

Repealed by Ord. 26 of 1930

CHAPTER 133.

SHANKS' CANAL.

[No. VIII of 1906.]

[18th August, 1906.]

Short title. 1. This Ordinance may be cited as the Shanks' Canal Ordinance.

Inter-pretation. 2. In this Ordinance, unless the context otherwise requires,—
 “the Commissioners” means the Shanks' canal commissioners appointed under the provisions of this Ordinance;

Schedule. “the canal” means the Shanks' canal;
 “plantations” means the plantations mentioned in the schedule hereto, and any other plantations or estates declared by the Governor in Council to be subject to the provisions of this Ordinance.

THE COMMISSIONERS.

Appointment of three commis-sioners. 3—(1) Three commissioners shall be appointed from time to time by the Governor under and for the purposes of this Ordinance, and shall have the powers hereinafter conferred.

(2) Where there is a vacancy in the office of a commissioner, or where a commissioner is absent or unable to act, the remaining commissioners or commissioner may exercise any of the powers given to the commissioners under this Ordinance.

Style of commis-sioners. 4. The commissioners shall be styled the Shanks' canal commissioners, and may sue and be sued in that name.

POWERS AND DUTIES OF THE COMMISSIONERS.

Duration of office : 5. A commissioner shall hold office for two years and shall be eligible to be re-appointed :

Proviso. Provided that the Governor in Council may resolve that any commissioner shall cease to hold office, and he shall thereupon cease to be a commissioner.

6. In any case where two commissioners only are acting and they disagree as to any matter, the question in dispute shall be laid before the Governor in Council, who may thereupon make any order he deems right.

Provision
for case of
difference.

7. The commissioners shall keep proper books of account, and may keep a banking account.

Keeping of
books of
account.

8. The commissioners shall have the following powers, namely,—

General
powers of
the commis-
sioners :

- (a) they may deepen, widen, and improve the canal; and at all times perform any work necessary to keep it in good order;
- (b) they may maintain the intake koker of the canal at the east Demerara water conservancy dam, and, with the sanction of the east Demerara water supply commissioners, may put in any additional koker;
- (c) they, their agents and servants, may enter on any plantation where it is necessary to do so for the better carrying out of the purposes of this Ordinance;
- (d) they may regulate the supply of water to the plantations and the means of taking or receiving it, and may regulate the size of kokers drawing water from the canal;
- (e) they may employ the necessary engineers, agents, and servants;
- (f) they may enter into all contracts necessary or expedient for the proper carrying out of their duties;
- (g) they may raise on loan any moneys required for the purposes of this Ordinance; and
- (h) they may assess and recover from the proprietors of the plantations all moneys required or expended by them for the purposes of this Ordinance :

Provided that—

Proviso.

- (i) every assessment shall be made on each plantation as a whole, and the amounts due in respect of each plantation shall be recovered against each plantation as a whole; and
- (ii) the assessment shall be made on the total area of each plantation, and shall be at an equal rate per acre of each plantation, unless otherwise ordered by the Governor in Council, and the

- Schedule. area shall be taken to be the area stated in the schedule hereto, or any other area from time to time determined by the Governor in Council.
- Control of the canal. **9.** The commissioners shall have the charge and control of the canal, and of all the banks and dams thereof, and of the kokers at the service dam, and may cause the kokers or any of them to be shut and locked when necessary.
- Recovery of assessment. **10.**—(1) The commissioners may recover all assessments and sums due to them in respect of a plantation by parate execution against the proprietor of the plantation, without naming that proprietor.
(2) A statement that any amount is due by the proprietor of a plantation, purporting to be signed by a commissioner, shall be deemed, without any proof of the signature or other matter, *primâ facie* proof that the amount stated is so due.
- Owner of land may claim to be assessed separately from plantations : **11.**—(1) Every owner of land forming part of any plantation mentioned in the schedule hereto, other than a village or a sanitary district, who has acquired the title to that land by inheritance, devise, transport, or letters of decree, may give notice in writing, describing the land to the commissioners, and requiring that it be assessed under this Ordinance separately from the plantation of which it forms part, and thereupon the land shall cease to be assessed as part of that plantation, but shall be assessed separately in proportion to its area under this Ordinance, and the amount so assessed may be recovered in the same manner in which assessments upon plantations may be recovered under this Ordinance :
- Proviso. Provided that—
(a) the area of all land separately assessed under this section shall, for the purpose of assessing any amount due under this Ordinance, be deducted from the area of the plantation of which it forms part; and
(b) the land so separately assessed shall not be levied upon for the non-payment of any assessment upon the plantation of which it forms part.
(2) The provisions of this section shall not apply to any land situate in a village or sanitary district.
- How assessments upon villages to be paid. **12.** All assessments made under this Ordinance upon a plantation situate within the area of any village or sanitary district shall be paid by the village council of that

village out of the village rates, or by the authority of the sanitary district out of the rates of that district, and the amount of the assessment shall be a charge upon the rates of the village or sanitary district.

13.—(1) The commissioners may make by-laws for ensuring the better maintenance and the proper use of the canal, and its banks, dams, and kokers. By-laws.

(2) Everyone offending against the by-laws shall on conviction thereof be liable to a penalty not exceeding ten dollars. Penalty for contravention.

(3) A copy of every by-law shall be exhibited in some conspicuous place on or near the dam of the canal.

OFFENCES.

14. Everyone who,—

(a) not being a duly authorised agent of the commissioners, places or causes to be placed any obstruction in the canal; or

(b) places or causes to be placed any bridge over the canal without the consent of the commissioners; or

(c) cuts through any dam of the canal without the consent of the commissioners,

shall on conviction thereof be liable to a penalty not exceeding fifty dollars. Offences.
Penalty.

15.—(1) No proprietor, manager, overseer, or other person shall open, or cause to be opened, the koker of any plantation during the period for which the commissioners have directed it to be kept shut, or allow the water of the canal to be taken into the draining trenches or to escape through the drainage, except with the permission in writing of the commissioners. Wrongfully opening koker.

(2) Everyone contravening the provisions of this section shall be liable to a penalty not exceeding two hundred and forty dollars. Penalty.

MISCELLANEOUS PROVISIONS.

16. Anyone who considers that any work proposed to be executed by the commissioners will affect him prejudicially, or who is aggrieved by any action of the commissioners, may apply by petition to the Governor in Council, who may make such order therein as may be just and whose decision shall be final. Right of appeal to the Governor in Council.

Powers of
the
Governor in
Council.

17. For the more effectual carrying out of the purposes of this Ordinance, the Governor in Council may order that—

- (a) the commissioners shall execute, or refrain from executing, any works, or shall alter or remove any works previously executed;
- (b) any plantation shall be deemed to be included in the schedule hereto, and what the area of any plantation shall be deemed to be for the purposes of this Ordinance;
- (c) the number of commissioners shall be increased;
- (d) a plantation shall pay specified amounts for any use or advantage enjoyed by the proprietor thereof, and thereupon those amounts shall be recovered by the commissioners in the manner provided by section ten of this Ordinance.

Operation
and evidence
of order.

18.—(1) Every order made by the Governor in Council under this Ordinance when published in the Gazette shall have the same effect as if expressed in an Ordinance, and shall be binding on all persons.

(2) The production of the Gazette containing any order purporting to be made by the Governor in Council under this Ordinance shall be conclusive proof that that order has been made and was rightly made.

Procedure.

19. All offences against this Ordinance or any by-laws made thereunder may be prosecuted under the Summary Jurisdiction Ordinances.

SCHEDULE.

(Sections 2 and 8.)

PLANTATIONS.

Plantations.	Number of Acres.
Helena, cum annexis	2,038
Spring Hall, cum annexis	974
Lancaster	202
Unity	213
Chapman's Grove	311
Orange Nassau	407
Greenfield	552
Bee Hive	530
Total	5,227