereupon all lots or portions of lots and the buildings thereon shall be liable and leviable therefor; and the amount of that rate shall be preferent and shall be recoverable in like manner and to the same extent as taxes levied in pursuance of this Ordinance:

Proviso.

Provided that the special rate payable in respect of any lot or portions of lots and the buildings thereon shall be paid to the Town Clerk with and at the same time as the town tax or taxes payable in respect of those lots or portions of lots and the buildings thereon; and the Town Clerk shall not be compellable to receive payment of the one without the other.

Power to issue bonds.

150.—(1) The Council, with the approval of the Governor in Council, may from time to time raise on loan, by the issue of bonds, any sums of money required for the improvement of the district not exceeding twenty-five thousand dollars at any one time, to be repayable in the yearly instalments approved by the Council.

Appropriation of moneys for improvements.

(2) The moneys so raised shall be applied in carrying out those improvements in the district which in the opinion of the Council cannot be conveniently defrayed out of the rates and taxes levied in any one year.

151—(1) In this section, unless the context otherwise requires,—

Interpreta-
tion in this
section.

“ premises ” means any lot or parcel of land, or portion thereof, together with any buildings and erections thereon, or those buildings and erections only;

“ the rate ” means a special imposition per centum on the appraised value of the premises within the city liable thereto, calculated to produce the sum of ninety-four thousand five hundred dollars.

(2) (a) The Council shall by resolution to be passed on or before the fifteenth day of August, nineteen hundred and twenty-eight, fix, levy, and collect the rate upon and in respect of all premises except those owned or controlled by the Council, or those used as a church and not connected with the sewerage system.

Levy of
special rate
for improve-
ment work.

(b) The rate on any premises exempted from taxation under this Ordinance shall be calculated upon a valuation of those premises to be made in the manner directed by the Council.

(c) As soon as the rate has been fixed the Town Clerk shall cause it to be published in the Gazette and also on the same day and on three subsequent days in the newspapers circulating in the city.

(d) The rate shall become payable on the fifteenth day of October, and, if it is not paid on or before the fifteenth day of December, nineteen hundred and twenty-eight, interest at the rate of six per centum per annum shall be payable thereon from the latter date until the date of actual payment.

(e) Save and except as in this section provided the rate shall be levied and collected in the same way and by the same procedure as town taxes under this Ordinance, and in default of payment of the rate on the fifteenth day of December, nineteen hundred and twenty-eight, the Council may proceed for the recovery of the rate at any time thereafter in manner hereby provided, together with interest thereon at six per centum per annum from that date to the time of recovery.

(3) (a) The Council with the approval of the Governor in Council and pending the collection of the rate, may borrow from a bank a sum of money not exceeding ninety-four thousand five hundred dollars to enable the Council

Council's
borrowing
power.

to make payment to the Colonial Treasurer as provided by sub-section (4) of this section of this Ordinance.

(b) Any sum so borrowed shall be repaid to the bank out of the rate collected under this section.

(c) The authority to borrow under this sub-section shall be in addition to borrowing powers conferred on the Council by any other Ordinance for the time being in force.

Date of
payment.

(4) The Council shall on or before the thirty-first day of December, nineteen hundred and twenty-eight, pay to the Colonial Treasurer the sum of ninety-four thousand five hundred dollars.

(No. V of
1929.)

Provisions of the Georgetown Improvement (Special Rating) Ordinance, 1929.

Power to
levy special
rate for
payment of
interest on
advances by
the Govern-
ment for im-
provement
works and of
expenses of
maintenance
and upkeep.

152.—(1) In this section, unless the context otherwise requires,—

“ premises ” means any lot or parcel of land, or portion or parcel of land, together with the buildings and erections thereon, or the buildings and erections only thereon situate;

“ the rate ” means a special imposition per centum on the appraised value of those premises within the city which are liable thereto, calculated to produce the sum of two hundred and forty-four thousand, two hundred and seventy-eight dollars.

(2) The Council shall have power by resolution to be passed on or before the first day of February, nineteen hundred and twenty-nine, to fix, levy, and collect the rate, to be levied upon and in respect of all premises in the city, except any premises owned or controlled by the Council, or any premises used as a church, and not connected with the sewerage system

(3) The rate on any premises exempted from taxation under this Ordinance shall be calculated upon a valuation of those premises to be made in the manner directed by the Council.

(4) The rate shall become payable by the instalments and at the times determined by the Council in the resolution aforesaid.

(5) As soon as the rate has been fixed and the mode of payment determined, the Town Clerk shall give notice

thereof by publication in the Gazette and also, on the same day and on three subsequent days, in the newspapers circulating in the city.

(6) If the rate or any instalment thereof remains unpaid for more than two months from the date fixed for payment, interest at the rate of six per centum per annum shall be payable thereon from that date until the date of payment of the rate or the instalment and shall be recoverable in the manner provided for the recovery of the rate or instalment.

(7) The rate shall be levied and collected in the same way and by the same procedure as town taxes under this Ordinance, and in default of payment the Council may proceed at any time in manner provided by this Ordinance for the recovery of the rate, together with interest thereon at six per centum per annum.

(8) The Council shall, on or before the thirty-first day of December, nineteen hundred and twenty-nine, pay to the Colonial Treasurer all sums of interest due on advances made to that date.

APPRAISEMENTS.

153. The Council shall order and direct a general appraisal of all properties in the city to be made within two years of the commencement of this Ordinance, and thereafter at the intervals, not exceeding ten years, considered necessary.

Council may order general appraisal.

154.—(1) The Council may from time to time appoint appraisers, not being members or officers of the Council, for the purposes of this Ordinance, and may fill up any vacancies occurring in the number of those appraisers either by death, resignation, refusal to act, or in any other manner.

Appointment, remuneration, and oath of appraisers.

(2) Every appraiser so appointed shall receive remuneration for his services at the rates and on the terms the Council thinks proper.

(3) Every appraiser, before he enters upon his office, shall take and subscribe an oath or affirmation before the Mayor, who is hereby authorised to administer it, that he will faithfully, honestly, and diligently perform the duties of his office.

Notice of
appraisement
and prepara-
tion of
schedule by
proprietor.

155.—(1) Notice of intention to make a general appraisement shall be published in the Gazette and in one or more newspapers in the city for four successive weeks before the appraisement is made.

(2) Within the four weeks every proprietor of every lot, or portion of a divided lot, and of every building which is taxable apart from the land on which it stands, within the city shall fill up or cause to be filled up a schedule to be furnished gratuitously to everyone applying therefor at the Town Clerk's office, in which shall be set forth the number and particulars of the lot and of the buildings (if any) thereon, or the situation and particulars of any building taxable apart from the land and the number of the lot (if any) on which it stands.

(3) The schedule so filled up shall be held in readiness to be handed over on the premises to the appraisers on demand, and if it is not so handed over the appraisers shall make their appraisement on the best information they can obtain.

Duties of
appraisers.

156. The appraisers so appointed shall, whenever directed by the Council, appraise the several lots and buildings of the city, and, in making their appraisement, shall have special regard to the description, condition, and locality thereof respectively.

Appraisers
may enter
upon lots.

157.—(1) The appraisers in the discharge of their duty shall have full power and authority to enter on any lot aforesaid between the hours of seven o'clock in the morning and five o'clock in the evening of any business day.

Penalty for
obstruction.

(2) Everyone who assaults, molests, or obstructs an appraiser in the discharge of his duty shall be liable on the complaint of the Town Clerk to a penalty not exceeding twenty-four dollars.

Re-appraise-
ment at
instance of
proprietor :

158. The proprietor of a lot or of a building taxable separately as aforesaid within the city who considers that it has become deteriorated in value since the last appraisement, may at any time, not less than two years after the last appraisement, require the Council to make a re-appraisement of that lot or building :

Proviso.

Provided that—

(a) before the re-appraisement is made the proprietor shall pay into the town funds the sum of ten dollars as the cost thereof; and

(b) if any re-appraisal is made after the thirty-first day of August in any year, the previous valuation shall, for the purposes of taxation during the following year, be unaffected thereby.

159.—(1) If a lot is at any time sub-divided, the proprietor of a divided portion may require the Council to apportion the appraised value of that lot between the respective proprietors, and thereafter each divided portion shall be liable only for the amount so apportioned.

Apportionment of appraised value of sub-divided lot.

(2) The proprietor requiring the apportionment shall in the first instance pay into the town funds the sum of ten dollars as the cost thereof, but he shall be entitled to claim from the proprietor of the other portion his share of that cost.

160. The Council shall have power, at any time after the commencement of this Ordinance and before the next general appraisal, and also at any time between any general appraisal and the one next following, to order the re-appraisal of any lot on which any building has been erected or improved since the last appraisal, or the appraisal or re-appraisal of any building taxable apart from the land, erected or improved since the last appraisal, in so far as the value of the lot may be affected by the improvement :

Re-appraisal where lot has been improved :

Provided that fourteen days' notice of that appraisal shall be given by the Council to the proprietor or occupier of the lot or building.

Proviso.

161.—(1) When any appraisal is completed the appraisers shall forthwith transmit it to the Town Clerk, who shall within fourteen days thereafter summon a meeting of the Council to consider and approve it, and the Council may then either reduce or increase the amount at which any lots or buildings comprised in it are appraised.

Consideration of appraisal by the Council.

(2) The appraisal as approved by the Council shall be lodged in the office of the Town Clerk where all information may be had respecting it, and notice that it has been lodged shall be forthwith published in the Gazette and one or more newspapers in the city.

(3) Any proprietor or the representative of any proprietor, except as hereinafter provided, who considers the appraisal of his lot or building as approved by the Council excessive, may appeal therefrom to the magistrate's

Appeal therefrom.

Procedure.

court of the Georgetown judicial district (civil jurisdiction) by filing with the clerk of the court, within one month after the publication in the Gazette, a plaint in writing setting forth the grounds of appeal and, within the time herein specified, serving a copy thereof on the Town Clerk.

Chapter 15.

Chapter 9.

(4) The clerk of the court, after the plaint has been filed, shall thereupon fix a date for the hearing of the appeal and give the parties seven days' notice thereof, and the practice, procedure, fees, and costs as prescribed by the Summary Jurisdiction (Petty Debt) Ordinance and the Summary Jurisdiction (Magistrates) Ordinance, shall *mutatis mutandis* apply thereto.

(5) The court shall inquire into the matter of the appeal and make thereon any just order, and its decision shall be final.

Date for taking effect.

162. All appraisements shall take effect as from the first day of January in the year following them.

VESTING AND ACQUISITION OF LAND.

Property vested in Council by Ordinance to remain vested notwithstanding repeal.

163. All lands, buildings, and other erections, and all streets, roads, alleys, lanes, dams, parapets, trenches, drains, sewers, stellings, and all other property whatsoever vested in the Council or in anyone on behalf of the Council by Ordinance, transport, or otherwise, or under the control of the Council for the purposes of the corporation at the date of the commencement of this Ordinance, shall, notwithstanding the repeal of any Ordinance aforesaid, remain vested in and under the control of the Council for the purposes of this Ordinance.

Power to Council to acquire property :

164. The Council shall have full power and authority,—

(a) to acquire, purchase, and hold lands and other property, movable and immovable, for the uses and purposes of the corporation, and to sell, exchange, lease, or mortgage them or any part thereof;

Proviso.

Provided that the Council shall not sell, exchange, alienate, lease for a term of years exceeding three, or mortgage, any of the lands or other immovable property except with the approval of the Governor in Council after notice of the intention to apply for the approval has been published in the Gazette and in one or more newspapers in the city during two successive weeks;

(b) to purchase, or, under and subject to any restrictions and regulations generally or in any particular case approved by the Governor in Council, to take possession of, all lands and buildings within the city which it may require to enable it to effect any of the following objects, namely,—

Power to Council to purchase or take possession of property for certain purposes ;

- (i) opening any new street, or extending, widening, or improving any existing street, thoroughfare, or public place;
- (ii) digging any public well or reservoir for water, or establishing any public tank or fountain;
- (iii) establishing any public stelling or landing place;
- (iv) making any new drainage or sewerage, or extending or improving any existing drainage or sewerage;
- (v) improving the sanitary condition of the city;
- (vi) erecting any public building for municipal purposes;

(c) to purchase or, under and subject to any restrictions and regulations aforesaid, to take possession of, and to demolish, any building which the city engineer certifies in writing to be in his opinion so situated, or in such a state from any cause, as greatly to increase the risk of fire :

to demolish building :

Provided that the certificate shall set forth at length the city engineer's reasons for his opinion.

165.—(1) Whenever the Council wishes to take possession of any property under the provisions of this Ordinance, it shall present a petition to the Governor in Council, setting forth the object for which it desires possession, and in any case coming under paragraph (c) of the last preceding section shall send in with the petition the city engineer's certificate, and it shall also cause a copy of the petition and, in any case in which the certificate is necessary, a copy thereof to be served on the owner or the representative of property and, in the case of land held on a lease duly recorded, also on the holder of the lease, if the owner, representative, or holder of the lease is known.

When Council wishes to take possession of property.

(2) If no owner, representative, or holder of the lease is known, the Council shall cause copies of all documents, of which copies are required to be served on the owner, representative, or holder of a lease when he is known, to be affixed to some conspicuous part of the property and to be published in each number, for three successive weeks, of the Gazette and in one or more newspapers in the city.

Governor in
Council may
authorise
Council to
take
possession :

166. At the expiration of thirty days from the time when the documents required to be laid before the Governor in Council are sent in, and on proof to his satisfaction that the service required to be made on any known owner, representative, or holder of a lease aforesaid, has been duly made on or before the day whereon those documents were so sent in, or, in cases where the owner, representative, or holder of a lease, is not known, on proof that the copies hereinbefore required to be affixed were duly affixed on or before that day, and that the publications hereinbefore required to be made have been duly made, the Governor in Council, if no sufficient cause is shown by the owner, representative, or holder of a lease, and if to the Governor in Council it seems meet, may pass a resolution, authorising the Council to take possession of the property, and thereupon the property shall at once vest absolutely in the Council for the object or objects set forth in its petition, and it shall be entitled to, and may at once, take possession thereof, and no transport, transfer, or conveyance thereof shall be necessary :

Proviso.

Provided that the price or value of the property, when agreed upon, or determined, or assessed, in the manner hereinafter provided, shall be retained in the hands of the Town Clerk for two successive weeks and public notice thereof given by him in the Gazette and one or more newspapers in the city, and during that time the amount so retained in his hands shall remain liable and leviable at the instance of any creditors who would by law have been entitled to oppose the passing of a transport thereof.

Assessment
of value of
property
where
persons
interested
are known :

167. When the persons interested in any property of which possession is taken, whether as owners, representatives, or holders of leases as aforesaid, are known, and no agreement for the price of the property can be made between them and the Council, the value shall be determined or assessed in manner following, that is to say :—

(a) if the price claimed does not exceed five hundred dollars, the value shall be determined by the

magistrate of Georgetown, who is hereby authorised on the application, either of the Council or of anyone interested on the other side, to give notice to all parties interested in the question to appear before him at a time and place to be specified in the notice, the notice to be served at least fourteen clear days before the day named for appearance; and on the appearance of the parties, or in the absence of any of them, the magistrate may hear the matter, and determine the value; and may in his award give to any party a reasonable sum for costs and expenses; and his award shall be subject to the appeal provided by any Ordinance for the time being in force regulating appeals from the decision of magistrates;

- (b) if the price claimed exceeds five hundred dollars the magistrate, on any application mentioned in the preceding paragraph, may give notice to all the parties interested in the question that at the registry of the Supreme Court, and on some day to be named in the notice, not less than seven, nor more than ten clear days from the service of the notice, a jury will be struck by the Registrar; and that, at some place and on some day to be named in the notice not less than twenty-one clear days from the service thereof, parties will be heard before the magistrate and a jury for the purpose of having the value assessed; and the magistrate, at least seven clear days before the day appointed for striking the jury, shall give written intimation to the Registrar that he will be required to do so;
- (c) the jury shall consist of seven persons, not members or in the service of the Council and not having any interest in the question, and shall be struck by the Registrar at the registry from and out of the jurors' list kept under any Ordinance for the time being in force regulating the keeping of jurors' lists;
- (d) when the jury has been struck, the Registrar shall forthwith make out a special writ or precept for summoning the jury and shall summon them to appear at the time and place specified in the notice mentioned in paragraph (b) of this section; and the summons shall be served on each

juror at least two clear days before the day on which his appearance is required;

- (e) at the time and place appointed, the jurors, or any number of them not less than five, who appear, on their oaths or affirmations, to be taken before the magistrate, and by a majority of votes, shall assess the amount to be paid; and the magistrate shall thereupon give judgement for the amount so assessed, and may also award to any party a reasonable amount for costs and expenses, and shall deposit the judgement and award in the registry; and any judge of the Supreme Court may grant execution thereon :

Proviso.

Provided that any party aggrieved by any award as to the costs may, within one week after the deposit of the award in the registry, and on giving security to the amount of fifty dollars for costs in appeal, appeal therefrom by petition to the Supreme Court.

Assessment
of value of
property
where
persons
interested
are not
known.

168.—(1) If the parties interested in the property are not known the magistrate of Georgetown shall first procure an appraisement of the property to be made by two disinterested persons, and if the appraised amount does not exceed five hundred dollars shall proceed by himself, and if it exceeds five hundred dollars shall proceed with a jury in manner hereinbefore provided, to determine or assess the value; and the notices hereinbefore required to be served on parties who are known shall be addressed to all whom it may concern, and shall be affixed to some conspicuous part of the property, in cases where a jury is to be struck, at least seven clear days before the day appointed for striking the jury, and in all cases at least three weeks before the day appointed for determination or assessment of the value, and shall also be published in the Gazette and in one or more newspapers in the city, in cases where a jury is to be struck at least seven clear days before the day appointed therefor and in all cases for at least three weeks previous to the day appointed for the determination or assessment of the value.

(2) Any party interested appearing to the notice, shall be entitled to be heard and to proceed as if the notice had been served on him; but if no party claiming to be interested appears, the Council may proceed ex parte up to the final close of the matter, and in that case the amount determined or assessed shall be deposited in the registry,

and may be paid out by order of the Supreme Court, or the Chief Justice during non-session, on the petition of any person or persons proving a right thereto.

(3) Any money so deposited and not claimed within one year after the date of the deposit shall be paid by the Registrar into the Treasury and be subject to the same provisions as are enacted by any Ordinance for the time being in force relating to unclaimed dividends and balances paid into the Treasury.

169. Whenever any dispute arises among several claimants, or when in the absence of that dispute the magistrate entertains any doubt as to the apportionment or appropriation of any amount determined or assessed, that amount shall be deposited in the registry, and the apportionment or appropriation thereof shall be determined by the Supreme Court in Georgetown, on the petition of any party interested.

Dispute or doubt as to apportionment of amount assessed.

170. At any hearing under this Ordinance, the parties interested and their witnesses may be examined on oath or affirmation, and witnesses may be summoned and their attendance shall be enforced in like manner as provided by any Ordinance for the time being in force regulating procedure before magistrates in the exercise of their civil jurisdiction; and they shall be entitled to remuneration for attendance at the rates allowed by the Supreme Court of Judicature Ordinance.

Examination, attendance and remuneration of witnesses.

SPECIAL PROVISIONS RELATING TO QUEENSTOWN.

171. The Council shall have power and are hereby authorised to sell the unsold lots in Queenstown as laid out and shown on a plan of Queenstown deposited in the deeds registry under the provisions of Ordinance No. III of 1887, and to pass transports of them to the purchaser or purchasers thereof.

Council may sell certain lots in Queenstown.

172.—(1) The Council may receive the purchase money of any lots already sold or to be sold by them as aforesaid in ten instalments to be paid in the following manner, namely:—one-tenth of the whole of the purchase money in cash at the time of completing the sale, and one-ninth of the remaining nine-tenths of the said purchase money at the expiration of each succeeding year thereafter, together

Payment of purchase money:

with interest on the total balance remaining unpaid at the rate of six per centum per annum until the whole is paid :

Proviso.

Provided that the purchaser or purchasers shall be at liberty to anticipate the payment of all or any of the instalments, and interest on any anticipated instalment or instalments shall cease from date of that payment.

(2) The Council shall require the purchasers of any lot sold as aforesaid to give promissory notes for the different instalments of the purchase money remaining unpaid, but the acceptance of the notes shall in no way affect the lien of the Council or their right to recover by parate execution.

(3) The purchaser or purchasers shall pay all the expenses of passing transport.

(4) In all cases where any portion of the purchase money remains unpaid, a statement shall be inserted in the transport that it is passed subject to the lien of the Council.

(5) On payment of the last of the instalments as aforesaid in any case the Council shall on the request of the purchasers direct the Town Clerk to indorse on the transport of the property and the grosse (if any) thereof that the lien of the Council has been satisfied, and the Registrar shall produce the transport at his office for that indorsation to be made.

Lien of Council.

173.—(1) The Council shall have a preferent lien on all land within Queenstown already sold or hereafter to be sold by it and on all and each of the buildings erected on that land over and above all liens and mortgages thereon, legal or conventional (excepting only liens and preferent rights of the Crown or of the colony), for securing the due payment of the several instalments of the purchase money remaining unpaid, together with the interest thereon, including any additional interest on any unpaid instalment or interest which the Council is authorised by this Ordinance to recover.

(2) The preferent liens so created shall subsist and continue in full force and effect upon the land sold by the Council and upon all and each of the buildings erected thereon until the whole of the purchase money of the land and all the interest thereon has been paid in full, notwithstanding any sale either at the instance of the Council or otherwise, transport, letters of decree, conveyance, or any devolution of the land or buildings of any kind or description.

174. If any instalment of the purchase money of any land sold by the Council, or any interest on an instalment remains unpaid for fourteen days after it has become payable, the Council may demand and recover interest, at the rate of eight per centum per annum on the overdue and unpaid instalments and the interest thereon.

Interest on unpaid purchase money.

175. The Council may recover by parate execution every sum of money becoming payable to it under the provisions of this Ordinance, together with all interest and costs thereon, by proceeding either against the person or persons liable for the sum or against the proprietor or proprietors of the land and buildings thereon in respect of which the sum has become payable, without naming those proprietors.

Council may recover by parate execution.

BURIAL GROUNDS.

176. The burial ground established on plantation Le Repentir, shall be under the control of the Council subject to the by-laws herein provided for.

Le Repentir burial ground.

177.—(1) No one may establish any burial ground, or set apart any piece of ground within two miles of the city, for the burial of the dead for any fee or reward.

Prohibition against establishment of burial ground within specified limits.

(2) Anyone who charges, takes, or receives, any fee or reward, or any sum of money on any pretence whatsoever, for burying any corpse or allowing it to be buried in any ground or vault within those limits, other than the Bourda cemetery, shall for each offence forfeit a penalty not exceeding fifty dollars.

Penalty.

178. The Bourda cemetery shall not be in any manner extended or enlarged.

Bourda Cemetery not to be enlarged.

179. Bodies of members of families who have vaults in the Bourda cemetery may be interred within it :

Interment in vaults :

Provided that no interment shall take place there without the written sanction of the Town Clerk, which he is hereby authorised to grant for the interment of those whose families have vaults therein and on payment of a fee of five dollars to be applied in aid of the revenues of the city.

Proviso.

180.—(1) Anyone who, save as aforesaid, buries, or causes to be buried, any corpse within the city, shall be liable to a penalty not exceeding five hundred dollars.

Penalty for unlawful interment.

(2) The Council shall have the power to exhume any corpse so buried and to remove it, under the supervision

of the medical officer of health to any of the Council burial grounds at the cost of anyone offending against this section and to recover the cost as a debt due to the Council by the offender.

(3) In any proceeding instituted for the recovery of that cost, the signature of the Town Clerk subscribed to any document containing a statement of the amount claimed shall, without proof of the signature of any other matter or thing, be deemed in all courts and for all purposes *prima facie* evidence that that amount is due and payable.

Crematorium.

181. The Council may at any time establish a crematorium for the disposal of human corpses.

WATER WORKS.

Council may construct and maintain waterworks.

182. The Council may provide the city with a supply of water proper and sufficient for sanitary and domestic purposes, for extinguishing fires, and for private use to the extent required; and for those purposes or any of them, the Council may construct, lay down, and maintain waterworks, and do and execute all works, matters, and things, necessary and proper; and the Council shall provide and keep, in any waterworks constructed or laid down by them under the power of this Ordinance, a supply of pure and wholesome water, and may make reasonable charges for the supply, and the water so supplied shall be constantly laid on at a pressure sufficient to convey it to the top-storey of the highest dwelling-house within the city.

Injury to water apparatus or diverting water:

183. Everyone who wilfully or carelessly breaks, injures, or opens any lock, cock, waste pipe, or waterworks, constructed or maintained by the Council under this Ordinance, or unlawfully flushes, draws off, diverts, or takes water from any waterworks so constructed or maintained, or from any water, creek, or stream, whereby the waterworks are supplied, or wilfully or negligently wastes or causes to be wasted any water with which he is supplied by the Council, shall for each offence forfeit a penalty not exceeding twenty-four dollars, and a further penalty of five dollars for each day while the offence continues after written notice in that behalf by the Town Clerk.

Proviso.

Provided that nothing herein contained shall prevent the owners or occupiers of premises through or by which any creek or stream flows from using it as they would have been entitled to do if this Ordinance had not passed.

184. Everyone who bathes in any stream, reservoir, conduit, aqueduct, or other waterworks, constructed or maintained under this Ordinance, or washes, cleanses, throws, or causes to enter, therein any animal, rubbish, filth, stuff, or thing of any kind whatsoever, or causes or permits, or suffers to run or be brought therein, the water of any sink, sewer, drain, engine, or boiler, or other filthy, unwholesome, or improper water, or does anything whatsoever whereby any water belonging to the Council or under its management or control, or whereby any water contained in any reservoir, conduit, aqueduct, or other waterworks, so constructed or maintained as aforesaid is fouled, shall for each offence forfeit a penalty not exceeding twenty-four dollars, and a further penalty of five dollars for each day while the offence continues, after written notice in that behalf by the Town Clerk.

Fouling water.

Penalty.

185. In the next eleven following sections,—

“ lot ” means any one or more parcels of land in the books of the Council appraised as a separate property;

“ these provisions ” means the provisions of those sections.

Interpretation of “ lot ” and “ these provisions ” in sections next following.

COMPULSORY WATER SUPPLY.

186.—(1) Every lot in the city shall be connected with the nearest water mains in the streets of the city by means of a service pipe on which there shall be placed at least one tap.

Connections to be compulsory, efficient, and supply to be continuous.

(2) The connection shall be for the purpose of effecting a continuous water supply to every lot from the Georgetown Water Works, and shall at all times be kept in such a proper condition, either by renewal of the service pipe or otherwise, as to secure that supply efficiently, and the supply thereby shall be at all times continuous if it is available from the Georgetown Water Works.

(3) If any lot is without a connection, the Council shall have power and is hereby authorised to make and shall make the connection.

Council's power to make new connections.

(4) Whenever a connection has been made but has, at any time and from any cause whatever, become defective, for the purpose of maintaining a continuous water supply the Council shall have power and are hereby authorised to put that connection in proper and serviceable condition.

Council's power to put connection in serviceable condition.

Council's
power to sup-
ply water.

(5) Whenever there is a failure to have a supply of water to any lot by means of a connection the Council shall have power and are hereby authorised to provide a supply of water to the lot.

Council's
exclusive
right to make
and repair
connection.

(6) The Council shall have the exclusive right to make any connection, any renewal thereof, and all repairs thereto, at any time found necessary.

Cost of
connection a
charge on
lots.

(7) The cost of making a connection, any renewal thereof and all necessary repairs thereto, shall be a charge on the lot to which the connection, renewal, or repairs has or have been made, and the lot shall be liable and leviable therefor.

(8) The cost of the service pipes and other materials shall be borne by the Council up to the boundaries of the lots, and the further cost thereof for the additional work on the lots shall be done at the cost and be a charge against the owners and lots.

WATER RATES.

Levy of
water rate.

187. The Council may by resolution levy a water rate upon all lots within the city, and upon the buildings thereon, sufficient to cover the estimated amount required in each year to defray the expenses rendered necessary by supplying the city with water as in this Ordinance provided.

Collection
of rate.

188.—(1) Every resolution of the Council to levy the water rate shall be published in the Gazette and thereupon all lots within the city shall be liable and leviable for that rate, and the amount of the rate shall be preferent and shall be recoverable in like manner and to the same extent as taxes levied in pursuance of this Ordinance.

(2) The water rate payable in respect of a lot shall be paid to the Town Clerk with and at the same time and in the same instalments as the town tax or taxes payable in respect of the lot, and the Town Clerk shall not be compellable to receive payment of the one without the other.

Pending
water rate,
revised tariff
charges to
be made.

189. In the absence of a water rate, or until it has been levied, the charges for supplying water from the Georgetown Water Works to each lot within the city shall be those set out under the revised tariff passed by the Council on the fourteenth of April, nineteen hundred and nine, or any

amendment thereof or addition thereto, and the conditions of supplying water shall be those set out in that tariff or any amendment thereof or addition thereto.

190. In default of payment of any water rate, or of any charge made for supplying water, or of any charge made for laying down a connection within or upon any lot or for any renewal of or repairs thereto, the Council may proceed for the recovery thereof by summary execution against the property in default.

Mode of recovering charge for water and cost of connection.

191. In any proceeding instituted for the recovery of a water rate or charge made for supplying water, or of any charge made for laying down a connection, or any renewal thereof or repairs thereto,—

Proof of amount of water rate or of charges.

(a) the signature of the Town Clerk subscribed to any document containing a statement of the amount claimed for the rate or charge in respect of each lot, shall, without proof of the signature or of any other matter or thing, be deemed in all courts and for all other purposes *primâ facie* evidence that the amount so claimed is due and payable; and

(b) a summons against the owner, or representative of the owner, of any lot, the name of the owner or his representative not being mentioned, shall be deemed to be sufficiently served if it is affixed to the principal building, or if there is no building then to any railing, bridge, tree, or post on the lot, or to any other part thereof which the Marshal thinks most suitable for the purpose.

Mode of serving summation.

192. All legal proceedings, except as directed in any by-law or as provided in any amendments or additions thereof or thereto, may be instituted and carried on in the name of the Town Clerk, and no proceedings whatever shall abate or be discontinued by his death, resignation, or removal, or by reason of any change or vacancy in the Council by death, resignation, or otherwise.

Proceedings may be in name of Town Clerk.

193. These provisions, so far as they relate to the payment of water rates, shall not apply to any Government property in respect of which there is at present an existing

Exemption of certain lots.

contract between the Government and the Council for the payment of those rates; nor shall these provisions apply to any lot having a continuous supply of artesian water.

194. The Council may from time to time make by-laws for regulating all matters in any way connected with properly carrying out these provisions, and may attach to any by-law a penalty for a breach of it not exceeding fifty dollars.

195. Everyone guilty of an offence against these provisions for which no special penalty is imposed, shall be liable to a penalty not exceeding ten dollars.

196.—(1) The Council may from time to time frame a tariff of charges for materials and labour for the proper carrying out of these provisions and for regulating the charges for all water supplied to all lots as mentioned in section one hundred and eighty-eight of this Ordinance.

(2) The tariff when so made shall be published in the Gazette and another newspaper and shall thereupon have the same force and effect as if it had been made by by-law duly made under section one hundred and ninety-four.

THE POUND.

197.—(1) The Council shall appoint some convenient place within the city where a pound shall be kept; until that is done the existing pound shall continue to be used.

(2) Public notice of the appointment shall be given in the Gazette and in a newspaper circulating in the city.

198. Every pound shall be a pound within the meaning of the Pounds Ordinance, and the provisions of that Ordinance shall apply thereto except where otherwise herein provided.

199.—(1) The pound shall be under the charge and superintendence of the Council.

(2) The appointment of the pound keeper shall be vested in the Council, and all pound fees, penalties, and sums of money payable under the provisions of the Pounds Ordinance, shall be paid over to the Town Clerk in aid of the town funds.

200. Any horse, mare, gelding, pony, mule, ass, bull, cow, ox, heifer, steer, calf, sheep, or goat, grazing or straying (whether tethered or held by a rope) on any public road,

Council to
keep a
pound.

Pound
Ordinance
to apply.
Chapter 93.

Pound keeper
and fees.

Strays may
be im-
pounded.

street, dam, recreation ground, cemetery, or other public place within the city, may be seized and impounded by any police or town constable or by any other person having a general or special authority in writing from the town clerk or city engineer, and the owner of it, who wilfully allows it to graze or stray there without individual control shall be guilty of an offence and be liable on conviction to a penalty not exceeding twenty dollars.

Penalty.

201. Anyone who proves to the satisfaction of the Town Clerk, within three months after the sale of any stray sold by the pound keeper that he was the owner thereof shall be paid by the Town Clerk the balance of the proceeds of the sale paid into the Town Clerk's hands.

When stray sold balance of proceeds to be paid to owner.

202. Sections twenty, twenty-one, and twenty-two of the Pounds Ordinance, shall not apply to the pound in Georgetown.

Chapter 93. Pounds Ordinance not to apply.

REPAYMENT OF OUTSTANDING LOANS.

203. The Colonial Treasurer, for and on behalf of the colony, shall have a preferent lien upon the property, revenues, rates, and taxes of the Council, subject to any existing liens thereon in favour of the colony, for the payment of any outstanding loans together with interest thereon until they have been fully paid, together with any expenses incurred in the recovery thereof.

Lien of Colonial Treasurer.

204.—(1) The Colonial Treasurer for and on behalf of the colony may recover by summary execution against the Council any amount of principal or interest due in respect of loans at any time due and unpaid, and may levy upon the property, revenues, rates and taxes of the Council and recover from the sale thereof the amount then due and owing, together with all costs incurred in the recovery thereof.

Colonial Treasurer may recover by summary execution.

(2) A statement purporting to be signed by the Colonial Treasurer of the amount then due to the colony in respect of those loans shall be received in all courts of law as *prima facie* evidence that the amount therein appearing to be due is due and payable.

Proof of amounts due to colony.

BORROWING POWERS.

205. The Council, with the approval of the Governor in Council may from time to time raise on loan by the issue of bonds, any sums of money required for the purposes

Council may raise loans on issue of bonds.

Chapter 45.

hereinafter mentioned, not exceeding two hundred thousand dollars in any one year, or, inclusive of the moneys already raised under the Public Purposes Loan Ordinance, one million five hundred thousand dollars in the whole.

Validating
certain loans
raised by
Georgetown
Town
Council.

206.—(1) The sums of money amounting in the aggregate to one hundred thousand dollars advanced by certain persons to the Council in the months of September and October nineteen hundred and twenty, shall be deemed to have been raised on loan by the Council under the authority of law.

(2) That loan is hereby confirmed, and the Council may issue bonds in respect thereof, and bonds so issued may bear interest at the rate of six per centum per annum as from the date when the sums of money for which they are issued were advanced.

(3) The loan authorised by this section shall be reckoned as part of the amount of one million five hundred thousand dollars mentioned in the last preceding section.

Application
of moneys
raised.

207. The moneys so raised shall be applied in carrying out those improvements within the city which in the opinion of the Council, cannot be conveniently defrayed out of the rates and taxes levied in any one year.

Form and
amount of
bonds.

208. The bonds shall be in the form, shall be issued for the amounts and at the rate of interest, and be redeemable at the time and in the manner decided by the Council with the approval of the Governor in Council.

Repayment
out of general
revenues of
Council.

209. The principal moneys and interest secured by the bonds issued under section two hundred and five of this Ordinance shall be and they are hereby charged upon and shall be payable in their order of priority out of the general revenues and assets of the Council, subject to any special prior charge on those revenues and assets by any Ordinance in force at the date of the commencement of this Ordinance, notwithstanding that that Ordinance is hereby repealed.

Where bond
defaced.

210.—(1) If any bond issued under this Ordinance, or any Ordinance hereby repealed, is by accident defaced, the Council may cause a new bond to be made and delivered to the bearer and the defaced bond to be cancelled.

(2) The new bond shall bear the same number, date, and principal sum, carry the same interest, and be subject to the same rules as the original bond.

211. The Council, on proof to its satisfaction that any bond issued under this Ordinance, or any Ordinance hereby repealed, has by accident been lost or destroyed before being paid off, may, if the number and amount of the bond are ascertained, and upon being furnished with due security for indemnifying the Council for any loss to which it may at any time be subjected by reason thereof, issue a new bond corresponding in all respects with the bond so lost or destroyed, or, if any bond when so lost or destroyed is overdue, the Council may cause the money thereon to be paid off and discharged.

When bond
lost or
destroyed.

212.—(1) The Council shall have the power from time to time to borrow in any one year from their bankers, by way of overdraft on current account, any sums of money required, not exceeding at any time during each year the sum of fifty thousand dollars, and shall apply those sums solely towards the payment, in that year, of expenditure duly authorised by the annual estimates of the Council, or any expenditure incurred as the result of any supplementary vote or votes duly passed at a meeting of the Council.

Council may
borrow from
bankers for
current
expenditure :

(2) The Council may also, with the consent of the Governor in Council, borrow from their bankers, on overdraft as aforesaid, during the said period and for like purposes, money in excess of the sum of fifty thousand dollars.

(3) The Council shall also have power, from time to time, and during the time the Governor in Council approves, to borrow sums of money only from its bankers and solely to apply them, when necessary, towards the payment in any year of expenditure incurred for any special works in respect of which the Council has been duly authorised to raise money on loan by the issue of bonds :

Provided that the sums so obtained shall not exceed at any one time the amount of loan authorised, or the sum of one hundred thousand dollars, whichever may be less.

Provisu.

213. Where after the twenty-ninth day of October, nineteen hundred and twenty-seven, any loan is raised by the Council under the authority of this or any other Ordinance

Provision for
repayment of
loans raised
by the Council
after the
29th October,
1927 :

*Sec. 3 of Ord.
23 of 1936*

conferring power to raise loans, the following provisions shall apply :—

- (a) The Council shall set apart each year out of its general revenues and assets, in addition to the interest on the amount of the bonds from time to time issued, such a proportionate part of the capital of those bonds as will be sufficient in the aggregate to pay the capital as and when it becomes payable;
- (b) the amount to be so set apart each year for the repayment of the capital sum of the bonds shall be an equal proportion of that sum;
- (c) where the sum set apart each year cannot be immediately applied to the redemption of the bonds to which it is applicable, it shall be invested by the Council until, with the accruing interest, it can be so applied :

Proviso.

Provided that when determining the amount to be set apart each year, if any allowance is made for interest to accrue on the sums to be invested, the interest to be obtained shall not be estimated at a higher rate than five per centum per annum.

Audit of accounts in respect of the repayment of loans.

214. The accounts of the Council in respect of the expenditure and setting apart annually of sums in repayment of any moneys raised on loan as provided by the last preceding section may at any time be audited by the Auditor or any officer of his department duly authorised in writing by him, and the expenses of the audit shall be borne by the Council.

BY-LAWS.

Power to make by-laws and provisions relating to them :

215.—(1) The Council may from time to time make by-laws generally for the good rule and government of the city, for promoting and protecting the health of the inhabitants and for the prevention and suppression of nuisances; but the Council shall not make any by-law affecting any of the matters mentioned in sections one hundred and sixty or one hundred and sixty-four of the Summary Jurisdiction (Offences) Ordinance.

Chapter 13 :

(2) In particular the Council may make by-laws relating to—

- (a) the regulation of markets, burial grounds and crematoria, and the imposition of fees and dues in respect thereof;

- (b) the regulation of the promenade gardens and other public recreation grounds;
- (c) the regulating of the number, dimensions and general character and style of buildings to be erected on lots in different portions of the city, and any other matter connected with the erection of buildings;
- (d) the prohibition of the establishment of provision shops and manufactories in certain parts of the city, and the regulation of the number of those shops and manufactories in other parts of the city;
- (e) the supervision, control and regulation of hackney carriages and carts plying for hire and of the drivers thereof; the control and regulation of the weight and class of all kinds of vehicles used upon city streets, the regulation of vehicular traffic thereon, and the confinement to any street or streets or section of the city of any particular kind of vehicular traffic, subject always to the restriction contained in the latter part of subsection (1) of this section;
- (f) the supervision and control of the owners and boatmen of boats plying for hire in the harbour of Georgetown, and the regulation of the rates and fares to be charged by them;
- (g) the control and management of porters, jobbers and hucksters;
- (h) the protection of buildings from fire;
- (i) the safeguarding and removal of dangerous buildings and the removal of obstructions;
- (j) the marking of boundaries, and the fencing, of lots: the open spaces to be left on lots; the control of the streets, public wharves and other public places; and the moving of cattle through the streets;
- (k) trespass in alleyways, and the encumbering of streets and the parapets thereof and of pavements.

(3) No by-laws shall come into force until they are published in the Gazette after approval by the Governor in Council

(4) There may be attached to any by-law a penalty for breach of it not exceeding one hundred dollars or three months' imprisonment, and, in the case of a continuing

breach, a further penalty not exceeding ten dollars for each day whereon the breach continues after a notice of the breach has been served by the Council, and all penalties shall be recoverable under the Summary Jurisdiction Ordinances.

(5) Any by-law may authorise the arrest of anyone found committing a breach thereof and the seizure and forfeiture of any article in relation to which a breach of the by-law has been or is being committed.

(6) Those of the by-laws in the seventh schedule hereto which are in force at the coming into operation of this section shall continue in force as if they had been made and had taken effect under this section.

(7) Notwithstanding anything contained in any Ordinance or by-law, the fire brigade of the city shall be under the control and management of the Governor in Council:

Proviso.

Provided that—

- (a) the cost of equipment and upkeep, as mutually agreed between the Governor in Council and the Council and approved by the Legislative Council, shall be borne equally by the Council and the public revenue of the colony; and
- (b) the expenditure so incurred by the Council shall be deemed to be expenditure which the Council is authorised to incur within the meaning of paragraph (i) of sub-section (1) of section one hundred and thirty of this Ordinance; and,
- (c) save as above enacted, all by-laws relating to the fire brigade shall continue in force as if the expression "the Governor in Council" were substituted for the expression "the Council" in any ~~Ordinance~~ or by-law thereto relating.

(8) The Governor in Council may from time to time make by-laws for the regulation of the fire brigade.

FIRE BRIGADE.

216. Anyone in whom the control of any measures to be taken under any Ordinance or by-law applying to the city or in whom the control of the fire brigade is vested, is hereby empowered, if it appears to him necessary for the purpose of arresting the progress of any fire, to order any house or other building, paling, or erection, to be pulled down or otherwise destroyed, and he is also empowered to

Power to
destroy
property in
order to
arrest spread
of fire.

*Amended by Ord. 22
of 1920*

use any water in any tank, cistern, or other vessel or receptacle in the neighbourhood of the fire; and no action for damages in respect of anything so done shall be maintainable against anyone in whom that control is vested or against anyone acting by his authority.

217. The Council shall be bound and liable to compensate and pay to the several parties damnified the amount of loss sustained by them by reason of any act done under the provisions of the last preceding section, and for that purpose shall receive and investigate any claims for compensation preferred by any of those parties, and if the Council and the claimant agree upon the amount of the compensation, it shall be forthwith paid, and in case of disagreement it shall be assessed under the provisions of sections one hundred and forty-eight, sub-section (2), one hundred and forty-nine, and one hundred and fifty, both inclusive, of this Ordinance :

Liability to compensate owners and power to Council to levy assessment :

Provided that any claim to compensation by anyone within the colony or duly represented therein shall be made within three months after the occurrence of the fire.

Proviso.

LEGAL PROCEDURE.

218. In proceedings by or on the part of the Council against any person for stealing or wilfully injuring, or otherwise improperly dealing with, any property, works, or things belonging to the Council, or under its management or superintendence, it shall be sufficient to state generally that the property or thing in respect of which the proceeding is instituted is the property of the Mayor and Town Council.

Mode of describing property of Council.

219. All legal proceedings by, or on the part of, or against, the Council, except as directed in the by-laws contained in the seventh schedule hereto or as provided in any amendments or additions to those by-laws, may be preferred, instituted, and carried on in the name of the Town Clerk, and no proceedings whatever shall abate or be discontinued by his death, resignation, or removal, or by reason of any change or vacancy in the Council by death, resignation, or otherwise.

Proceedings may be in name of Town Clerk.

220. All written instruments required to be signed on the part of the Council for any of the purposes of this Ordinance shall, except as directed in the by-laws contained in the seventh schedule hereto, be signed by the Town Clerk, with his name and official description.

Instruments to be signed by Town Clerk ; seventh schedule,

Service of
notice :

221. Where under this Ordinance any notice is required to be given to the owner or occupier of any building or land, that notice addressed to the owner or occupier thereof, as the case may require, signed by the Town Clerk may be served on the occupier of the building or land, or left with some inmate of his abode, or, if there is no occupier, may be put up in some conspicuous part of the building or land; and it shall not be necessary in the notice to name the occupier or the owner thereof :

Proviso.

Provided that when the owner of the building or land and his residence within the colony are known to the Council, it shall be the duty of the Council, if he is residing in Georgetown, to cause every notice required to be given to him to be served on him or left with some inmate of his abode; and if he is resident in some part of the colony other than Georgetown, it shall be sufficient for the Council to send the notice by registered letter addressed to his residence.

Mode of
describing
owner or
occupier.

222. Wherever in any proceeding under this Ordinance, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of premises, it shall be sufficient to designate him as the owner or occupier of the premises, without name or further description.

Provision
where two or
more persons
jointly
answerable.

223. In any case of any demand or complaint under this Ordinance to which two or more proprietors or occupiers of premises are jointly answerable, it shall be sufficient to proceed against any one or more of them without in any manner proceeding against the other or others of them; but nothing herein contained shall prevent the parties against whom proceedings are so taken from recovering contribution in any case in which they would be entitled to contribution by law.

Mandamus or
injunction
against
Council.

224. The Attorney General, or any registered voter under this Ordinance, may apply to the Supreme Court for a writ of mandamus, or for an injunction, to compel the performance by the Council of any duty, act, matter, or thing to be by it as a corporation done and performed under this Ordinance, or to restrain it from the performance of any illegal or improper act; and the court shall have full power and authority to grant the application, on just grounds being adduced therefor, whether there exists any other legal remedy or not; and the application

when granted shall proceed in manner and form directed by any law for the time being in force regulating procedure in respect thereof.

225. All fines, penalties, and forfeitures incurred under this Ordinance, except where otherwise specially provided, shall and may be sued for and recovered before the Magistrate of Georgetown, who is hereby invested with full power, authority, and jurisdiction to hear and determine the suit, and also to make any order, to issue any warrant, and to decide any matter, which under any of the provisions of this Ordinance may be made, issued, or entertained by him.

Recovery of penalties.

226. Every proceeding before the magistrate under any of the provisions of this Ordinance shall be commenced within six months from the time when the right of action first accrued and shall be conducted, as near as may be, according to the form of procedure, and be subject to the appeal, provided by any Ordinances for the time being in force regulating procedure before magistrates in the exercise of their summary jurisdiction and appeals from magistrates' decisions.

Procedure and limitation of proceedings.

227. All fines, penalties, and the proceeds of all forfeitures, recovered on proceedings taken by or in the name of the Town Clerk, or any officer of the Council under any of the provisions of this Ordinance or the by-laws, for the appropriation whereof no express provision is made, shall be paid to the Town Clerk in aid of the town funds :

Penalties to be paid to Town Clerk :

Provided that the Council may award an amount not exceeding one-third of the net proceeds of the fine, penalty, or forfeiture, after deduction of all costs, charges, and expenses, to or among any person or persons, other than the Town Clerk, concerned in seizing, prosecuting, or giving information or assistance in the matter, and, if there are more persons than one, in the proportions determined by the Council.

Proviso. awards to informers or assistants.

228. The members of the Council shall, for the purposes of this Ordinance, have power, by themselves or the officers or servants of the Council, to enter at all reasonable hours in the day time into and upon any buildings or land within the limits of the city, as well for the purpose of inspection as for the purpose of executing any work

Members of Council may enter premises :

authorised to be executed by them under this Ordinance without being liable to any legal proceedings on account thereof :

Proviso.

Provided that, except when it is herein otherwise provided, the members of the Council and its officers and servants shall not make that entry, except with the consent of the occupier of the land or building, until after the expiration of twenty-four hours' notice for that purpose given to the occupier.

Existing contracts confirmed, and rights invested.

229. All contracts entered into by the existing Council, and all matters and things by them duly done and performed previous to the commencement of this Ordinance, shall be and are hereby ratified and confirmed; and all dues, claims, demands, rights of action, outstanding town taxes, moneys, and property of every description, to which the existing Council was entitled previously to the commencement of this Ordinance, shall vest and are hereby declared to vest in the Council under this Ordinance, and the Council shall have, and it is hereby declared to have, full power and authority to sue for, levy, recover, and receive them.

Liabilities of existing Council to continue.

230. All bonds, debts, dues, obligations, and liabilities, of the existing Council, and all charges upon its property and revenues, shall subsist and continue in full force and effect as against, and shall be due and owing by, the Council under the provisions of this Ordinance, and be charged upon its property and revenues with the like preference and in the same manner as if this Ordinance had not passed; and nothing herein contained shall in any way prejudice, alter, or affect the rights or preference of any creditor of the existing Council, who shall have and enjoy the same rights and preference against the Council under the provisions of this Ordinance and against its revenues and property as he had and enjoyed previously to the commencement of this Ordinance.

Protection of councillors and officers with regard to certain contracts.

231. No contract entered into by the Council, nor any matter or thing done by it, or by any officer or person whomsoever acting under its direction, shall, if the matter or thing was done, or the contract was entered into in good faith, for the purpose of executing this Ordinance, subject it or any of its members personally to any action, liability, claim, or demand, whatsoever; and any expense

incurred by the Council in its corporate capacity, or any officer or person acting under its direction, shall be borne and repaid out of the town funds.

232. The Council, and each and every member thereof, and each and every officer and servant thereof, and each and every person acting under its direction, shall be entitled, with respect to all matters and things done or intended to be done under the provisions of this Ordinance, to the benefit and protection of the provisions of the Justices Protection Ordinance.

Protection of Council and officers generally.

Chapter 254.

233. The Council in its corporate capacity shall be liable and responsible in damages at the suit of any party injured for all torts and acts of omission, or neglect of duty, misfeasances and malfeasances of any of its officers or servants in all matters within the scope of their authority or employment; but the officer or servant shall be liable and responsible to the Council in the full amount of those damages, with all costs of suit as between solicitor and client.

Liability of Council to person injured.

234. Everyone authorised by law to make an affirmation instead of taking an oath shall make the affirmation whenever by this Ordinance an oath is required to be taken; and anyone taking any oath required by this Ordinance, or making any affirmation instead of taking an oath, who wilfully swears or affirms falsely, shall be deemed guilty of perjury and be punished accordingly.

Affirmations.

Perjury.

235. All legal proceedings in respect of the breach of any by-laws contained in the seventh schedule hereto, or at any time duly made and approved under this Ordinance, shall, in the several cases hereinafter mentioned be instituted and carried on by the several persons here specified, namely,—

Legal procedure for breach of by-laws; seventh schedule.

- (a) in the case of any breach of any of—
- (i) the general by-laws applicable to the whole city;
 - (ii) the special by-laws applicable to Newtown, Robbstown, and parts of North Cumingsburg;
 - (iii) the special by-laws for Robbstown ward;
 - (iv) the special by-laws for Queenstown ward,
- by the city engineer, or by any other officer of the Council or any town constable specially authorised by the city engineer;

- (b) in the case of any breach of any of—
the market by-laws—
by the clerk of markets, the assistant clerk of
markets, or any town constable;
- (c) in the case of any breach of—
the burial ground by-laws,
by the sexton of Le Repentir cemetery, or the
foreman, or any town constable or rural con-
stable;
- (d) in the case of any breach of any of—
the hackney carriage by-laws,
by the inspector of hackney carriages, or any
police constable, or any town constable, or any
one affected by the breach;
- (e) in the case of any breach of any of—
(i) the by-laws with respect to boats plying
for hire in the harbour of Georgetown;
(ii) the by-laws for licensed carts;
(iii) the by-laws for licensed porters,
by any police constable or any town constable,
or person interested or aggrieved;
- (f) in the case of any breach of any of—
the fire brigade by-laws,
by the superintendent of the fire brigade, or any
inspector or sub-inspector of the police, or
the city engineer, or the person in whom the
control of the measures to be taken on the
occasion of any fire in the city is vested.

MISCELLANEOUS PROVISIONS.

Exhibit of
transports.

236.—(1) Everyone who becomes the owner of immov-
able property in Georgetown either by transport or other-
wise shall, within three months after acquiring that pro-
perty exhibit to the Town Clerk for annotation by him in the
books of the Council the transport or other documents
evidencing the ownership.

Penalty for
default.

(2) Anyone who refuses or neglects to exhibit that
proof shall be guilty of an offence and be liable to a penalty
not exceeding twenty-four dollars, to be recovered by the
Town Clerk and, when so recovered, paid to him in aid of
the town funds.

Execution of
transports.

237. Whenever the Council purchases or sells any
property of a tenure requiring a transport thereof to be
passed in order to vest the title thereto in the purchaser,

that transport shall be passed either to or by the Council, as the case may be; and the Town Clerk shall execute the transport by signing his name and official description and affixing the common seal of the corporation thereto.

238. Anyone who molests, hinders, opposes, obstructs, or assaults any councillor or any officer of the Council, or any town constable, or any person employed by the Council, in the execution of his duty under and by virtue of this Ordinance, shall be liable on conviction to a penalty not exceeding twenty-four dollars.

Assault on officer.

Penalty.

239. Any officer of the Council or any town constable who, under pretence of doing any act under the provisions of this Ordinance, uses any unnecessary violence, or gives any uncalled for and vexatious annoyance, shall be liable on conviction at the complaint of any person aggrieved to a penalty not exceeding fifty dollars, whereof one half shall be paid to the complainant and the other half to the Town Clerk in aid of the town funds.

Violent or vexatious conduct by officer.

Penalty.

240. No cattle brought to Georgetown by water shall be landed except at the places specified in any by-law relating to those cattle or where the Council, subject to any terms and conditions it thinks fit, specially allows.

Landing of cattle at Georgetown.

241.—(1) The clerk of markets, and any inspector of weights and measures, and any commissary of taxation, may at all times inspect and examine the weights, beams, scales, and measures, at every stall in the markets and take care that they are correct, true, and legal.

Inspection of weights and measures.

(2) Everyone found in possession of any beam, scale, weight, or measure, not correct, true and legal, shall for the first offence be liable to a penalty not exceeding twenty dollars and for the second or any subsequent offence to a penalty not exceeding forty dollars; and every false, incorrect, or illegal beam, scale, weight, and measure shall be forfeited and broken up, and the material of which it is composed sold, and the proceeds of sale applied in aid of the market revenues.

Penalties for error.

242. Everyone in a market imposing or attempting to impose short weight or measure of any article upon any person whomsoever shall be liable to a penalty not exceeding fifty dollars.

Short weight or measure.

Penalty.

Alteration
of by-laws ;
seventh
schedule.

243. The Council may from time to time alter and amend any by-laws contained in the seventh schedule hereto, and every alteration or amendment shall be published in the Gazette and in one or more newspapers in the city, and when so published shall have the same force and effect as if it had been made by by-law duly approved under section two hundred and fifteen of this Ordinance.

Repeal of
enactments.

244. The repeal by this Ordinance of any enactments shall not affect any by-laws or regulations made and framed under those enactments.

SCHEDULES.

FIRST SCHEDULE.

(Section 17 (1).)

NOTICE OF CLAIM TO BE REGISTERED AS A VOTER.

To the Registering Officer of the City of Georgetown.

I, *A.B.*, of _____ hereby give you notice that I claim to have my name inserted in the list of voters for ward no. _____ and the particulars of my qualification, and the proof thereof, which I produce, are as follows:— [*Here state the qualification and the evidence produced to prove it.*]

Dated this _____ day of _____, 19 _____.

(Signed)

A.B.

SECOND SCHEDULE.

(Section 18.)

LIST OF PERSONS ENTITLED TO VOTE IN THE ELECTION OF MEMBERS OF THE TOWN COUNCIL OF THE CITY OF GEORGETOWN FOR WARD NO. _____ FOR THE YEAR 1 _____.

No.	Date of registration.	Surname and christian name.	Residence.	Nature of qualification.	Local or other description of land, etc.

THIRD SCHEDULE.

(Section 20 (1).)

NOTICE OF OBJECTION BY PERSON OMITTED FROM THE LIST OF VOTERS.

To the Registering Officer of the City of Georgetown.

I, *A.B.*, of _____ hereby give notice that I object to the omission of my name from the list of voters for ward no. _____ for the year 1 _____; and claim to have my name inserted in the said list on the following qualification, of which I produce proof as follows :—*[Here state the qualification and the evidence produced to prove it.]*

Dated this _____ day of _____, 19 _____.

(Signed)

A.B.

FOURTH SCHEDULE.

(Section 20 (2).)

NOTICE OF OBJECTION TO RETENTION OF NAME IN THE LIST OF VOTERS.

1. *Notice to the Registering Officer.*

To the Registering Officer of the City of Georgetown.

I, *A.B.*, of _____ being a person whose name appears in the list of _____ voters for ward no. _____ hereby give you notice that I object to the name of *C.D.*, of _____ in the _____ of _____ being retained in the said list on the ground that *[here state shortly the grounds on which the objection is based]*.

Dated this _____ day of _____, 19 _____.

(Signed)

A.B.

2. *Notice to the Person objected to.*

To

I, *A.B.*, of _____ being a person whose name appears in the list of voters for ward no. _____ for the year 19 _____, hereby give you notice that I object to your name being retained on the said list on the ground that *[here state shortly the grounds on which the objection is based]*.

Dated this _____ day of _____, 19 _____.

(Signed)

A.B.

FIFTH SCHEDULE.

(Section 28 (1).)

STATEMENT OF QUALIFICATION OF PERSON ELECTED TO BE A MEMBER OF THE TOWN COUNCIL OF THE CITY OF GEORGETOWN.

Qualification of *A.B.*, of _____ elected to be a member of the Town Council of the city of Georgetown for ward no. _____

[here state the qualification.]

I, *A.B.*, of _____ do solemnly declare that the above statement is a true and correct statement of my qualification to be elected a member of the Town Council of the city of Georgetown.

Dated this _____ day of _____, 19 _____.

(Signed)

A.B.

SIXTH SCHEDULE.

(Section 92 (2).)

RULES TO BE OBSERVED BY THE COUNCIL IN THE DISCUSSION OF BUSINESS.

1.—(1) Notice of each meeting other than a meeting fixed by the Ordinance or by adjournment shall be given by the Town Clerk in writing to each member at least forty-eight hours before the time of meeting ; except in cases of emergency, when as long notice as possible shall be given.

(2) The Town Clerk shall also send to each member, at least forty-eight hours before every meeting, a copy of the agenda, except in case of emergency, when it shall be sent as long before the meeting as possible.

2. The business of the Council at meetings shall be transacted in the following order :—

- (a) reading, correction, if necessary, and confirmation of the minutes of the last preceding or any other meeting ;
- (b) Announcements by the Mayor or presiding member, or by the clerk, and matters of urgency which the Mayor or presiding member may bring forward ;
- (c) reception of reports of committees ;
- (d) notices of questions or of motions ;
- (e) business on the agenda, in the order in which it is set down :
Provided that any business remaining over from a meeting shall be set down in priority to new business for the next meeting.

3. Any member wishing to move an original motion, or to ask a question, shall give notice thereof in writing to the Town Clerk, but a motion shall not become a subject of discussion, and a question shall not be answered, until the next ordinary meeting. The notice, if not given at a meeting of the Council, must be delivered to the Town Clerk at least seventy-two hours before the meeting at which it is intended to be brought forward.

4. Before any original motion or amendment thereon shall become a subject of discussion, it shall be seconded by some other member.

5. Any person may propose an amendment on any motion made and seconded, but no discussion shall follow on the amendment until it has been seconded.

6. Any amendment being seconded, the discussion shall first be on that amendment, after which the amendment shall be put to the vote, and if lost, the original motion shall be then put. If an amendment of a proposed amendment be moved and seconded it shall be considered as if the previous amendment were an original motion.

7. Any mover of an original motion or of an amendment shall be at liberty to state his reason for so doing, and each member of the Council shall be at liberty to state his reasons in support of or in opposition to the original motion or amendment.

8. After each member has spoken, the mover of the original motion shall be at liberty to reply, after which the votes shall be taken, and the result entered on the minutes by the Town Clerk. The mover of an amendment shall not have any right of reply.

9. No member, the mover excepted, shall be allowed to speak on any motion or amendment oftener than once, except by way of explanation.

10. When any motion brought before the Council has been discussed and lost, it shall not be again brought up for consideration until the expiration of six months thereafter.

11. Every application to the Council must be lodged with the Town Clerk at least four days before the meeting at which it is intended to be brought on for consideration.

12. All reports by the officers of the Council must be lodged with the Town Clerk at least five days before the meeting of the Council, fixed by Ordinance to be held on the second Monday of each month.

13. In case of great emergency which cannot admit of delay, any of the foregoing rules and regulations may, upon motion being made, be suspended for the purpose of accelerating business.

SEVENTH SCHEDULE.

(Section 243.)

- I. General By-laws applicable to the whole City.
- II. Burial Ground By-laws.
- III. Hackney Carriage By-laws.
- IV. By-laws for Boats.
- V. By-laws for Licensed Carts.
- VI. By-laws for Porters.
- VII. Fire Brigade By-laws.

I.—GENERAL BY-LAWS APPLICABLE TO THE WHOLE CITY.

Overhanging trees.

1. The City Engineer may require the owner of any tree hanging over any public street, road, or thoroughfare, in the city, so as to injure the street, road, or thoroughfare, or the drainage thereof, or to endanger the safety of the inhabitants, or overhanging the boundary between two lots, or which in the opinion of the City Engineer endangers the safety or comfort of the public or persons inhabiting the neighbouring premises, to cause the tree to be cut down, pruned, or anything dangerous removed therefrom in such manner and within such time as he directs by an order in writing to be served upon the owner, and if the owner fails to comply with the order, it shall be lawful for the City Engineer or any person duly authorised in writing by him to enter upon any private premises or land in the city wherein the tree is growing and to cause it to be cut down, pruned, or anything dangerous removed therefrom in accordance with such order, and the cost of so doing shall be recoverable from such owner.

Removing Road Material and Opening Kokers.

2. Every person who, without the sanction of the City Engineer,—

- (a) digs or removes any earth, burnt brick, or road metal from any of the dams, parapets, streets, trenches, or public places of the city, or
- (b) opens any of the draining sluices or kokers of the city,

shall be liable to a penalty not exceeding fifty dollars; and any police or town constable may take into custody without warrant and forthwith convey before a police magistrate any person who within his view commits any breach of this by-law.

Boats.

3.—(1) No boat or craft of any description shall be permitted to ground in any of the public draining canals or trenches of the city, or to obstruct the drainage thereof, and every person acting contrary to this by-law shall be liable to a penalty not exceeding twenty-four dollars; and it shall be lawful for any police or town constable to seize, remove, and detain any such boat or other craft, together with the contents, until such penalty, together with all costs of removal, be paid.

(2) No boat or craft of any description shall be hauled on any of the public stellings, dams, streets, thoroughfares, or parapets of the city, either for the purpose of being repaired, or for any purpose other than immediate removal, and every person acting contrary to this by-law shall be liable to a penalty not exceeding twenty-four dollars, and it shall be lawful for any police or town constable to seize, remove, and detain any such boat or other craft with its contents until such penalty, together with all costs of removal, be paid.

(3) Should any boat or craft with its contents seized under this by-law not be claimed and released in ten days after public advertisement of such seizure, the same shall be publicly sold by the City Engineer or by some person authorised by him and the proceeds paid to the Town Clerk in aid of the town funds; but the owner shall be entitled, within twelve calendar months thereafter, to claim and receive from the Council the balance of such proceeds remaining after deducting therefrom the amount of such penalty, together with all costs and expenses.

4. No boats, bateaux, or punts shall be conveyed through the public streets of the city between the hours of six in the forenoon and twelve o'clock midnight.

Obstructing pavements.

5. It shall not be lawful for any person to carry on the head on any pavement any tray of fish, greasy articles, bundles of wood, or other articles liable to incommode other persons, nor shall it be lawful for any person to push a hand truck or wheelbarrow along any pavement or throw any fruit skins or seeds on any pavement.

Public Stellings.

6.—(1) All public stellings within the city shall at all times be free from every encumbrance and be kept clean, and open for public accommodation and the owner of each and every lot contiguous to any such stelling should have such lot, so far as it extends along any such stelling, enclosed with a substantial fence of planks, rails, or palings not less than eight feet high, and no gate nor doorway shall communicate with any such stelling from such lot.

(2) Every person acting contrary to the provisions of this by-law shall be liable to a penalty not exceeding twenty-four dollars.

7. It shall not be lawful for any person to expose for sale any goods, wares, or merchandise on any of the public stellings of the city except on the market stelling with the permission of the clerk of the markets; and all such goods, wares, or merchandise so exposed for sale may forthwith be seized and removed, at the owner's expense, by any police or town constable; and any person who exposes for sale any goods, wares, or merchandise contrary to this by-law, and also any person who purchases any goods, wares, or merchandise so exposed, shall be liable to a penalty not exceeding twenty-four dollars.

Erection of Culverts, etc.

8.—(1) It shall not be lawful for any person to build, or place, or cause to be built or placed, any culvert, koker, tunnel, or bridge, in or upon any public canal, trench, or drain of the city without first obtaining the permission of the Council, who shall have full power and authority to determine in what manner such culvert, koker, tunnel, or bridge is to be built or placed; and if any such culvert, koker, tunnel, or bridge shall be hereafter built, or placed, or commenced without such permission, or contrary to the manner determined by the Council, they may forthwith destroy the same, and the person by whose order the same shall have been so built or placed, or commenced, shall be liable to a penalty not exceeding one hundred dollars.

(2) Any existing koker, culvert, tunnel, or bridge in or upon any public canal, trench or drain of the city, which shall obstruct the free drainage of the city or traffic, must be removed or altered so as not to obstruct such drainage or traffic by the owner of the lot or portion of a lot with or to which the same is connected or attached within a time to be fixed by the City Engineer by an order in writing to be served by him upon such owner, and in case the same shall not be removed or altered within such period it shall be lawful for the Council to remove or alter the same, and to recover the costs of such alteration or removal by summary execution against the lot or portion of a lot with or to which such koker, culvert, tunnel, or bridge, is connected or attached, and the owner shall in addition be liable to a penalty not exceeding one hundred dollars.

(3) It shall not be lawful for any person to place or build, or cause to be placed or built, any house, tenement or other erection of whatsoever nature or kind, upon or hanging over or encroaching beyond the line or boundary of any of the streets, public places, dams, parapet or thoroughfares of Georgetown; and in case any house, tenement, or other erection shall be at any time hereafter placed or built, upon or hanging over or encroaching beyond the line or boundary of any such street, public place, dam, parapet or thoroughfare, the City Engineer shall direct the same to be forthwith removed, by an order in writing to be served by him on the proprietor of the said building, or to be fixed on some conspicuous part of the said building, and in case the said proprietor shall not, within three days thereafter, remove such building within the line or boundary, the City Engineer may make complaint thereof before the magistrate of Georgetown, and it shall be lawful for such magistrate to order such proprietor to remove the same, to the satisfaction of the City Engineer, within a time to be fixed by such magistrate, and, in case the same be not so removed within the time so limited, the proprietor shall be liable to a penalty not exceeding fifty dollars, and the Mayor and Town Council shall, with all convenient speed, cause the said building to be removed within the line or boundary of the street, public place, dam, or thoroughfare, and all the expenses of removing the same shall be recovered by summary execution.

(4) In case any house, tenement or other erection is, at the commencement of this Ordinance, placed or built upon or hanging over or encroaching beyond the line or boundary of any of the streets, public places, dams, parapets, or thoroughfares of Georgetown, the City Engineer may, by an order in writing, to be served by him on the proprietor of the said building, or to be fixed on some conspicuous part thereof direct the same to be removed within a time to be fixed by him in such order, and in case the said proprietor shall not, within the time so fixed, remove such building within the line or boundary, the Mayor and Town Council may forthwith proceed to remove the same and the Mayor and Town Council shall pay the cost of any removal out of the town funds.

Driving of Cattle.

9. All kine brought into the city from the eastward and intended for slaughter shall be driven from Camp Road along Cowan Street to the slaughter house.

10. All kine brought into the city by water shall be landed at the slaughter house stelling or at the steamer stelling. All kine landed at the steamer stelling unless conveyed by cart shall be driven from there along Water Street to the slaughter house.

11. All kine brought into the city from the east bank and intended for slaughter shall be driven along Sussex Street to Lombard Street and then into Water Street at its junction with Hadfield Street, and thence along Water Street to the slaughter house.

12. No kine intended for slaughter shall be driven into, or out of, or through the city except between the hours of twelve (midnight) and five o'clock in the morning, but kine may be conveyed in a cart through the city at any hour.

13. All kine shall whilst being driven into, or out of, or through the city, be secured by two ropes of not less than 36 feet in length each fastened round the horns or head, one of which shall be held by a person in front of such kine, and the other shall be held by a person being behind any such kine.

14. All persons in whose name kine driven contrary to these by-laws are entered in the slaughter house book shall be deemed the owner for the purpose of any penalty under these by-laws.

15. The clerk of the markets shall only permit kine (except those conveyed in vehicles) to pass into the slaughter house premises through the gates opening on Water Street between the hours of twelve (midnight) and five o'clock in the morning.

16. Milch cows and calves kept in the city shall not be driven into, or out of, or through the city at any other time of the day than between the hours of five and eight o'clock in the morning, and half-past three and half-past five o'clock in the afternoon, and not more than four head of cattle shall be driven by one driver, and if any animal so driven is known to be restive, it shall be secured by a rope not less than twenty feet in length; and all cattle so driven shall not be allowed to graze on the parapets of the streets or in the trenches, on pain of being impounded as strays.

17. The owner of any animal driven or conveyed through the city in contravention of these by-laws shall be liable to a penalty not exceeding twenty-four dollars.

II.—BURIAL GROUND BY-LAWS.

1. The Council shall keep the burial ground known as the Le Repentir cemetery free from all nuisances of every kind and description and from brush and weeds, and shall keep in order and repair the fences, palings, bridges, roads, avenues, walks and trenches of the burial ground and the drainage thereof.

2. The Council shall on application made to them on behalf of the members of any Church in the Colony, set apart for the burial of the members of such Church, such parts of the said burial ground as to the Council may seem fit and sufficient.

3. The burial ground shall be open on every day from 6 a.m. to 6 p.m., or sunset, whichever is later, and the Council may permit burials therein at other hours if they think fit.

4. The sexton shall have in the burial ground an office in which shall be kept a register of all interments in the burial ground specifying the name, designation, sex, age, and nation, as far as practicable, of every person who shall be interred in the burial ground, also the number of the grave and the date of the funeral, and the sexton shall every three months deposit in the office of the Registrar in Georgetown, a duly certified copy thereof; and the sexton shall be bound to deliver a certificate of any interment to any person applying for the same, for which he shall be entitled to charge the sum of fifty cents.

5. The burial ground shall be laid out in layers or spaces and each grave in each layer or space shall be numbered in regular series, and a diagram of the burial ground shall be made and kept in the office of the sexton.

6. All graves, vaults, or tombs in the burial ground shall have a clear space of two feet between each, and such graves, vaults, or tombs shall be placed in uniform parallel lines, and each grave shall, except in the case hereinafter mentioned, be of the depth of at least four and a half feet, and each grave shall until closed up be kept clear of water, and a clear space of six feet shall intervene between the outside line of graves, tombs, or vaults and the fence or paling of the burial ground. Provided that two but not more than two coffins may be placed in one grave, if they are placed side by side, and the depth of the grave is at least five and a half feet.

7. Any person wishing to acquire a right to build a vault or brick grave, or to enclose any grave with a railing, or to place any stone or tablet upon any part of any grave for the purpose of acquiring a right of property in such grave, within the burial ground, shall apply to the Council, who are hereby authorised to grant leave for the same on payment to them of the value of the land to be occupied or enclosed, at the rate of sixty cents per square foot superficial measure and, unless the land be then and there railed in, an additional sum of ninety-six cents to enable the sexton to put up paals two feet above ground to mark the land so purchased.

8. The Council shall be entitled to charge the following fees :—

For the interment of the corpse of any person above the age of 12 years	\$3 00
For the interment of the corpse of any person above the age of 12 years, interred at the public expense	2 00
For the interment of the corpse of a child above the age of 1 year and not above 12 years of age	2 00
For the interment of the corpse of a child above the age of 1 year and not above 12 years of age, interred at the public expense	1 20
For the interment of an infant of one year and under.	1 20
For the interment of an infant of one year and under, interred at the public expense	0 80
For the interment of twins of one year and under	2 00
For the interment of twins of one year and under, interred at the public expense.	1 20
For permission to erect any tomb or vault including all fees on the entrance into the burial ground of any vehicle carrying materials for the same.	3 00
For permission to erect any railing inclosing a grave, or any stone or tablet upon any part of any grave	1 50

9. The Council may prohibit any vehicles entering the burial ground.

10. The sexton shall permit hand carts or barrows to enter the burial ground for the purpose of conveying materials for erecting tombs, vaults, tablets or rails.

11. The Council may allow any body buried in the burial ground to be exhumed and to be removed therefrom under such precautions as they shall from time to time think necessary.

12. Any person within the burial ground behaving in a disorderly manner, or plucking the fruit or flowers, or injuring any trees or shrubs, or walking over any grave, or in any way injuring the same, may be arrested by any constable or any person employed in the burial ground by the Council without a warrant, and shall be liable on conviction to a penalty not exceeding fifty dollars.

13. Any person found in the burial ground during prohibited hours shall be deemed guilty of wilful trespass and punishable accordingly.

14. No tomb of any kind shall be opened without the permission of the Town Clerk.

III.—HACKNEY CARRIAGE BY-LAWS.

1. In these by-laws—

“Hackney carriage” means a carriage, cab, or other vehicle on springs plying for hire of passengers in Georgetown or within three miles from the public buildings;

“proprietor” means every person who alone or in partnership with any other person keeps any such hackney carriage;

“animal” means horse or mule;

“inspector” means the inspector of hackney carriages appointed by the Council.

Certificate of Fitness for Hackney Carriages.

2.—(1) No hackney carriage shall ply for hire until the proprietor has had the same, together with the animal and harness intended to be used therewith, inspected as hereinafter provided for, and has also obtained a certificate from the inspector as hereinafter mentioned.

(2) The proprietor of any hackney carriage who permits the same to ply for hire, or uses or permits to be used any animal or harness in connection therewith, without having obtained such certificate or having had the same transferred to him, or after such certificate has expired or been cancelled, or during any time for which it has been suspended, shall be liable to a penalty not exceeding twenty dollars for each day or part of a day during which such hackney carriage plies for hire.

3.—(1) The proprietor of a hackney carriage, desiring to obtain a certificate of fitness of the same and of any animal and harness intended to be used therewith, shall produce the same at the Town Hall at such time as the inspector shall fix.

(2) At such time and place the inspector shall inspect such carriage, animal and harness, and if satisfied that the same are in a fit condition to be used, shall give the proprietor a certificate, in the form in schedule A to these by-laws.

(3) Such certificate shall state the number of persons, exclusive of the driver, which such hackney carriage is allowed by the inspector to carry.

(4) Before any certificate is issued for a hackney carriage the proprietor thereof shall produce to the inspector his revenue licence therefor, and the inspector shall insert therein the number of certificate and shall also insert in the certificate the number of the revenue licence for such hackney carriage.

4. Every certificate for a hackney carriage shall expire at the same time as the revenue licence granted in respect of such carriage, and shall be given up to the inspector previous to a new certificate being issued.

Transfer of Certificate.

5. Every person becoming the proprietor of a hackney carriage and of any animal to be used therewith, by transfer from any other person shall, on receiving a transfer of the revenue licence or licences for the same, and before plying for hire with such carriage, produce the licence or licences so transferred and also the certificate for such hackney carriage to the inspector, who shall transfer such certificate by endorsement to such person.

Quarterly Inspection.

6.—(1) Every proprietor shall at the expiration of each period of three months from the date of the certificate issued in respect of each hackney carriage produce the same and the animal and harness used therewith to the inspector, who, if satisfied as to the condition thereof, shall endorse on such certificate a memorandum of such inspection, and the date, and sign his name thereto, and shall make a corresponding entry in a book to be kept by him.

(2) Every proprietor who fails to comply with this by-law within three days after the expiration of each period of three months shall be liable to a penalty not exceeding five dollars for each day's default after the expiration of the said three days.

Suspension of Certificate.

7. If the inspector shall at any quarterly inspection or at any other time be satisfied that any hackney carriage or any animal or harness being used therewith is not in a fit condition to be used in plying for hire, he shall at once give notice in writing to the proprietor stating in what the unfitness consists, and that his certificate has in consequence been suspended by the said inspector until further notice.

8.—(1) The inspector or any police or town constable to whom it shall appear that any hackney carriage or the animal or harness used therewith is not in a fit condition to be used, may require the driver to stop such carriage and give his name and the number of his licence, and may also direct him at once to take such carriage, animal and harness to the office of the inspector for inspection by him.

(2) Every police or town constable who gives such direction shall at once report the same to the inspector.

(3) Every driver who fails to comply with such requirement or direction shall be liable to a penalty not exceeding ten dollars.

9. Every proprietor shall when requested exhibit his certificate to the inspector and in default shall be liable to a penalty not exceeding five dollars.

Number of Persons to be Carried.

10.—(1) A hackney carriage drawn by one animal shall not be allowed to carry more than four persons besides the driver, and if drawn by two animals, not more than six persons, besides the driver.

(2) Those numbers are to be reckoned exclusive of children in arms under three years of age, and two children between the ages of three and twelve are to be counted as one person.

(3) The driver of every hackney carriage carrying more persons than allowed by this by-law shall be liable to a penalty not exceeding ten dollars.

Names, etc., to be placed on Carriages.

11.—(1) The proprietor of every hackney carriage shall before plying for hire have the number of the revenue licence theretor and his own name affixed to such parts of such carriage as the inspector directs.

(2) Tin plates with the particulars aforesaid painted thereon in black figures and letters of not less than two inches in length on a white ground shall be furnished by the Town Clerk at cost price within four days after application to him by a proprietor.

(3) A proprietor failing to comply with this by-law shall be liable for each day's default to a penalty not exceeding ten dollars.

12. When any certificate or tin plate affixed to any hackney carriage is lost or becomes so defaced or injured as to be illegible, the same shall be replaced on the application of the proprietor and on payment of the cost, if any, thereof.

Drivers of Hackney Carriages.

Certificate and Licences.

13. No person shall act as the driver of a hackney carriage without being licensed.

14.—(1) A person desiring to act as the driver of a hackney carriage shall first apply to the inspector for a certificate of competency.

(2) The inspector, if satisfied that such person is competent and a fit and proper person to have charge of a hackney carriage, may grant such certificate in the form in Schedule B. to these by-laws.

15.—(1) On obtaining a certificate such person shall apply to the Town Clerk for a licence, who is authorised to grant the same on payment of a fee of forty-eight cents, and on delivery to him of the inspector's certificate.

(2) No licence shall be granted to a person under the age of eighteen years.

(3) A licence shall be in the form in Schedule C to these by-laws.

(4) A licence shall continue in force up to and inclusive of the 31st day of December next after being granted and no longer.

(5) Every driver shall be bound when thereto requested to exhibit his licence to the inspector or to any fare or to any police or town constable.

(6) When a licence of any driver is lost, or becomes so defaced or injured as to be illegible, the driver shall obtain a new licence from the Town Clerk on payment of a fee of twenty-four cents.

16. Every proprietor of a hackney carriage shall notify in writing to the inspector the name of the driver thereof, and on taking a new driver into his service shall give a similar notification, and shall be liable in default to a penalty not exceeding five dollars.

Badges.

17. Every person after obtaining a licence, and before acting or being employed as a driver of a hackney carriage, shall procure from the Town Clerk a badge which, while plying for hire, he shall constantly wear, so as to be clearly visible, on the left side of the front of his coat or blouse on a line with the shoulder.

18.—(1) Every licence and ever badge shall be delivered up to the inspector by the holder before a fresh licence is issued to him.

(2) When the badge of any driver is lost, or becomes so defaced or injured as to be illegible, the driver shall obtain a new badge from the Town Clerk on payment of a fee to cover the cost of same.

19. It shall not be lawful for any person who shall have obtained such badge to transfer or lend such badge or permit the same to be worn by any other person, and every person so doing and also every person who shall wear such badge or any badge in any way representing a badge required to be worn by a licensed driver, not being thereto lawfully entitled shall be liable to a penalty not exceeding ten dollars.

Fares.

20.—(1) Every proprietor and every driver lawfully in charge of a hackney carriage shall be entitled to charge such fares for the hire of his carriage as are specified in the tariff of charges in Schedule D. to these By-laws and no more.

(2) Every person hiring a hackney carriage shall be entitled to carry thereon a reasonable quantity of personal luggage without any additional charge.

21.—(1) The Town Clerk shall deliver to the proprietor for each hackney carriage kept by him a card with the tariff of fares printed thereon, and such card shall be affixed to the inside of such carriage in such a position that it may be distinctly seen by any person travelling in such carriage.

(2) When any such card is worn out or rendered illegible the proprietor shall procure a new card from the Town Clerk on payment of a fee of twelve cents.

(3) The proprietor and driver shall each be liable to a penalty not exceeding five dollars for each day or part of a day that such card is absent from such hackney carriage.

(4) Any person who defaces, destroys, or in any way injures or abstracts any such card shall be liable to a penalty not exceeding five dollars.

22. Every driver who shall demand or extort any greater fare than that so fixed or who being called upon at any time when plying for hire shall refuse, wilfully avoid, or attempt to avoid any fare, or who shall represent that he is hired or engaged when he is not so hired or engaged, or having made an appointment with any person for the hire of his carriage fails, without reasonable excuse, to keep such appointment, or who shall in any other manner without reasonable cause refuse or neglect to carry any person or his personal luggage or who shall unnecessarily delay any fare after being hired or not drive at a reasonable and proper speed shall be liable to a penalty not exceeding twenty dollars.

23.—(1) If any person hiring any hackney carriage shall refuse on demand to pay to the driver or proprietor the legal fare, such fare together with a reasonable allowance not exceeding ten dollars, for loss of time, may be recovered from him by such driver or proprietor under the provisions of the Summary Jurisdiction (Petty Debts) Ordinance.

(2) If any such person refuses to give his name and address he may be arrested by any police or town constable and detained until such name and address can be ascertained.

Stands for Hackney Carriages.

24.—(1) The Council may from time to time direct what places in Georgetown shall be stands for hackney carriages and what number shall be allowed on each stand.

(2) Until otherwise ordered the stands with the number of carriages allowed on each stand shall be those specified in Schedule E to these By-laws.

25. The driver of every hackney carriage shall when unemployed take his place with his carriage upon one or other of the stands, and the carriages on the stands shall be so arranged as to cause no obstruction to foot passengers or vehicles or to the inhabitants residing in the neighbourhood.

26. If the driver of a hackney carriage shall, while unemployed neglect or refuse to take his carriage to one of the stands, or loiter about the streets, or shall, whether employed or not, obstruct any thoroughfare or the approach or entrance to any premises, or cause obstruction to foot passengers or vehicles, or refuse to remove his carriage from any place or to take up his position elsewhere when directed by any police or town constable so to do, he shall be liable to a penalty not exceeding ten dollars.

Lost Property.

27.—(1) The driver of every hackney carriage in which any property shall be left shall within twenty-four hours, if such property shall not sooner be claimed from him by the owner thereof, carry the same to the Central Police Station in Georgetown, and in default shall be liable to a penalty not exceeding twenty dollars.

(2) The person claiming such property shall before delivery to him lodge with the police a sum equal to ten per cent. on the value placed upon such property by the Inspector General of Police, and such sum, after deducting any expenses which may have been incurred in advertising or otherwise, shall be paid to the driver of such hackney carriage as a reward.

Offences.

28. If any person acts as a driver of a hackney carriage without a licence, or during the suspension or after the revocation or expiration of such licence, or without wearing his badge in manner as herein required, or refuses to deliver up his licence or badge to any person authorised to demand the same, he shall be liable to a penalty not exceeding ten dollars.

29. If the driver of a hackney carriage shall, whilst in charge of such carriage and whether employed by a fare or not, be intoxicated or drive furiously, or in any way soever misconduct himself, or whilst employed by a fare smoke or without the express consent of such fare permit any other person to sit on the box seat of such carriage, he shall be liable to a penalty not exceeding ten dollars. Nothing in this by-law shall affect any claim for damages of any person injured or any liability of a driver under any enactment relating to furious driving.

30. Any complaint for any offence under or breach of these by-laws may be made by the inspector or any member of the police force or town constable, or, where any fare is affected, by such fare.

Suspension of Licences.

31.—(1) The driver of a hackney carriage, in addition to any punishment inflicted upon him for a breach of any of these by-laws, shall be liable, at the discretion of the convicting magistrate, to have his licence suspended for any part, not exceeding four months, of the period it has to run, and on a second or subsequent conviction to have his licence revoked.

(2) In every case of suspension or revocation the magistrate shall forward the licence, with a memorandum of his suspension or revocation endorsed thereon, and the badge, to the inspector, who shall retain the same altogether or until such suspension has expired.

SCHEDULES TO HACKNEY CARRIAGE BY-LAWS.

SCHEDULE A. (*By-law 3 (2).*)

No.

I hereby certify that on the application of
residing at _____ I have inspected the
carriage, the Revenue Licence for which is numbered _____
, and I certify that the said carriage is in a fit con-
dition to be used as a Hackney carriage to be drawn by _____ animal
and to carry _____ persons (exclusive of the driver) and that the
_____ and harness which have been shown to me by the said
_____ to be used therewith and which I have also inspected, are fit
to be used with such Hackney Carriage.

This Certificate expires with the Revenue Licence on the
day of _____ and must be endorsed by the Inspector at the
expiration of each period of three months from the date hereof.

Dated at Georgetown

this

day of

Inspector.

SCHEDULE B. (*By-law 14 (2).*)

I hereby certify that
residing at _____ is competent and a
fit and proper person to act as the Driver and have charge of a Hackney
Carriage.

Inspector.

SCHEDULE C. (*By-law 15 (3).*)

_____ is licensed to act as the
Driver of a Hackney Carriage up to and inclusive of the 31st day of December
next.

Town Clerk.

Georgetown,

19 .

SCHEDULE D. (*By-law 20 (1).*)

Tariff of Fares for Hackney Carriages.

BY DISTANCE.

From any one part to any other part of Georgetown, including stoppages,
provided the whole time of use of the carriage does not exceed fifteen
minutes—for one passenger not more than 12 cents: Provided that the
fare from any one part of Georgetown to any other part included within
the boundaries of

Water Street on the West
Lamaha Street on the North
Camp Street on the East
and Princes Street on the South

including stoppages (but that the whole time that the carriage is in use does
not exceed ten minutes) shall not exceed 12 cents for each passenger, and for
each additional passenger not more than 12 cents.

For any further distance, not more than one mile out of Georgetown, additional time to be not more than fifteen minutes—in addition to the above, not more than 36 cents.

For one passenger from the cabstand at North Street opposite the General Post Office going northwards to Lamaha Street, west of Carmichael Street, and southwards to Hadfield Street, west of Manget Place, the fare to be a sixpence, and from any other distance in the city to another,—a shilling; for each additional passenger not more than a sixpence.

By TIME—

For one person for the use of a carriage for each 15 minutes, or smaller portion of time—not more than 24 cents.

For each additional person for the whole time that the carriage shall be in use—not more than 12 cents.

NOTE.—Children in arms under three years of age not to be charged for, and two children under 12 years to count as one person.

The above are the fares that may be charged from 6 a.m. to 8 p.m.; from 8 p.m. to 6 a.m. double fares may be charged.

Passengers may bargain for lower fares than the above, and the drivers shall be bound by any bargains that they may enter into for lower fares.

SCHEDULE E. (*By-law 24 (2).*)

<i>Stands for Hackney Carriages.</i>	Number of carriages allowed.
1. Railway Station (North side of Lamaha Street between the Railway Station and Parade Street Bridge) ...	20
2. South side of Croal Street, between High Street and the East corner of the Ice House premises ...	10
3. North side of North Street to the West of Hincks Street and opposite the General Post Office ...	10

IV.—BY-LAWS WITH RESPECT TO BOATS PLYING FOR HIRE IN THE HARBOUR OF GEORGETOWN.

1. Every person (whether the owner or not) when actually employed or working as one of the crew or boatmen of or in any boat plying for hire in the harbour of Georgetown shall wear on his left arm above the elbow a badge with the number thereof displayed upon it, such as the Mayor and Town Council shall from time to time determine. A new badge shall be obtained by every boatman at the commencement of each year, and he shall pay to the Town Clerk therefor twenty-four cents; and every such badge shall be registered in a book to be kept by him for that purpose by the Town Clerk together with the name and address of the person to whom it is issued; and in case of the loss of such badge during the year a new one may be issued by the Town Clerk; and such badge shall in no case be worn by any person other than the person to whom it was issued.

2. Such persons or boatmen having badges may exercise their calling at all times, day or night.

3. No boat plying for hire in the harbour of Georgetown shall carry more persons, including crew or boatmen and passengers, than the Harbour Master when registering the licence for such boat shall certify in writing upon the face of such licence that the boat is fit to carry.

4. Every such boat shall be furnished and provided with such number of boatmen, of oars with the requisite fittings for the use thereof, of boat-hooks, and of life lines running round the boat as the Harbour Master shall direct.

5. The rates or fares chargeable and payable for boats plying for hire within the limits of the harbour shall be as follows :—

For hire of boat *by distance* :—

For one person from any stelling to any vessel or vice-versa	24 cents.
For each additional person	12 „
Where the vessel is lying in the quarantine ground	Double fares.

For hire of boat *by time* :—

For one person for each half hour or less	48 cents.
For each additional person for the whole time during which the boat is hired	12 „
For children whether the boat is hired by time or distance :—	
Above three years of age and under twelve	Half fare.
Under three years	Nothing.

Between the hours of nine p.m. and five a.m., double fares shall in each of the above cases be chargeable and payable.

For detention at either ship or stelling whether the boat is hired by time or distance :—

For the first fifteen minutes	12 cents.
For every additional fifteen minutes or less	8 „
Each passenger to be entitled to carry 25 lbs. of luggage free.	
For every additional 250 lbs. or less	24 cents.
For every 250 lbs. of merchandise or less	24 „

6.—(1) Every such boat shall have affixed to the inside thereof, in such a position that it may be distinctly seen by any passenger using the same, a card with the tariff of fares printed thereon.

(2) Such card shall be supplied by the Town Clerk on payment of a fee of twelve cents, and on its becoming worn out or illegible, shall be replaced by a new card, for which the same fee shall be paid.

7. Any person who defaces, destroys, or in any way injures or abstracts any such card, shall be liable to a penalty not exceeding five dollars.

8. Any boatman who shall demand or extort any greater fare than that so fixed, or who shall unnecessarily delay any fare after being hired, shall be liable to a penalty not exceeding twenty dollars.

9. In case of a breach of any of the provisions of Nos. 3, 4 or 6 of these by-laws, the person in charge of the boat in respect of which such breach occurs shall be guilty of an offence against such by-law.

10. Every person who shall offend against any of the foregoing by-laws shall be liable for every such offence to a penalty not exceeding twenty-four dollars.

V.—BY-LAWS FOR LICENSED CARTS.

1. In these by-laws—

“ cart ” includes any van, dray or truck drawn by any animal.

2.—(1) The proprietor of a cart plying for hire within the city shall be bound at all times to keep the same in proper order and repair and to take care that the animal and harness used therewith are in good serviceable condition.

(2) Every proprietor who fails to comply with this by-law shall be liable to a penalty not exceeding ten dollars.

Licences.

3.—(1) No person shall act as the driver of a cart plying for hire within the city without being licensed.

(2) The driver of any such cart drawn by a horse or mule shall be of fit bodily strength and shall not be under eighteen years of age.

(3) No person under the age of fifteen years shall be licensed as the driver of any such cart drawn by a donkey.

4. Licences for drivers shall be issued by the Town Clerk on payment of a fee of forty-eight cents.

5. A licence shall be in the following form :—

No.

Town Hall, Georgetown,

, 19

Permission is hereby granted to _____ residing at _____ to act as the driver of a cart drawn by a horse or mule (or donkey as the case may be) plying for hire within the City of Georgetown, up to and inclusive of the 31st day of December next.

Town Clerk.

6. Licences shall be numbered consecutively in the order in which they are issued, and every licence issued shall be registered by the Town Clerk, together with the name and address of the person to whom it is issued.

7. In case any licence is lost a duplicate may be issued by the Town Clerk on payment of a fee of twenty-four cents.

8. Every licence, unless revoked, shall continue in force up to and including the 31st day of December next after being issued, and no longer.

9. A licence shall not be transferable, and no person other than the person to whom it was issued, shall ply for hire under cover of such licence.

10. The holder of a licence shall, when plying for hire, produce the same when required by any police or town constable.

Badges.

11. Every person after obtaining a licence and before he shall ply for hire or act as a driver shall procure from the Town Clerk a badge which shall be constantly worn by him, when employed or plying for hire, on one of his arms between the shoulder and the elbow, so as to be clearly seen.

12. In case any badge is lost or destroyed, a new one may be procured from the Town Clerk on payment of a fee of twenty-four cents.

13. The badges shall be in such form as the Council shall from time to time direct.

14. It shall not be lawful for any person who shall have obtained such badge to transfer or lend such badge or permit the same to be worn by any other person, and every person so doing and also every person who shall wear such badge or any badge in any way representing a badge required to be worn by a licensed driver, not being thereunto lawfully entitled, shall be liable to a penalty not exceeding ten dollars.

15. Every licence and every badge shall be delivered up to the Town Clerk by the holder before a fresh licence is issued to him.

16.—(1) The driver of a cart plying for hire shall be bound, if required by the hirer, to carry a load therein as follows :—

If drawn by a horse or mule—	Tons.	Cwts.
the diameter of the wheels being not less than 4 feet		
10 inches, and the width of the tyre not less than		
3½ inches	1	0
being less than above	—	16-

	Tons.	Cwts.
in four wheel carts drawn by more than one horse or mule, the diameter of the hind wheels being not less than 4 feet 10 inches, and the width of the tyre not less than 4 inches	3	0
being less than the above	2	0
If drawn by a donkey—		
the width of the tyre of the wheels being not less than 2½ inches... ..	-	10
being less than above	-	8
in four wheel carts drawn by more than one donkey...	1	10

(2) No greater load than herein allowed shall be carried in any cart.

(3) Provided that on donkey carts having two wheels, no tyre shall be less than two inches in width, and on donkey carts having four wheels, and on all mule carts, no tyre shall be less than three inches in width, and on all bullock carts no tyre shall be less than four inches in width.

17. Every driver who—

(1) refuses to carry a full load when required to do so

(2) carries or attempts to carry a greater load than herein allowed, shall be liable to a penalty not exceeding ten dollars.

Rates of Hire.

18. Every proprietor and every driver lawfully in charge of a cart under these by-laws shall be entitled to charge the following rates for the hire of his cart, and no more :—

	Horse or Mule carrying up to				Donkey carrying up to		
	3 Tons	2 Tons	1 Ton	16 Cwt.	1½ Tons	10 Cwt.	8 Cwt.
1. For a load from any place along the line of Water Street to any place in the city, eastward, as far as the centre line of Camp Street and Russell Street, from north to south	\$ c.	c.	c.	c.	c.	c.	c.
2. For a load from any place along the line of Water Street to any place in the city, eastward, beyond the centre line of Camp Street and Russell Street ...	96	64	32	24	48	16	12
3. For a load from any place to the north of the centre line of Church Street to the northern limits of the city	1 44	96	48	36	72	24	18
4. For a load from any place to the south of the centre line of Church Street to the southern limits of the city	96	64	32	24	48	16	12
5. For a load from any place to the north of the centre line of Church Street to the southern limits of the city	1 44	96	48	36	72	24	18
6. For a load from any place to the south of the centre line of Church Street to the northern limits of the city	1 44	96	48	36	72	24	18

For a day's hire from 6.30 a.m. to 5 p.m., of a cart with horse or mule and driver carrying up to one ton \$2 00

For a day's hire from 6.30 a.m. to 5 p.m., of a cart with donkey and driver carrying up to 10 cwt. \$1 00

Above these weights by special arrangement.

These rates shall not prevent a special arrangement in any case.

19. Every driver who shall demand or extort any greater fare than that so fixed, or who being called upon at any time when plying for hire, shall refuse to be hired or wilfully avoid or attempt to avoid being hired, or shall represent that he is hired or engaged when he is not so hired or engaged, or refuses, or neglects, without reasonable excuse, to perform any duty properly required of him, shall be liable to a penalty not exceeding twenty dollars.

20.—(1) If any person hiring any cart shall refuse to pay on demand to the driver or proprietor the legal fare, such fare, together with a reasonable allowance, not exceeding ten dollars, for loss of time, may be recovered from him by such driver or proprietor under the provisions of the Petty Debts Recovery Ordinance, 1893.

(2) If any such person refuses to give his name and address he may be arrested by any police or town constable and detained until such name and address can be ascertained.

Stands for Carts.

21. The Council may from time to time direct that places in the city shall be stands for carts plying for hire, and what number shall be allowed on each stand.

22. Until otherwise ordered, the stands, with the number of carts allowed on each stand, shall be as follows :—

	Number of carts allowed.
1. Opposite the Government Steamer Stelling	20
2. Railway Station. (Northern end of the eastern side of Carmichael Street)	10
3. Pierce's Dam (opposite the Rubbish Destructor)	10

23. The driver of every cart plying for hire shall, while unemployed, take his place with his cart upon one or other of the stands, and the carts on the stands shall be so arranged as to cause no obstruction to foot passengers or vehicles or to the inhabitants residing in the neighbourhood.

24. The driver of a cart on coming to a stand and finding thereon the number of carts allowed by the Council, shall proceed to some other stand on which there shall not be the number allowed, and take his place there.

25. If the driver of a cart shall, while unemployed, neglect or refuse to take his cart to one of the available stands, or loiter about the streets, or shall, whether employed or not obstruct any thoroughfare or the approach or entrance to any premises, or refuse to remove his cart from any place or to take up his position elsewhere when directed by any police or town constable so to do, he shall be liable to a penalty not exceeding ten dollars.

Offences.

26. If any person acts as the driver of a cart plying for hire without a licence, or during the suspension or after revocation or expiration of a licence, or without wearing his badge, or refuses to produce or to deliver up his licence or badge to any person authorised to demand the same, he shall be liable to a penalty not exceeding ten dollars.

27. If the driver of a cart, while plying for hire, or employed, be intoxicated or drive furiously, or in any other way misconduct himself, he shall be liable to a penalty not exceeding ten dollars and may be arrested, without a warrant, by any police or town constable.

28. A licensed driver, in addition to any punishment inflicted upon him for a breach of any of these by-laws shall be liable at the discretion of the convicting magistrate to have his licence suspended for any part, not exceeding four months of the period it has to run, and on a second or subsequent conviction to have his licence so suspended or revoked.

29. In every case of suspension or revocation the magistrate shall forward the licence, with a memorandum of his suspension or revocation endorsed thereon, and the badge, to the Town Clerk, who shall retain the same altogether or until such suspension has expired.

VI.—BY-LAWS FOR LICENSED PORTERS.

Licences.

1.—(1) No person shall ply for hire or act as a public porter in the removal or carriage of goods, wares or merchandise, within the city, without being licensed.

(2) Nothing herein contained shall apply to any person employed as a porter on weekly or monthly hire in any store, shop or premises in the city.

2. Licences for porters shall be issued by the Town Clerk on payment of a fee of twenty-four cents.

3. A licence shall be in the following form :—

Town Hall, Georgetown,

19 .

No.

Permission is hereby granted to

residing at

to ply for

hire as a public porter within the limits of the City of Georgetown from this date until the 31st day of December next.

Town Clerk.

4. Licences shall be numbered consecutively in the order in which they are issued, and every licence issued shall be registered by the Town Clerk together with the name and address of the person to whom it is issued.

5. In case any licence is lost, a duplicate may be issued by the Town Clerk on payment of a fee of twenty-four cents.

6. Every licence, unless revoked, shall continue in force up to and including the 31st day of December next after being issued, and no longer.

7. A licence shall not be transferable, and no person other than the person to whom it was issued shall ply for hire under cover of such licence.

8. The holder of a licence shall, when plying for hire, produce the same when required by any police or town constable.

Badges.

9. Every person after obtaining a licence, and before he shall ply for hire or act as a porter, shall procure from the Town Clerk a badge which shall be constantly worn by him, when employed or plying for hire, on one of his arms between the shoulder and the elbow, so as to be clearly seen.

10. In case any badge is lost or destroyed, a new one may be procured from the Town Clerk on payment of a fee of twenty-four cents.

11. The badges shall be in such form as the Council shall from time to time direct.

12. It shall not be lawful for any person who shall have obtained such badge to transfer or lend such badge or permit the same to be worn by any other person, and every person so doing, and also every person who shall wear such badge or any badge in any way representing a badge required to be worn by a licensed porter, not being thereunto lawfully entitled, shall be liable to a penalty not exceeding ten dollars.

13. Every licence and every badge shall be delivered up to the Town Clerk by the holder before a fresh licence is issued to him.

Fares.

14. The following fares or rates shall be chargeable by and payable to licensed porters :—

By TIME :—

For a whole day from 6 a.m. to 6 p.m., with one hour's intermission for breakfast	64 cents.
For any time under a whole day for each hour, or part of an hour over and above any number of hours completed	12 "
For any time less than the hour—for every fifteen minutes or any less time over and above any number of periods of fifteen minutes completed.	8 "

By DISTANCE—

For a load not exceeding 56 lbs. ; for a quarter of a mile, or any less distance over and above any number of quarter miles completed	4 "
For a load exceeding 56 lbs. ; but not exceeding 112 lbs., for a quarter of a mile, or any less distance over and above any number of quarter miles completed	8 "

IN THE MARKET.

For carrying from the market stelling or the front gates to any part of the market or vice versa :—

Plantains—for 100 bunches	16 cents.
Bags, barrels, or other articles of like bulk, each	2 "
Three baskets	2 "
Sugar canes, per hundred	8 "

For landing plantains at market stelling per 100 bunches
Double rates shall be chargeable and payable for all work done after 6 p.m. and before 5 a.m.

15. Every licensed porter who shall demand or extort any greater fare than that so fixed, or who being called upon at any time when plying for hire, shall refuse or neglect, without reasonable excuse, to undertake or duly perform any work or job within the limits of the city, shall be liable to a penalty not exceeding twenty dollars.

16. If any person refuse to pay on demand to any licensed porter the legal fare, such fare, together with a reasonable allowance, not exceeding ten dollars, for loss of time may be recovered from him by such porter under the provisions of the Petty Debts Recovery Ordinance, 1893.

Offences.

17. If any person plies for hire or acts as a porter without a licence or during the suspension or after revocation or expiration of a licence, or without wearing his badge, or refuses to produce or to deliver up his licence or badge to any person authorised to demand the same, he shall be liable to a penalty not exceeding five dollars.

18.—(1) A licensed porter, in addition to any punishment inflicted upon him for a breach of any of these by-laws, shall be liable, at the discretion of the convicting magistrate, to have his licence suspended for any part, not exceeding four months, of the period it has to run, and on a second or subsequent conviction to have his licence so suspended and revoked.

(2) In every case of suspension or revocation, the magistrate shall forward the licence with a memorandum of his suspension or revocation endorsed thereon and the badge, to the Town Clerk, who shall retain the same altogether or until such suspension has expired.

VII.—FIRE BRIGADE BY-LAWS.

1. The fire brigade at present established shall continue, and shall be under the control and management of the Governor in Council.

2. The Council shall provide as many fire engines and other appliances as may be necessary, and keep the same in proper working order and repair.

3.—(1) On every occasion when there is an alarm of fire or an actual fire in the City the entire control of the measures to be taken shall be vested in the following persons in succession in the order in which they are named, that is to say—

- (1) In the Superintendent of the Fire Brigade; and, in his absence,
- (2) In the Senior Inspector of Police at the time doing duty in Georgetown, and, in his absence,
- (3) In the Senior Inspector of Police present at the scene of the fire or of the alarm thereof; and, if no Inspector of Police be present,
- (4) In the City Engineer of Georgetown: and in his absence,
- (5) In the Managing Engineer of the Georgetown Water Works; and, in his absence,
- (6) In the Mayor of Georgetown; and, in his absence,
- (7) In the Magistrate of Georgetown; and, in his absence,
- (8) In the Assistant Magistrate of Georgetown.

(2) In the absence of the Superintendent of the Fire Brigade and of the Inspectors of Police, every member of the police force present at the scene of the fire or of the alarm thereof shall be bound to obey the orders of any person named in this by-law who at the time has control of the measures to be taken.

(3) Any member of the police force who wilfully disobeys any order given by any person having control as aforesaid shall be liable to a penalty not exceeding twenty-four dollars.

4. Any person in whom the control of the measure to be taken shall be vested, is hereby empowered, if it shall appear to him necessary for the purpose of arresting the progress of the fire, to order any house or other building, paling, or erection to be pulled down or otherwise destroyed, and he is also empowered to use any water in any tank, vat, cistern, or other vessel or receptacle in the neighbourhood of the fire; and no action for damages in respect of any thing so done shall be maintainable against any person in whom such control shall be vested or against any one acting by his authority.

5. The Governor in Council shall be bound and liable to compensate and pay to the several parties damaged the amount of loss sustained by them by reason of any act done under the provisions of the last preceding by-law, and for such purpose shall receive and investigate any claim for compensation which may be preferred by any such party, and if the Governor in Council

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and the claimant shall agree upon the amount of such compensation, the same shall be forthwith paid, and in case of disagreement the same shall be assessed under the provisions of sections one hundred and sixty-seven to one hundred and seventy both inclusive of this Ordinance. Provided always, that any such claim to compensation by any person within the colony or duly represented therein, shall be made within three months after the occurrence of the fire.

6. Any person who is requested by the person in whom the control of the measures to be taken shall be vested, and who shall refuse, to assist in moving any fire engine to the locality of any fire, or in working the same at the fire, or in performing any service necessary to the extinguishment of the fire, shall, unless he shows to the satisfaction of the Court a reasonable excuse for his refusal, be liable to a penalty not exceeding ten dollars.
