

*Amended by Ord. 11 of 1934; 16 of 1935; 12 of 1937
20 of 1937; 15 of 1938*

CHAPTER 84.

LOCAL GOVERNMENT.

[No. XIII of 1907.]

[31st July, 1907.]

Short title.

1. This Ordinance may be cited as the Local Government Ordinance.

Interpretation.

2. In this Ordinance, unless the context otherwise requires,—

“the Board” means the Local Government Board of British Guiana constituted by this Ordinance;

“district” means any district constituted under this Ordinance;

“village” means any place or places duly declared to be a village district within the meaning and for the purposes of this Ordinance;

“local authority” means urban sanitary authority, village council, country authority, rural sanitary authority, and port sanitary authority;

“the secretary” means the secretary, and the assistant secretary, of the Board;

“the inspector” means the inspector of districts constituted under this Ordinance and includes an assistant inspector;

“officer” includes anyone employed temporarily or otherwise by a local authority or by the Board to perform any duty;

“registered medical practitioner” means any medical practitioner registered under the Medical Consolidation Ordinance;

“the marshal” means the registrar of deeds, and includes any marshal in the registry of deeds;

“overseer” means the overseer of a village or country district;

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Sec. 2 of Ord. 12 of 1937 for definition of "District Commissioner"

- “by-laws” means any by-laws made under the authority of this Ordinance and for the time being in force;
- “lands” and “premises” include messuages, buildings, lands, easements, and hereditaments;
- “lot of land” means any portion of land separately assessed for taxation by a local authority;
- “plantation” means any plantation on which there are forty acres of land under cane cultivation, and includes all lands forming part of the plantation, with the buildings and erections thereon, which belong to the proprietor thereof or are occupied by him therewith;
- “owner” means the person for the time receiving the rack-rent of the lands or premises in connection with which the word is used, whether on his own account, or as agent or representative for any other person, or who would so receive it if those lands or premises were let at a rack-rent;
- “rack-rent” means rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let;
- “proprietor” includes the person in whose name any lot of land is rated for taxes in the assessment book;
- “drain” means any drain of one lot of land or of two lots of land, or of premises within the same curtilage, made for the purpose of conveying the water received thereon to any main drain or trench;
- “main drain” includes drains and trenches of every description except drains to which the word “drain” defined as aforesaid applies;
- “street” includes any highway and any public bridge, also any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not;
- “house” includes schools, also buildings in which more than ten persons are employed at one time;
- “common lodging-house” means any house, not being a licensed hotel or tavern, in which two or more persons not members of the same family are admitted, for a payment of money, to occupy, by the day or night, or for any less period than one month, any part of the house, and includes, in

any case where only part of a house is used as a common lodging house, the part of the house so used;

“tank” means a receptacle for the storage of rain-water made of wood, iron, brick, stone, or concrete;

“reservoir” means a receptacle for the storage of fresh water which is not a tank as hereinbefore defined;

“earth-closet” includes any place for the reception and deodorisation of fæcal matter constructed to the satisfaction of the local authority;

“infectious disease” means small-pox, chicken-pox, measles, cholera, diphtheria, membranous croup, plague, yellow fever, enteric fever, puerperal fever, scarlet fever, tuberculosis, and any other disease declared by the Governor in Council to be infectious;

“dangerous infectious disease” means small-pox, cholera, diphtheria, plague, yellow fever, and any other disease declared by the Governor in Council to be a dangerous infectious disease;

“cattle” means any horse, mare, gelding, colt, filly, mule, ass, bull, cow, ox, steer, heifer, calf, sheep, goat, or swine.

Arrange-
ment of the
Ordinance.

3. This Ordinance is divided into parts, as follows:—

PART I.—Division of colony into districts and local authorities thereof.

PART II.—Central administration.

PART III.—Local administration in villages and country districts exclusively.

PART IV.—General sanitary provisions.

PART V.—General provisions as to local administration.

PART VI.—Provision for works of special magnitude in village and country districts.

PART VII.—Legal proceedings generally.

PART VIII.—Miscellaneous provisions.

PART I.

DIVISION OF COLONY INTO DISTRICTS AND LOCAL AUTHORITIES THEREOF.

Division of
the colony
into
districts.

4.—(1) For the purposes of this Ordinance, the colony shall consist of districts, to be called respectively—

(a) urban sanitary districts;

(b) village districts;

- (c) country districts;
- (d) rural sanitary districts; and
- (e) port sanitary districts.

(2) The urban sanitary districts, village districts, and country districts shall respectively be subject to the jurisdiction of local authorities, called urban authorities, village councils and country authorities, invested with the powers mentioned in this Ordinance; the authority for rural sanitary districts and port sanitary districts shall be as hereinafter provided.

5.—(1) The city of Georgetown shall be an urban sanitary district, and the Mayor and Town Council of Georgetown shall be the urban authority thereof. Georgetown and New Amsterdam.

(2) The town of New Amsterdam shall be an urban sanitary district, and the Mayor and Town Council of New Amsterdam shall be the urban authority thereof.

6. Every village which, before the commencement of this Ordinance, has been declared a village under any Ordinance for the time being in force, shall be a village district under this Ordinance. Village districts.

7. Every district which, before the commencement of this Ordinance, has been declared a country sanitary district under any Ordinance for the time being in force, shall be a country district under this Ordinance. Country districts.

8.—(1) The Board, with the approval of the Governor in Council, may declare by notice to be published in the Gazette any portion of the colony not comprised within the limits of the city of Georgetown or the town of New Amsterdam, to be a village or a country district. Power of the Board to declare village or country districts.

(2) The Board may declare any portion of a river of the colony to be a port sanitary district; and the Board shall be the port sanitary authority in respect of that district.

(3) The Board may at any time, with the like approval and by the like notice, declare that any village or country district shall cease to be a village or a country district, and may make any orders necessary to give effect to the declaration.

(4) The notice shall set forth the boundaries of the village or country district.

(5) The Board may at any time, with the like approval and by the like notice, alter the boundaries of any village or country districts.

Fiscal districts and plantations to be rural sanitary districts.
Chapter 36.

9.—(1) Each fiscal district established under the Commissary Department Ordinance, exclusive of those portions thereof which form urban sanitary, village, country or port sanitary, districts, and exclusive of all plantations therein, shall, subject to the provisions hereinafter contained, be a rural sanitary district, and the Board shall be the rural sanitary authority thereof.

(2) Each plantation, subject to the provisions hereinafter contained, shall be a rural sanitary district, and the Board shall be the rural sanitary authority thereof.

(3) The Board, with respect to each of those districts, shall possess the powers conferred on it by this Ordinance as well as those conferred on a local authority of a village or country district, including the power to levy a rate and to enforce payment thereof; but the Board, exercising the powers of that authority, shall not be bound to perform any act required by this Ordinance to be performed by the authority which appears to it inexpedient to perform.

Power of Board to act as local authority.

10. The Board shall have and may exercise in any village or country district any or all of the powers of a local authority whenever it appears to the Board expedient to do so, and may exercise any or all of those powers in any of those districts, whether there is or is not a local authority thereof.

PART II.

CENTRAL ADMINISTRATION.

Construction and Powers of the Board.

Constitution of the Local Government Board.

11.—(1) For the purposes of this Ordinance, a Board, to consist of not less than eight members, is hereby constituted, to be called the Local Government Board of British Guiana, invested with the powers in this Ordinance mentioned.

(2) The members of the Board shall be appointed by the Governor and shall hold office during the Governor's pleasure.

(3) The Governor may appoint any member to be chairman, and any other member to be deputy chairman, of the Board.

(4) For the purposes of this section the Mayor of Georgetown shall be deemed to be a public officer within the meaning of section thirty-seven of the Interpretation Chapter 5. Ordinance.

12.—(1) The Board shall be a body corporate with perpetual succession and a common seal, and with power to sue and be sued and to hold lands. Incorporation of the Board.

(2) In any legal proceeding by the Board, any necessary authority to a solicitor may be signed by the secretary.

13.—(1) The powers of the Board may be exercised at any meeting of the Board at which not fewer than four members are present. Quorum.

(2) At meetings the chairman if present, or in his absence the deputy chairman shall preside, or, if the chairman and deputy chairman are both absent, then the member elected by the majority of members then assembled to be the chairman at that meeting shall preside; and the chairman, at all meetings of the Board or any committee thereof, shall have a casting vote in cases of equality of votes.

14. The Board shall have an office in the city of Georgetown. Office.

15.—(1) The Governor may from time to time appoint fit and proper persons to be the secretary and the assistant secretary, and may appoint some other fit and proper person to be the inspector; but the Governor, if he thinks fit, may appoint the same person to be the secretary and the inspector. Appointment of secretary and inspector of districts.

(2) Those officers shall have the powers and perform the duties of inspection and supervision of villages and country districts and otherwise, which are prescribed in this Ordinance or in the by-laws, and in the performance of their duties shall be subject to the control and direction of the Board.

16. The Governor may appoint such and so many fit and proper persons as he thinks fit to be clerks in the office of the Board; and the Board may appoint any of the clerks to be assistant inspectors of districts. Appointment of clerks.

17. The Board may, with the approval of the Governor, appoint all officers, servants, and agents necessary for the due execution of this Ordinance. Appointment of officers.

Sec. 3 of Ch
12 729/87

General
powers of
control of the
Board.

18.—(1) Subject to the provisions of this Ordinance and of the by-laws, the Board shall have the superintendence of all villages and country districts in the colony, and shall have and exercise general powers of supervision, inspection, and control over the several local authorities and the officers and servants thereof.

(2) In the exercise of those general powers the Board may,—

(a) review the order or decision of any village council or country authority, or of a committee or any chairman of a village council or country authority, and by resolution declare that order or decision to be invalid, in which case the order or decision shall ipso facto be void, and may substitute for the order or decision any order or decision which it deems proper, and any order or decision so substituted shall have the same force and effect in all respects as if it had been made by the village council or country authority;

(b) for good cause remove from office the chairman of a village council or country authority, or any member of a country authority, or any overseer or other officer of a village council or country authority, and in his stead appoint a chairman, member, or overseer or other officer.

(3) An overseer or officer removed from his office as aforesaid shall not be entitled to any compensation or payment of salary or other emolument in lieu of notice of termination of his engagement.

By-laws.

19.—(1) The Board may make by-laws with respect to all or any of the following matters, namely,—

(a) the definition and regulation of the respective rights and liabilities of the parties interested in the case of company canals or dams between any two contiguous villages or country districts or between or through a village or country district and any adjoining plantation or land;

(b) the definition and regulation of the powers and duties of village councils and country authorities and of their officers;

(c) the management and administration of villages or country districts generally;

- (d) the sanitary care of the ports of the colony;
 (e) the sanitary care of all seamen and other persons belonging to a vessel therein, or in any of the rivers or creeks of the colony, or in the territorial waters thereof;
 (f) the quorum, proceedings, and place of meeting of committees of a local authority of a village or country district.

Ord. No. 15 of 1934

(2) The Board may make by-laws for any purpose for which a local authority is authorised to make by-laws, to have effect in any village or country district, and those by-laws, when confirmed by the Governor and Legislative Council, shall have effect in every village or country district, or in any of those districts provided by the by-laws.

(3) The Board may order that any by-laws so made and confirmed shall also have effect in any rural sanitary district specified in the order.

20. The Board shall have power to borrow money for the execution of any of the purposes of this Ordinance, and may mortgage any rate for the repayment thereof.

Power to borrow money.

21.—(1) Where any property is sold for non-payment of any rate or tax, the Board shall have power to purchase the property at execution sale, if it appears to the Board necessary to do so.

Power to purchase property sold for non-payment of rates.

(2) Every transport to or by the Board may be received or passed by the secretary, who, on doing so, shall sign his name and affix the seal of the Board.

22. The secretary, or any officer authorised by the Board, may institute and carry on or defend any action or prosecution in any court of justice for and on behalf of any village or country district.

Institution of proceedings on behalf of village or country district.

23. The Board may give leave of absence to any member for a period not exceeding six months, and any member who departs from the colony without leave or, having departed from the colony with leave, remains out of the colony after that leave has expired shall ipso facto vacate his seat.

Leave of absence.

24.—(1) The Board may appoint one or more committees of its own body for the transaction of business.

Committees.

(2) The chairman and deputy chairman shall be ex officio members of every committee appointed under this section, and the chairman, or, in his absence the deputy chairman, shall be chairman of the committee.

(3) The Board may make by-laws with respect to the number, quorum, and delegated powers of any committee.

(4) Every committee shall report its proceedings to the Board, but, subject to the by-laws, the acts and proceedings of the committee shall not be required to be submitted to the Board for its approval.

(5) The Board may at any time rescind any resolution for the appointment of a committee.

(6) The Board may delegate any of the powers conferred upon it by this Ordinance to any committee appointed hereunder.

Inquiries by the Board.

Power to
the Board
to make
inquiries.

25. The Board may from time to time cause to be made any inquiries directed by this Ordinance and any inquiries they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their consent, sanction, or approval is required by this Ordinance.

Power of
officer
directed to
inquire.

26.—(1) Any officer of the Board, for the purposes of any inquiry directed by the Board, shall have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which magistrates have under any Ordinance for the time being in force regulating procedure before magistrates in the exercise of their summary jurisdiction.

(2) Everyone duly summoned as a witness who does not attend at the time and place specified in the summons, or who refuses to be sworn or to answer any question, or to produce any document, may be summoned before a magistrate on the complaint of an officer of the Board, and the magistrate may deal with him in the same manner as if he were a witness duly summoned before a magistrate's court in the exercise of its summary jurisdiction.

Land laid out for building purposes.

Procedure
by owner
of land.

27.—(1) When the owner of any land desires to sell it, or any parts or portions of it, in separate lots to more than one purchaser for any purpose whatever, or desires to lay

it out for building purposes, or to build on it or to sell or lease it for building purposes, he must cause a plan thereof to be prepared, which, if the Board in any particular case so directs, shall be prepared by a sworn land surveyor and laid before the Board, showing the mode in which it is proposed to sub-divide the land, the streets, roads, and means of access to each lot, and the provision for the drainage thereof, and the Board may require any alteration to be made in the plan appearing to it expedient or necessary.

*Repealed by
Ch. 11-17924*

(2) When the plan is finally approved by the Board the owner of the land must deposit it in the deeds registry, and every transport of the land, or portion or lot thereof sold, shall be passed in accordance with the plan and not otherwise.

(3) The registrar shall not advertise the transport of any land aforesaid, nor shall it be transported, until the owner has deposited the plan as aforesaid and also a certificate signed by the secretary that the means of access to, and the drainage of, each lot have been provided to the satisfaction of the Board.

(4) No building operations on land situate as aforesaid shall be commenced until the owner thereof has deposited with the Registrar a certificate signed by the secretary that the streets and roads have been made up and the means of access to, and the drainage of, each lot have been completed in accordance with the plan deposited under sub-section (2) of this section.

(5) No lot of land situate within the limits aforesaid, as defined in the plan hereinbefore required to be deposited, shall be subdivided into less portions than quarter lots, those quarter lots to be not less than twenty square rods.

(6) If anyone sells land as aforesaid, or lays out or sells or leases land for building purposes, or builds or commences building operations thereon, or by any means whatever passes transport thereof, or attempts to do any of the acts aforesaid, until the provisions of this section have been obeyed, or any act contrary to those provisions, he shall for every offence be liable on summary conviction to forfeit a penalty not exceeding five hundred dollars; and the Board may cause any building or other erection placed on the land in contravention of this section to be removed forthwith, and may recover the expenses of so doing from the owner of the land in any court of competent jurisdiction.

Penalty.

*Enforcement of performance of duty by defaulting
Local Authority.*

Mode of
enforcing
obligation
of local
authority.

28.—(1) Where complaint is made to the Board that a local authority has made default in providing its district with sufficient main drains, or in the maintenance of existing main drains, or in providing its district with a supply of water in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water and a proper supply can be got at a reasonable cost, or that a local authority has made default in enforcing any provisions of this Ordinance which it is its duty to enforce, the Board, if satisfied after due inquiry that the authority has been guilty of the alleged default, may make an order limiting a time for the performance by it of its duty in the matter of the complaint.

(2) If the duty be not performed within the time limited in the order, the order may be enforced by writ of mandamus, or the Board may appoint someone to perform the duty and shall, by order, direct that the expenses of performance, together with a reasonable remuneration to the person appointed to superintend the performance, amounting to a sum specified in the order, shall be paid by the authority in default.

(3) Any order made for the payment of the expenses and remuneration, shall be enforced by the Supreme Court in the same manner as if it were a judgement or order of the court made in the exercise of its civil jurisdiction, and a copy of the order, purporting to be signed by the chairman or deputy chairman of the board and sealed with the seal of the Board, shall be sufficient proof of the making thereof.

(4) Anyone appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of that duty, be invested with all the powers of the authority other than (save as hereinafter provided) the powers of levying rates.

(5) The Board may by order from time to time, change anyone so appointed.

Recovery
by Board
from local
authority of
amount
expended on
its behalf.

29.—(1) Any sum specified in an order of the Board for payment of the expenses of performing the duty of a defaulting local authority shall be deemed to be expenses properly incurred by that authority and to be a debt due from it and payable out of any moneys in its hands or the

hands of its officers, or out of any rate applicable to the payment of expenses properly incurred by it, which rate is in this Part referred to as "the local rate."

(2) If the defaulting authority fails to pay the sum for a period of fourteen days after demand, the Board may, by order, authorise anyone to levy, by and out of the local rate, the sum (the amount to be specified in the order) in the opinion of the Board sufficient to defray the debt so due from the defaulting authority and all expenses incurred in consequence of the non-payment of the debt.

(3) Any person or persons so authorised shall have the same powers of levying the local rate and requiring all officers of the defaulting authority to pay over any moneys in their hands as the defaulting authority would have in the case of expenses legally payable out of a local rate to be raised by it; and the person or persons, after repaying all sums of money so due in respect of the order, shall pay the surplus, if any (the amount to be ascertained by the Board) to or to the order of the defaulting authority.

30. The Board may from time to time certify the amount of the expenses which have been incurred, or an estimate of the expenses about to be incurred, by anyone appointed by the Board under this Ordinance to perform the duty of a defaulting local authority, and also the amount of any loan required to be raised for the purpose of defraying expenses so incurred, or estimated as about to be incurred; and the certificate of the Board shall be conclusive as to all matters to which it relates.

Effect of
certificate of
the Board as
to expenses.

31. Whenever the Board certifies a loan to be required, the Board or the person so appointed may, by any instrument duly executed, charge the local rate with the repayment of the principal and interest due in respect of the loan; and the charge shall have the same effect as if the defaulting local authority were empowered to raise the loan on the security of the local rate and had duly executed an instrument charging the loan on the local rate.

Raising loan.

32.—(1) Any principal money or interest for the time being due in respect of a loan under this Ordinance, made for the payment of the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority, shall be taken to be a debt due from that authority, and (in addition to any other remedies) may be

Recovery
of loan.

recovered in the manner in which a debt due from a defaulting authority may be recovered in pursuance of the provisions of this Part.

(2) The surplus, if any, of the loan, after payment of the expenses aforesaid, on the amount thereof being certified by the Board, shall be paid to or to the order of the defaulting authority.

Definition of
"expenses."

33. "Expenses" for the purposes of the provisions of this Part relating to defaulting local authorities includes all sums payable under those provisions by or by the order of the Board or the person appointed by the Board.

PART III.

LOCAL ADMINISTRATION IN VILLAGE AND COUNTRY DISTRICTS EXCLUSIVELY.

Constitution of Local Authorities.

See sec. 5-7 of
12 of 1937 for
see
Establish-
ment, election
and general
duties of
village
council

34.—(1) In every village there shall be established a village council which shall be entrusted with the management of the administrative and financial business of the village and with its government generally.

(2) A village council shall consist of such number of councillors (not less than four) as are in each case from time to time determined by the Board, and the Board shall appoint one of the number to be chairman of the council.

(3) The councillors may be all elected or all appointed, or some of them elected and others appointed, in such numbers as the Board from time to time decides, and at the time of fixing the numbers the Board shall decide what number of elected councillors shall vacate their offices at each annual election and shall publish the decision in the Gazette.

(4) An elected councillor shall be elected in the manner hereinafter provided.

(5) An appointed councillor shall be a fit and proper person appointed by the Board and shall be resident in or within five miles of the boundary of the village of which he is appointed a councillor, and if at any time he ceases to be so resident he shall ipso facto vacate his office.

(6) Everyone so appointed shall hold office for two years unless he sooner vacates the office.

Repealed by
Ord. 16 of 1932

35.—(1) In every country district there shall be established a country authority, which shall be entrusted with the management of the administrative and financial business of the district, and its government generally.

Establishment and general duties of country authority.

(2) The country authority of a district shall consist of not fewer than three members of whom one at least shall be resident within the limits of the district.

(3) The members shall be appointed ~~from time to time~~ by the Board, who shall appoint one of the number to be chairman of the authority.

(4) The Board may, by resolution, in their discretion add to or diminish the number of members of the local authority, subject to the provisions of sub-section (2) of this section.

See Sec 2 of
Ord. 20 of 1926

36. Subject to the provisions of the last two preceding sections, the Board may order that any vacancy in a village council or country authority shall not be filled up.

Power to the Board to refuse to fill vacancy.

37. Where the Board directs that the holder of any office in the public service shall be a member of a local authority, the person for the time being performing the duties of that office shall, while doing so, be a member unless the Board otherwise directs.

Where public officer appointed member of local authority.

38. The quorum of members of each village council or country authority for the despatch of business shall be fixed by the Board.

Quorum of village council or country authority.

39.—(1) In the event of the chairman of a village council or country authority not being present at the commencement of any meeting of the authority or any committee thereof, the members present may elect one of their number to act as chairman of the meeting.

Procedure at meeting of local authority.

(2) Every question shall be decided by a majority of votes of the members present and voting on that question.

(3) In case of an equal division of votes the chairman shall have a casting vote.

40. Between the meetings of a village council or country authority the chairman of the authority may exercise all the executive powers of the authority.

Powers of chairman of local authority between meetings thereof.

Protection
of chairman
of local
authority.

41. The chairman of a village council or country authority shall not be personally liable in respect of any act, matter, or thing done or committed by him within his jurisdiction as chairman.

Protection
of member
of local
authority.

42. A member of a village council or country authority shall not be personally liable in respect of any act, matter, or thing done or committed by him within his jurisdiction as member.

Status of
village
council and
country
authority.

43. Every local authority shall be a body corporate by the name, as the case may be, of "the Village Council of . . ." (naming the particular village) or "the Country Authority of . . ." (naming the district) with perpetual succession, and with power to hold land for all the purposes for which it is constituted, and may sue and be sued in all courts of justice.

Changing
name of
local
authority.

44. (1) Any local authority constituted either before or after the commencement of this Ordinance may, with the sanction of the Board, change its name.

(2) Every change of name shall be published in the manner directed by the Board.

(3) No change of name shall affect any rights or obligations of the local authority, or render defective any legal proceedings instituted by or against it; and any legal proceedings may be continued or commenced against the local authority by its new name which might have been continued or commenced against it by its former name.

Use of
common seal.

45. Every local authority may, if it thinks fit, have and use a common seal, and, if it has not a common seal, all contracts and agreements entered into by it, and all instruments in writing to which it may be a party, shall be signed and executed by its chairman on its behalf.

Dissolution
of village
council.

46.—(1) The Governor in Council may declare a village council to be dissolved on a representation by the Board or by twelve voters of a village, that the further continuance in office of the village council is prejudicial to the welfare of the inhabitants of the village, after inquiry made by a person whom the Governor shall appoint, at which proper opportunity shall be given to the councillors and to the inhabitants to be heard in the matter.

(2) In the event of that dissolution, the Board may appoint such and so many officers, whether salaried or otherwise, as it thinks proper for carrying out the provisions of this Ordinance and of any other statute in relation to the village as and in lieu of the council, and from time to time may revoke and determine those appointments or any of them.

(3) The Board may define and direct the execution of the duties of the officers respectively and fix the salaries, if any, payable to them respectively; and the salaries shall be chargeable on and payable out of the village funds.

(4) The offices aforesaid shall endure for so long as the Board, with the approval of the Governor in Council, may direct, and thereafter new councillors shall be elected on a day to be fixed by the Board; and, if that day is not the ordinary day of election, they shall be elected in the same manner as if it were the ordinary day of election, but those elected shall go out of office in the manner hereinafter mentioned with respect to councillors elected on a first election.

47. The Board, on a representation by twelve voters of a village that the further continuance in office of any village councillor is prejudicial to the welfare of the inhabitants of the village, after any inquiry the Board deems fit, at which opportunity shall be given to the councillor and to the inhabitants to be heard in the matter, may declare the seat of that councillor vacant, and the Board may thereupon disqualify him for a term not exceeding three years from holding office as a village councillor.

Power to declare seat of village councillor vacant.

Election of Village Councils.

48.—(1) The Board may do all things and give all directions necessary for the holding of any first election of village councillors under this Ordinance.

Annual meeting of voters for election of councillors.

(2) Subject to the provisions of the last preceding sub-section, the Board, as soon as practicable after any place or places has or have been declared to be a village, shall summon by notice, to be posted up at such conspicuous place in the village as the Board directs, a meeting of the persons entitled to vote at the election of village councillors for the village as hereinafter mentioned, to be held, at the time (not less than two weeks from the posting up of the notice) and in the place in the village stated in the notice, for the purpose of electing the proper number of

village councillors; and in the month of November, or not later than the fifteenth day of December, in each succeeding year, a like meeting shall be summoned in like manner by the chairman of the village council for the purpose of electing councillors in the room of the elected councillors retiring, as hereinafter provided.

*Repeals by
Act of 1928*

Qualifica-
tions of
councillor.

49. Every male person who—

- (a) has attained the age of twenty-one years;
- (b) is under no legal incapacity;
- (c) is the proprietor of land, or of a house, or of a house and land, in the village district, of the value of not less than fifty dollars as recorded in the assessment book of the district;
- (d) has had his ordinary residence in the village during the twelve months immediately preceding the day of election;
- (e) is not in arrear for any village rates or taxes;
- (f) has his name appearing in the register of voters for the village; and
- (g) can read and write the English language,

shall be eligible for election as a village councillor for the village.

Qualifica-
tions of
voter.

50. Everyone who—

- (a) has attained the age of twenty-one years;
- (b) is under no legal incapacity;
- (c) is the proprietor of land, or of a house, or of a house and land, in the village district, of the value of not less than fifty dollars as recorded in the assesment book of the district; and
- (d) is not in arrear for any village rates or taxes,

shall be entitled to vote at the election of village councillors for the village.

Joint pro-
prietorship
and cumula-
tive voting.

51.—(1) Where a lot in a village is jointly owned by more persons than one as proprietors, he whose name stands first in the transport or other instrument of title relating to that lot shall be eligible for election and be entitled to vote as hereinbefore provided in respect of the lot.

(2) Where a house or house and premises in a village is or are jointly owned by more persons than one as proprietors, each of the joint proprietors shall be eligible for election and be entitled to vote as hereinbefore provided in respect of that house or house and premises if the value of the house or house and premises is of an amount

which, when divided by the number of the proprietors, gives a qualification for each and every proprietor, but not otherwise.

(3) Everyone otherwise entitled to vote at the election of village councillors shall have one vote for every property qualification which he possesses in the village; but those votes shall not exceed five in number, and each of those votes shall be recorded at one and the same time.

(4) Everyone entitled to vote as aforesaid shall have, at every election of village councillors, the right of giving his vote or votes in respect of every seat of a village councillor to be filled by election at the election.

52.—(1) The village assessment book shall be the register of voters in each village.

Assessment
books and
register of
voters.

(2) Before entering in the assessment book of a village or country district the name of anyone claiming to be the owner of any lot or portion of a lot or house in that village or country district, the local authority shall satisfy itself that the claimant is legally entitled thereto by transport, letters of decree, will, or otherwise, and for that purpose may, in the case of a lot or portion of a lot, call for the production of documents of title and, in the case of a house, for any sufficient evidence.

*See also of
Ch 16 of 1922*

53. The chairman of the council, or some councillor nominated by him in writing for that purpose, shall be the returning officer for the holding of the election of a councillor.

Returning
officer.

54. If, at the time of an election of village councillors, there is no chairman of the village council, or if the chairman refuses, or neglects, or is unable, to act at the election, the Board may appoint some fit and proper person to act instead of the chairman; and the person so appointed shall have all the powers and perform all the duties of the chairman in respect of the election.

Provision for
absence of
chairman.

55. The time and place of holding each election shall be notified by notice signed by the chairman, posted up at the village office and at one other conspicuous place in the village, at least two weeks before the day of election.

Notification
of election.

56. On the day of election the returning officer shall attend at eight of the clock in the morning at the place mentioned in the notice, and shall receive the nominations of

Nomination
of candidates.

persons qualified for election as councillors until nine of the clock in the morning. Each candidate must be proposed and seconded by duly qualified voters.

Declaration
of election
at nomina-
tion.

57. If there are not more candidates proposed than there are seats to be filled, the returning officer shall, at nine of the clock in the morning, publicly declare those persons, being duly qualified for election, to be elected as councillors.

Notification
of poll.

58. If there are more candidates proposed than there are seats to be filled, the returning officer shall state that a poll will be held for the election of councillors from those candidates from noon till four of the clock in the afternoon on the same day and at the same place.

Mode of
holding
election.

59.—(1) The returning officer shall attend accordingly and receive and record the votes of all those duly qualified to vote.

(2) Votes shall be taken in the manner and form the returning officer deems most convenient, and upon taking the votes he shall declare the persons having the largest number of votes, if eligible, to be duly elected councillors for the village; and each election shall be reported by the chairman to the secretary, to be laid before the Board for publication in the Gazette and in a newspaper of the colony.

(3) As soon after the closing of the poll as possible, the returning officer shall make public declaration of the result of the poll.

Determina-
tion of
questions at
election.

60. The returning officer, subject to the appeal provided for by section sixty-three of this Ordinance, shall have full power to determine all questions which arise in or in relation to an election, but he may in his discretion adjourn the proceedings at an election to any day he thinks fit, in order to refer any of those questions to the Board for its determination.

When there
is a failure
of election :

61. If, at a meeting duly called for the election of village councillors, there are not four or more qualified voters present and voting, or if eligible councillors are not elected, the chairman shall submit to the Board the names of two persons, whether eligible for election or not, for

*See 40 of Ord
No 1995*

each councillor to be elected, and from the names so submitted the Board shall appoint the councillor or councillors required, and their appointment shall be published in the Gazette and in a newspaper of the colony :

Provided that the Board, if it thinks fit, may call for other names to be submitted, or direct another meeting to be called for the purpose aforesaid, and the provisions of this section shall apply in the case of that meeting. Proviso.

62. At every election a correct list of the voters present and voting shall be taken by the returning officer. Taking of list of voters.

63. If a dispute at any time arises with respect to an election held under this Ordinance, it shall be referred by the chairman of the village council for the consideration of the Board, and the decision of the Board shall be subject to an appeal to the Governor in Council. Decision of dispute.

64.—(1) At every yearly election the senior elected councillors to the prescribed number shall retire and new councillors shall be elected in their room, subject to the provisions of sub-section (2) of section thirty-four hereof : Retirement of councillors :

Provided that every retiring councillor, if eligible as aforesaid at the time of the election, shall be eligible for re-election. Proviso.

(2) Seniority shall be determined by the date of election and, as between those elected on the same day, by the number of votes obtained, and any question arising as to seniority shall be determined by the Board.

(3) In this section the prescribed number means the number fixed by the Board for retirement at each annual election as hereinbefore provided.

65.—(1) Every retiring councillor shall retire from office on the thirty-first day of December. Cessation and commencement of office.

(2) Every new councillor shall take office on and from the first day of January.

66. In the event of the death, resignation, or inability to act, or of the vacation of office in any other manner, of any village councillor, on proof thereof to the satisfaction of the chairman of the village council or of the Board, as the case may be, a successor shall be elected or appointed in manner hereinbefore directed. Occasional election.

Tenure of
office of
substituted
councillor.

67. A village councillor who is elected or appointed in the place of a councillor who has not served his full term of office shall hold office in the same manner and for the same time as the councillor in whose place he is elected or appointed would have held it.

Officers of Village Councils and Country Authorities.

Appointment
of overseer.

68.—(1) Unless the Board in any case otherwise directs, the local authority of every village and country district shall appoint some fit and proper person to be the overseer of the village or country district, and the name of the person so appointed shall forthwith be communicated to the Board by the chairman of the local authority.

(2) The appointment shall be subject to the approval of the Board.

(3) A person may, with the sanction of the Board, be appointed overseer for more villages or country districts than one.

See 69 Ord
12/7/1957

Remunera-
tion of
overseer.

(4) ———
69.—(1) Every overseer shall receive the remuneration assigned to him by the local authority with the sanction of the Board.

(2) The remuneration may consist, either in whole or in part, of a percentage on moneys collected by the overseer.

Duties of
overseer.

70.—(1) Every overseer, unless the Board otherwise directs, shall be the collector of rates of the village or country district and, when required by the local authority, shall be the clerk of the local authority and in that capacity take the minutes of proceedings and keep the records thereof.

(2) Every overseer shall perform any other duties set forth in this Ordinance or prescribed by the by-laws and, subject to this Ordinance and the by-laws, directed by the local authority.

Paying in
of moneys.

See 71 Ord
9/12/1957

71. All moneys collected for rates or otherwise by any collector of rates shall be paid in weekly to the secretary, District Commissioner, and oftener if required by the Board, but no collector of rates shall at any time keep on hand more than the amount for which he has given security.

Power of
inspector to
demand
moneys.

District Commissioner
72. The ~~inspector~~ shall have the power to demand all moneys in the hands of any collector of rates at any time whatsoever.

73. The local authority of any village or country district may, with the sanction of the Board, appoint some fit and proper person to be the clerk of the authority, and the appointment shall, mutatis mutandis, be subject to the provisions of section sixty-eight of this Ordinance.

Power to appoint clerk of the council.

74. An overseer, a collector of rates, or a clerk, who refuses or neglects to produce or deliver up to the auditor, or the ~~inspector~~, or the chairman of the local authority, when thereto required, any book, document, plan, chart, voucher, or account, relating to the district shall be liable to a penalty not exceeding one hundred dollars.

Non-production by overseer of document.

Sec. 10(2) /
Q. 12 / 1937
Penalty.

75.—(1) The local authority of any village or country district may appoint such and so many subordinate officers and servants as may be necessary, but no such office or situation shall be created or established without the sanction of the Board.

Appointment of subordinate officers and servants.

(2) Each officer or servant shall receive the salary or wages assigned to him by the local authority with the sanction of the Board.

(3) Each officer or servant shall perform the duties prescribed by the by-laws or, subject thereto, directed by the local authority.

76. Every overseer, clerk, or other officer of a village council or country authority when called upon to do so shall give security for the faithful performance of his duties in the sum and in the manner from time to time directed by the Board.

Officers to give security.

77. In any civil or criminal proceeding against an officer or anyone employed in a position of trust under this Ordinance, it shall suffice to describe him as the servant of the Board, or of the village council, or of the country authority, as the case may be.

Description of officer in proceedings.

Committees.

78.—(1) The local authority of any village or country district may appoint one or more committees of its own body for the transaction of special or, with the sanction of the Board, of general business. The chairman of that local authority shall be ex officio a member of every sub-committee and when present shall preside.

Power to appoint committees.

(2) Every committee shall report its proceedings to the local authority, and any order of a committee, of which the local authority disapproves, shall be null and void.

Vesting and Management of Property.

Vesting of property in local authority.

79. All property, whether movable or immovable, belonging to a village or country district shall be vested in the local authority thereof.

Vesting of machinery in local authority.

80. All machinery and every article used or intended to be used for the drainage of a village or country district, and every building and erection used in connection therewith, shall be vested in the local authority thereof.

Property in rates and other moneys of village and country districts.

81. All rates or taxes, land rents, new empolder rents, or instalments of purchase money, house rents or purchase money of lots, fees for pasturage or for woodcutting, water-side fees, grazing fees, loan moneys, and all other moneys whatsoever receivable or payable for the general revenue of any village or country district shall be deemed the property of the local authority thereof.

Management of undivided property.

82. All undivided lands or portions of land, undivided empolders, pasture lands, woods, dams, kokers, sluices, watercourses, navigation and draining trenches, and all the roads, streets, and bridges of every village or country district, not being public roads, streets, or bridges, shall be under the control and management of the local authority thereof.

Laying property in proceedings

83. In any civil or criminal or other proceeding in respect of any moneys or other property whatsoever belonging to a village or country district, it shall suffice to describe the moneys or property as the moneys or property of the local authority thereof.

Management of Undivided and Common Lands and New Empolders.

Vesting of ungranted crown lands or new empolder.

84. Wherever a village or country district has been or is permitted to occupy any ungranted crown land or any new empolder, all that land or new empolder shall be vested for the purposes of this Ordinance in the local authority thereof.

85.—(1) All persons occupying any such undivided lands or portions of lands, or any undivided new empolder or any portion thereof, shall pay rent therefor to an amount determined by the local authority with the approval of the Board.

Payment
and recovery
of rent :

(2) All arrears of rents may be recovered in the same manner as is hereinafter provided in respect of arrears of rates :

Provided that,—

Proviso.

- (a) every local authority may sue for and recover any rent due to it as a debt so due;
- (b) under and by virtue of any distress warrant issued for the recovery of any of those rents, the movable property of the tenant in arrears, wherever found, may be levied upon and sold; and
- (c) the overseer, under the direction of the chairman of the local authority, but subject to an appeal to the Board, may enter upon and take possession of all the lands in respect of which two months rent or more is due and owing, and of all crops, provisions, and other things then growing or being on the lands, and of the possession of them dispossess the tenant in arrear and may dispose of them to the best advantage; and any surplus shall be paid over to the dispossessed tenant.

(3) The tenant who, after service of notice upon him, either personally or at his last or most usual place of abode, of the fact of possession having been taken, enters upon any of the lands shall be deemed and taken to be a wilful trespasser within the meaning of any Ordinance for the time being in force for the punishment of wilful trespassers to property.

(4) If any local authority refuses or neglects to determine the amount of the rents, the Board may determine the amount of the rents to be paid for the lands; and all persons occupying the lands shall thereupon be liable to pay the amount of rent so determined by the Board, and the payment thereof may be enforced in like manner as is provided in the last preceding section.

86. The local authority may let to any person by monthly or yearly tenancy, or for a term of years not exceeding five, any undivided lands, undivided empolders, pasture lands, woods or any portion thereof, for the time

Recovery of
rent for
undivided
lands.

being under the control and management of the local authority of any village or country district, and may sue for and recover all arrears of rent due therefor in the manner provided by sub-sections (2) and (3) of the last preceding section.

Execution of leases.

87. No lease or agreement to let any portion of any undivided lands or portion of lands, or any new empolder or portion thereof, in any village or country district shall have any force or effect whatever, unless it is signed by the chairman of the local authority thereof with the consent and approval of the Board.

Grazing of cattle on common lands of village or country district.

88.—(1) The local authority of any village or country district may, subject to the approval of the Board, frame a table of fees to be paid by the owners of any cattle grazing or kept on the common lands of the village or country district; and those fees shall be paid by the owners of the cattle to the overseer or, if there be no overseer, to the chairman of the local authority for and on account of the general revenue of the village or district.

(2) Any cattle in respect whereof the fees are due may, in default of payment thereof, be dealt with, by order of the chairman of the local authority, in like manner as is provided by law with respect to animals trespassing on land.

Cutting wood on common lands of village.

89.—(1) The local authority of any village or country district may, subject to the approval of the Board, make by-laws with respect to the cutting of wood on the common lands of the village or district.

(2) All moneys received under and by virtue of those by-laws shall be paid by the persons liable to pay them to the overseer or, if there be no overseer, to the chairman of the local authority for and on account of the general revenue of the village or district.

Charging tolls for passage of craft.

90.—(1) The local authority of any district may charge tolls, according to a tariff to be posted up at the village office or some other conspicuous place within the district, for bateaux, punts, or other craft, passing through any of the trenches, aqueducts, or kokers, within the boundaries of the district, but no toll shall be charged until the tariff has been approved by the Board.

(2) The local authority may also make by-laws for the prevention of fishing, or the mooring of bateaux, punts, or other craft, in any of the trenches or aqueducts aforesaid.

91. If anyone not legally authorised in that behalf receives any of the rates, rents, fees, or tolls directed to be paid under this Ordinance, he shall be liable to a penalty of double the amount of the rates, rents, fees, or tolls so received by him, and the amount of the penalty shall be paid to the local authority.

Unauthorised
receipt of
rent.

Penalty.

Appraisement of Property in Village Districts.

92.—(1) Whenever the Board or a village council deems it necessary to appraise the several lots and buildings and the lands in a village, or any part or portion of the village property, the chairman of the village council shall cause a notice, signed by himself, to be posted up at some conspicuous place in the village directed by him, calling upon the proprietor of every lot, whether with or without buildings thereon, and of every house or house and premises liable to assessment, to fill up or cause to be filled up, within fourteen days after the notice, a schedule, in which shall be set forth the number and particulars of the lot, and of the buildings (if any) thereon, or of the house or house and premises, or so many of those particulars as the proprietor or his representative can give or cause to be given in the schedule.

Notice to
fill up
schedules of
property.

(2) The schedule so filled up shall be kept in readiness to be handed on the premises to the persons duly appointed to appraise the property in the village as hereinafter mentioned, and, in default of any schedule so filled up being handed over on demand as aforesaid, the persons so appointed shall make their appraisement on the best information they can obtain.

93.—(1) The village council shall appoint two fit and proper persons to be the appraisers, but no one shall be appointed an appraiser for a village in which he possesses any property.

Appointment
and remunera-
tion of
appraisers.

(2) The names of the appraisers shall be posted up, immediately on their appointment, in some conspicuous place in the village.

(3) The appraisers shall respectively be paid for their services such sum as the village council determines.

Making
appraise-
ment.

94. The appraisers, at a convenient time of which notice shall be posted up at some conspicuous place in the village, shall appraise the several lots and buildings in the village and the lands thereof, and the several houses and houses and premises liable to assessment, and in making the appraisement shall have special reference to their condition and locality respectively.

Appraisers
may enter
premises in
village.

95.—(1) The appraisers in discharge of the duty to be by them performed, shall have full power and authority to enter on any land, being a lot as aforesaid, and into any building, house, or premises, in the village, between the hours of six of the clock in the morning and six of the clock in the evening of any business day.

Penalty for
obstructing.

(2) Everyone who resists or obstructs an appraiser in the discharge of his duties as aforesaid shall be liable to a penalty not exceeding twenty-five dollars.

Record and
publication
of appraise-
ment.

96. When the appraisement is completed, it shall be entered and recorded in the assessment book of the village; and a copy of it signed by the chairman of the village council, shall be posted up at some conspicuous place in the village directed by him.

Appeal
against
appraise-
ment:

97.—(1) Any proprietor or his representative who conceives his lot or building, or his house or house and premises, to be improperly appraised may, within fourteen days from the day of the copy of the appraisement being posted up as aforesaid, appeal in writing, stating the grounds of appeal, from the appraisement to the magistrate of the district, who shall duly inquire into the matter of the appeal, and make any order thereon that may be just, and his decision shall be final:

Proviso.

Provided that no one who is in default of filling up and delivering the schedule to the appraisers in manner and form aforesaid shall have the privilege of appeal.

(2) The costs of the appeal and of any re-appraisement shall be in the discretion of the magistrate, and shall be paid out of the village funds, or by the appellant, or by the appraisers or either of them, as the magistrate may direct.

(3) On payment of a fee of twenty-four cents, anyone shall be entitled to obtain from the overseer or clerk a certificate of the appraisement of any property in a village, and that certificate shall be *primâ facie* evidence of any matter or thing therein contained.

98. Every appraisalment shall subsist and be binding on all persons until a fresh appraisalment has been made and entered in the assessment book of the village :

Subsistence
of appraise-
ment :

Provided that nothing in this section shall be construed to prevent the appraisalment of new buildings or the re-appraisalment of old buildings.

Proviso.

99. Any proprietor may, at any time after the expiration of a period of two years from the last appraisalment of his lot or building, apply to the village council for a re-appraisalment on payment of the sum of three dollars to the council funds towards the cost of the re-appraisalment, and if after re-appraisalment it is found that the re-appraisalment has been less by twenty per centum or more of the appraisalment, the proprietor shall be entitled to a refund of the sum paid for the re-appraisalment.

Re-appraise-
ment after
two years.

Appraisalment of Property in Country Districts.

100. Wherever the Board or a country authority deems it necessary to appraise the several lots and buildings and the lands in a country district, or any part or portion of the property of that district, the following regulations shall be observed, namely,—

Procedure as
to appraise-
ment.

- (a) the country authority shall prepare a statement showing the property to be appraised and the value thereof as ascertained by the authority; and the statement shall be kept at some place of which public notice shall be given, and be at all reasonable times open for the inspection of anyone interested;
- (b) if anyone interested feels aggrieved at the value as ascertained by the authority, he may, within fourteen days from the date of the notice, appeal to the Board, who shall have power to entertain the appeal and decide thereon, and its decision shall be final; and the value as ascertained by the Board shall be deemed the proper value thereof;
- (c) where the country authority fails to prepare the statement, the Board may at any time prepare it; and the value as ascertained by the Board shall be deemed the true value thereof.

101.—(1) Any appraisers appointed by a country authority or by the Board acting under the provisions of the last preceding section, shall have power and authority,

Powers to
appraisers
to enter
premises.

for the purpose of ascertaining the value of any property, to enter on any land being a lot as aforesaid and into any building, house, or premises in the district, between the hours of six of the clock in the morning and six of the clock in the evening of any day except Sundays and public holidays.

Penalty for obstructing.

(2) Everyone who resists or obstructs an appraiser in the discharge of his duties aforesaid shall on summary conviction be liable to a penalty not exceeding twenty-five dollars.

Subsistence of appraisal :

102. Every appraisal shall subsist and be binding on all persons until a fresh appraisal has been made and entered in the assessment book of the district :

Provide.

Provided that nothing in this section shall be construed to prevent the appraisal of new buildings or the re-appraisal of old buildings.

Drainage through adjoining Lands.

Making agreement with neighbours.

103. The local authority of any village or country district may, subject to the approval of the Board, enter into any agreement on behalf of the village or district with the proprietor of any neighbouring plantation or land for the purpose of affording to the village or district effectual drainage, by means of steam power or otherwise, for a term of years, in consideration of the payment of such sums of money and in such manner or as may be agreed upon otherwise.

Application for leave to make drain in land of another.

104.—(1) Any village council or country authority, hereinafter referred to as "the applicants," desiring to drain the lands or any part of the lands of the village or district under the management of the applicants, who, in order thereto, deem it necessary that new drains should be made through lands belonging to another owner, or that existing drains in lands belonging to another owner should be cleansed, widened, or otherwise improved, may apply to that owner, hereinafter referred to as "the adjoining owner," for leave to make the drains or improvements in drains through or on his lands.

(2) The application shall be by notice in writing under the hand of the chairman of the local authority and shall be served on the adjoining owner, and also on the occupier if the owner is not the occupier; and the notice shall state the nature of the drains or improvements in drains, and shall be accompanied by a diagram on which the length, width, and depth of the proposed drains or improvements

in drains shall be delineated, and shall further state the compensation, if any, which the applicants propose to pay.

(3) The adjoining owner may, by an instrument signed by him in the presence of two witnesses, assent to the application on the terms and payment of the compensation which he requires, and assent so given shall be binding on all parties having any estate or interest in the land, subject to the following provisions :—

Assent by owner to application, and provisions relating thereto.

(a) no arrangement entered into by the guardian of an adjoining owner under any disability or incapacity, shall be valid unless it be approved by two surveyors, one of whom shall be nominated by the applicants and the other by the guardian; and each of the surveyors, if they approve of the arrangement, shall annex to the document containing it a declaration to that effect, subscribed by them;

(b) any compensation to be paid by the applicants to the adjoining owner in any case where he is under any disability or incapacity shall be applied in the manner in which the compensation coming to parties having limited interests, or prevented from treating and not making title, is applicable under the Companies' Clauses and Powers Consolidation Ordinance, 1846; and

No. 1 of 1846, Appendix.

(c) any occupier, other than the owner, interested in the lands, shall be entitled to compensation for any injury which he sustains by the making of the proposed drains or improvements in drains, so that the claim for that compensation be made within twelve months after the completion of the drains or improvements in drains; and the amount of the compensation shall be determined, in case of dispute, by arbitration.

(4) The applicants shall deposit on record in the deeds registry the instrument containing the assent of the adjoining owner to the proposed drains or improvements in drains as a record of the proceeding between the parties.

Recording of instrument of assent.

105.—(1) The adjoining owner shall be deemed to have dissented from the application made to him if he fails to express his assent thereto within one month after the service of the notice of application on him, and, in the event of that dissent, the following questions shall be decided by

Proceedings in case of dissent by owner to application.

the magistrate of the district, unless the adjoining owner requires them within the aforesaid period of one month to be decided by arbitration :—

- (a) whether the proposed drains or improvements in drains will cause any injury to the adjoining owner, or to the occupier or other person interested in the lands; and
- (b) whether that injury is or is not capable of being fully compensated by money.

(2) The result of the decision shall be as follows :—

- (a) if the decision is that no injury will be caused to the adjoining owner, or to the occupier, or to other parties interested in the lands, the applicant may proceed forthwith to make the proposed drains or improvements in drains;
- (b) if the decision is that injury will be caused to the adjoining owner, or to the occupier, or to other parties interested in the lands, but that it is capable of being fully compensated by money, the magistrate, or the arbitrators, as the case may be, shall proceed to assess the compensation and to apportion it amongst the parties in his or their judgement entitled thereto; and, on payment of the sum so assessed, the applicants may proceed to make the proposed drains or improvements in drains; and
- (c) if the decision is that injury will be caused to the adjoining owner, or to the occupier, or to other parties interested in the lands, and that it is not capable of being fully compensated by money, the applicants shall not be entitled to make the proposed drains or improvements in drains.

(3) All the provisions of sections one hundred and forty-nine to one hundred and fifty-seven, both inclusive, of the Companies' Clauses and Powers Consolidation Ordinance, 1846, relating to proceedings for assessing compensation shall be deemed to be incorporated with this Ordinance, subject nevertheless to the special provisions thereof; and all things in those sections authorised or required to be done by two justices of the peace may be done by the magistrate of the district; and all things in those sections authorised or required to be done by the promoters of an undertaking may be done by the chairman of the

local authority and, in case of the refusal or neglect of arbitrators to do so, the Board may appoint an umpire in the manner provided by section one hundred and fifty-two of the said Ordinance and for all the purposes thereof.

(4) When the compensation assessed by the magistrate or the arbitrators, as the case may be, is payable to any owner or person who is under any disability or incapacity, or is not entitled to receive it for his own benefit, it shall be applied in the manner in which the compensation coming to parties having limited interests, or prevented from treating and not making title, is applicable under the said Ordinance.

Application of compensation in certain cases.

106. The magistrate, or the arbitrators, as the case may be, in the event of his or their approving of a scheme of drainage as proposed by the applicants or as modified by him or them, shall cause a diagram thereof to be prepared, and shall certify under his or their hand or hands the correctness of the diagram; and it shall be the duty of the applicants to deposit the diagram in the deeds registry.

Diagram of scheme of drainage.

107. After any drains or improvements in drains aforesaid have been made, the officers and servants of the local authority may, whenever necessary, enter upon the lands through or in which the drains or improvements in drains have been made for the purpose of clearing out, scouring, and otherwise maintaining them in a due state of efficiency; and if they are not kept so cleared, scoured, and maintained in a due state of efficiency, the owner or occupier for the time being of the lands through or in which they have been made may clear out, scour, and otherwise maintain them in a due state of efficiency and recover the expenses incurred in so doing from the local authority.

Entry upon land to clear drains.

108. The owner for the time being of the lands through or in which drains or improvements in drains are made under this Ordinance may, with the sanction of the Board, fill up, divert, or otherwise deal with them, on condition of first making and laying down in lieu thereof drains equally efficient for the purposes of the village or country district; and any dispute arising as to the efficiency of the drains so made shall be decided by the Board.

Alterations of drains.

109. Everyone who—

(a) wilfully resists or obstructs anyone making any drain or improvement in drains under this Ordinance; or

Resisting or obstructing making of drains.

Penalty.

(b) wilfully dams up, obstructs, or in any way injures any drain or improvement in drains so made, shall be liable to a penalty not exceeding fifty dollars.

Payment of costs of application.

110. All costs, charges, and expenses reasonably incurred by the adjoining owner in respect of any application made in pursuance of this Ordinance shall be paid out of the funds of the village or country district; and any dispute arising as to the amount thereof shall be decided by the Board.

Trespass on lands of a Village or Country District.

Notice warning trespassers off lands.

111.—(1) Whenever the local authority of a village or country district considers it expedient to warn persons from trespassing on any portion of the village or country district or its lands, the local authority may cause a proper notice to be put up, which shall conclude with the words: "By order of the Village Council of _____," or "By order of the Country Authority of _____," as the case may be.

(2) The notice shall be a good and valid notice, and all persons infringing its terms shall be deemed to be wilful trespassers within the meaning of any Ordinance for the time being in force for the punishment of wilful trespass to property.

Estimates and Rates.

Making up annual estimate and rate.

112.—(1) On or before the thirty-first day of ~~March~~ ^{December} in every year, or, with the consent of the Board, before the fifteenth day of ~~May~~ ^{February} in any year, the chairman of the local authority of each village and country district shall submit to the authority an estimate of the expenditure for the ensuing year, and of the rate proposed to meet it, whether that rate be by an assessment on the appraised value of the property in the district or by a monthly assessment or contribution from all lots and buildings and from all houses and houses and premises liable to assessment.

(2) If, after discussing and, if necessary, altering and amending the estimate and assessment, the local authority by a majority of votes adopts them, they shall be transmitted to the Board for approval, and the Board may approve them as they stand, or make any amendments therein it thinks proper.

Sec. 10(2) of Ch.
12 of 1937

(3) If the local authority does not by a majority of votes adopt an estimate and assessment, the estimate submitted by the chairman shall be transmitted to the secretary, with a statement of the objections of the local authority if they have been recorded, and thereupon the Board may frame an estimate and make an assessment.

(4) The estimate and assessment so approved, or so framed and fixed, as the case may be, shall be legal, valid, and binding upon all persons concerned.

(5) Wherever no estimate and assessment have been duly submitted for approval of the Board before the fifteenth day of ~~May~~^{February} in any year, the Board may frame an estimate and make an assessment which shall be legal, valid and binding upon all persons concerned.

113.—(1) Subject to the provisions of the last preceding section, the local authority of any village or country district may impose a rate in labour assessed according to the appraised values, or according to the areas of the several lands, premises, or lots of land in the district.

Levying
labour rate :

(2) That rate may be in lieu of or in addition to any other rate levied by the authority, and may take the form, either of a fixed number of days labour or of a specific task, and the owners of the several lands, premises, or lots of land on which the rate is levied, shall be responsible for the due performance of the prescribed number of days labour or for their proportionate parts of the specified task as the case may be :

Provided that the person responsible for that labour or task may elect to pay the local authority the value thereof as fixed by the authority.

Proviso.

(3) The local authority, before enforcing any labour rate, shall transmit a statement to the Board of the particulars thereof, and the Board may approve, disallow, or amend the rate, or may substitute therefor a money rate, and the rate so amended or substituted shall be the rate to be levied by the local authority.

(4) The Board may substitute a labour rate for any money rate proposed to be levied by a local authority, and that rate shall be levied by the authority.

(5) Before any labour rate is enforced the particulars thereof in writing, specifying the time within which the labour or task is to be performed, shall be posted at some convenient place or places within the district.

(6) If any labour imposed as in this section provided is not begun, or is begun and not completed to the satisfaction of, and within the time specified by, the local authority, the authority may begin and complete, or may complete, the labour, and recover the cost thereof, including the cost of materials therefor, and of superintendence, if any, in the manner prescribed in this Ordinance for the recovery of rates.

Supple-
mentary
estimate and
rate.

114. The chairman of the local authority of a village or country district may, if he deems it necessary, submit to the authority at any time a supplementary estimate and special rate, which shall be dealt with in like manner as the annual estimate and ordinary rate.

Levying
additional
rate.

115.—(1) If any rate levied under this Ordinance is found insufficient, the local authority of any village or country district is hereby authorised and required to levy, in the same manner as is herein provided with respect to an ordinary rate, any further and additional rate or rates necessary to meet the required expenditure according to the estimate approved as aforesaid.

(2) When it appears to the Board that any rate levied under this Ordinance is insufficient, and that the local authority has made default in levying an additional rate, the Board may levy any further and additional rate or rates necessary to meet the required expenditure according to the estimate approved as aforesaid, and every additional rate shall have the same preference and shall be recovered in the same manner as is herein provided with respect to an ordinary rate.

Framing
estimate and
levying rate
for work
benefiting
limited
portion of a
district.

116.—(1) When it appears to the local authority of a village or country district that it is desirable to perform any work in the district and that that work will benefit only a limited portion thereof, the chairman of the local authority may submit to the authority a report setting forth the work to be performed, and the portion of the district for the benefit of which it is to be performed, and also an estimate of the expenditure required for its performance, and of the rate proposed to meet the expenditure, and affecting only the property comprised in the limited portion of the district, and the estimate and rate when settled and approved, shall be legal, valid, and binding on all persons concerned.

(2) All the provisions of this Ordinance relating to estimates and rates and the collection and enforcement of payment of rates shall, with the necessary modifications, apply to any estimate and rate made and levied under this section.

117.—(1) In every village and country district in which a rate is levied on an assessment of the appraised value of the property in the district, the rates set forth in the assessment shall be due and owing from the date of publication of the approval of the estimate and the rate may be paid either in full or in four equal ~~quarterly~~ instalments due respectively on publication above-mentioned, and on the first days of July, October, and January: *April, July + October*

Sec 3 of Ord 20 of 1927
Provided that, on failure to pay an instalment when it becomes due as aforesaid, the rate for the whole year shall become due and owing, and it, or any portion of it, may be recovered as hereinafter provided.

Date from which rate or contribution becomes due:

Sec. 10(a) of Ord 12 of 1927

Proviso.

within thirty days of the date

(2) In every village and country district in which a rate is levied on an assessment of the appraised value of the property in the village or district, the rates set forth in the assessment shall be due and owing from the date of the notification of the approval of the same in the Gazette; and in the case of any village in which the estimate of expenditure is met by a monthly assessment or contribution from all lots and buildings, and from all houses and houses and premises liable to assessment, the same shall, on notification in the Gazette of the approval by the Board of the estimate and assessment, be due and owing as from the first day of each and every month included in the term for which the assessment is made, and if the notification appears after the period at which the monthly contribution is proposed to be commenced, the contributions for the month or months which has or have passed prior to the appearance of the notification shall, on the publication of the notification, be absolutely due and owing.

(3) Anyone who fails to pay any rate or portion of a rate within thirty days after it has become due and owing shall be considered to be in arrears for the purposes of this Ordinance.

Collection and Recovery of Rates.

118. Whenever it appears to the Board that the collection of rates in any village or country district is unduly delayed, it may by an order, under the hand of the secretary, require the collector of rates forthwith to proceed in

Delay in collecting rates.

the manner prescribed by this Ordinance for the recovery of the rates overdue, and, on failure of the collector of rates forthwith to comply with that order, may deal with him as provided by sub-section (2) (b) of section eighteen of this Ordinance.

Liability for
and mode of
recovery of
rate.

119.—(1) Every lot in a village or country district, with the buildings, if any, thereon, not being separately assessed, and all movable property thereon or therein shall be liable and executable for the amount of any rate on that lot and those buildings.

(2) Every house or house and premises separately assessed, and all movable property thereon or therein shall be liable and executable for the amount of any rate on that house or house and premises.

(3) The amount of every such rate shall be and is hereby declared to be preferent over and above all claims of whatever nature they may be, not being claims due and owing to the Crown or the Government of the colony, whether those claims are against the lot with the buildings, if any, thereon, or the house and house and premises, or against the proprietor or proprietors thereof, anything in any law or Ordinance to the contrary notwithstanding.

(4) The amount of every rate assessed on any lot, with the buildings, if any, thereon, shall, except as herein-after provided, be recoverable by parate or summary execution against the lot, with the buildings, if any, thereon, or against the house or house and premises, or by an action in the magistrate's court or in the Supreme Court, according to the amount, against the person liable for the payment thereof; and the process shall be at the instance and in the name of the local authority of the village or country district as the case may be.

(5) The payment of any rate at any time imposed under this Ordinance may be enforced, notwithstanding that the period or purpose in respect of which it has been imposed has expired or terminated.

(6) The Official Receiver and the registrar of deeds shall, if the proceeds of the sale of any lots or portion of lots or buildings in any village or country district sold by them are sufficient to enable them to do so, after paying all expenses of the sale and the amount of all claims due to the Crown and the colony, deduct from the proceeds of the sale the amount of all taxes, rates, or rents payable to the local authority of any of the above districts in respect

Sale of lots
by Official
Receiver and
Registrar:

*For provisions
see sec. 10(2) &
Ord. 12 1957*

*Repealed by
sec. 2 of Ord.
15 1957*

of the lots or portion of lots or buildings, and shall pay over the amount to the inspector of districts to be placed at the credit of the district concerned :

Provided that the obligation imposed by this section on the Official Receiver and the registrar of deeds shall not in any case arise unless the inspector, on or before the date of the sale, gives notice in writing to the Official Receiver or the registrar, as the case may be, of the existence of unpaid taxes or rents, and unless within seven days after the sale he gives further notice in writing to the Official Receiver, or registrar, as the case may be, of the amount thereof.

Proviso.

120. If any lot is sub-divided, the local authority of the village or country district, or, if it fails to do so on application made for that purpose, the Board may apportion the payment of the rate assessed on that lot among the several portions thereof.

Apportionment of rate where lot is sub-divided.

121. No lot or building in any village or country district belonging to the Crown or to the colony, no church, chapel, or schoolhouse, devoted ~~solely~~ to the purposes of religion or education, no lot of land whereon is situate that church, chapel, or schoolhouse, and no registered burial ground, shall be liable or subject to any district rate or tax.

Exemption of certain property from rating

*See 10020
S. 4 of 1937*

122. The local authority of a village or country district may, with the sanction of the Board, exempt on account of poverty anyone from the payment of district rates or taxes.

Exemption on account of poverty.

123.—(1) Each person having an undivided interest in any lot in a village or country district in respect of which any rate or tax is payable shall be liable for the payment of the whole rate or tax payable in respect of that lot.

Enforcement of contribution from co-proprietor of lot.

(2) If any joint-proprietor of any lot refuses or neglects to contribute his just proportion of any rate or tax payable in respect of the lot, any of the joint-proprietors, on paying or being compelled to pay the whole amount then assessed and payable on the lot, may recover by action as aforesaid, from his several co-proprietors the several sums due by them respectively as a contribution, together with an addition of ten per centum thereon by way of damages, and also his costs.

Demand for
payment of
rate and levy
on movable
property.

First
schedule,
form 1.

124.—(1) Wherever in a village or country district there is any movable property upon or in any lot or the buildings, if any, thereon, or upon or in any house or house and premises, assessed for payment of any rate under the provisions of this Ordinance, it shall be the duty of the overseer, or, if there be no overseer, then of the chairman of the local authority, before application is made for the process of parate or summary execution, to cause a notice, according to form 1 in the first schedule hereto, of the amount of the rate due in respect of that lot, with the buildings, if any, thereon, or of the house or house and premises, to be left on the premises; and if payment is not made within two weeks thereafter, the overseer or chairman, as the case may be, may make application to the magistrate of the district, who, upon the application and the production of the duplicate or copy of the notice, with the return of service thereon duly sworn before him, shall grant a warrant of distress for recovery of the rate, under and by virtue whereof the movable property may be levied on and sold for the amount of the rate with costs.

(2) The movable property shall be sold by any person authorised by the magistrate, in some public place, notice thereof being given in the manner directed by the magistrate not less than three days previously, and the proceeds thereof, after payment of the expenses, shall be applied in satisfaction of the demand, and the surplus, if any, shall be paid to the owner.

(3) The posting up of the notice on some conspicuous place on the lot or on some building thereon, or on the house or house and premises, as the case may be, shall be sufficient service, and the production of the duplicate or of a copy of the assessment shall, without proof of the authority or signature of the chairman of the local authority of the village or country district, be sufficient evidence of the making and validity of the assessment and of the amount due in respect thereof upon the property in default.

Indemnifica-
tion of
occupier
whose
movable
property is
sold for rate.

125. Whenever any movable property levied on and sold under the last preceding section belongs to the occupier of the premises liable for the payment of the rate, or to someone other than the owner of those premises, the occupier or other person shall be entitled to recover from the owner the full value of the property so levied on and sold, together with an addition of ten per centum thereon by way of damages, with costs; and the occupier of any

premises liable for the payment of a rate may in every case pay the amount of the rate, and deduct it from any rent due or accruing due to him in respect of the premises.

126. Every warrant of distress issued under this Ordinance may be drawn up according to form 2 in the first schedule hereto.

Form of warrant of distress; first schedule, form 2.

127. All warrants of distress issued under this Ordinance shall be executed in the same manner as warrants of distress issued by a magistrate in the exercise of his summary jurisdiction.

Execution of distress warrant.

128. The fees specified in the second schedule hereto shall be the fees legally payable for any process of distress issued under this Ordinance, and shall be paid in the first instance by the party applying for the process, but they shall be costs in the matter of the distress.

Fee on distress; second schedule.

129. No warrant or order of execution in any proceeding by parate or summary execution against any lot assessed for the payment of a rate shall be granted, unless there is produced with the summation a certificate signed by the chairman of the local authority of the village or country district to the effect that there was no movable property whereon to levy, or that it had proved insufficient.

Condition of granting warrant of execution.

x x x
 See sec. 10(2) of
 Act. 4 of 1937

130. Where more lots than one are owned by anyone and one of the lots is a principal or township lot, the service of a summation or other legal process for the recovery of a village or country district rate or tax in respect of all or any of those lots upon the principal or township lot shall be held and is hereby declared to be legal, valid, and sufficient.

Service of summation.

131.—(1) On the sale of any property by parate or summary execution under this Ordinance, the marshal, after deducting the amount sued for and all legal and just costs and charges shall pay over to the secretary the amount of rates certified to be due in respect of any property sold by parate or summary execution, including any rates accruing due since the service of summation and certified as due on the day of sale by the secretary:

Distribution of proceeds of sale:

to District Commissioner
 x x v
 See sec. 3(b) of
 Act. 10 of 1938
 Proviso.

Provided that all claims shall be lodged within four months after the sale of any property in respect of which the claim is made.

Taxation of
expenses of
parate
execution.

(2) In the case of sale under this section the expenses incurred in the proceedings shall be taxed by the registrar and in each taxation the registrar shall be allowed to charge a fee of twenty-five cents and no more.

Return of
results of
sale.

*Deputy
Commissioner*

132. Within one month after the sale of property at execution sale, the marshal shall, without any charge, furnish the secretary with a return showing the date of sale, the amount realised, the name of the purchaser, the amount of costs and charges, and the amount of the surplus, if any, after payment of the amount sued for and of the costs and charges.

*Sec 48
Ch. 84
1934*

Fees on
parate or
summary
execution;
third
schedule.

133. The fees for the process of parate or summary execution, including all travelling expenses, distance money, acts, conditions of sale, copies of documents, printing, and all other matters not hereinafter enumerated, shall be as specified in the third schedule hereto.

Validity of
proceedings.

134. No proceeding in any parate or summary execution under this Ordinance shall be void for want of form.

Informality
in proceed-
ings for
recovery of
rates.

135.—(1) No misnomer, mistake, or informality, committed in any proceeding for the recovery of a village or country district rate shall prejudice the recovery thereof; nor shall the proceeding lapse, cease, or abate, by reason of the death, resignation, or removal, of the officer instituting it, or of any change in anyone holding office in connection with the village or country district; but the officer for the time being may prosecute and continue the proceeding commenced and carried on in the name of any previous officer in all respects as if the proceeding had been taken by himself.

(2) No one may sue and no court of justice may entertain any action or proceeding against, an officer or other person employed in executing any warrant of distress in reference to a village or country district rate, by reason of any misnomer, mistake, or informality if the movable property seized or sold under that warrant was in fact found upon or in any lot or building, or upon or in any house or house and premises lawfully liable for the payment of the rate.

Payment of
rate on
transport.

136.—(1) Where any particular lot in a village or country district has been at any time before the commencement of this Ordinance transported, or is at any time after

the commencement of this Ordinance transported, to anyone, the proprietor thereof may, under the direction of the chairman of the local authority thereof, pay to the collector of rates the sum certified by the chairman to be the amount of the rate levied upon that lot and payable in respect thereof; and the chairman shall be bound to grant the certificate on demand, free of charge.

(2) On payment of the contribution to the collector of rates it shall be duly credited and a receipt given, and execution shall be levied for the residue against the remaining lots of which the share is composed, and service of process upon any one of the remaining lots which the chairman in that case directs shall be legal, valid, and sufficient.

137. No officer of a local authority may purchase, either directly or indirectly, or by the intervention of a trustee, or otherwise, any property sold at execution sale for the payment of district rates; and every purchase of the kind shall be to all intents and purposes absolutely null and void, save and except as is hereinafter provided; but nothing herein contained shall prevent an officer from purchasing at any sale aforesaid property which it may be necessary for him to purchase in order to protect the interest of himself, his wife, or his child; nor shall anything herein contained prevent any local authority from acting under the provisions of section one hundred and sixty of this Ordinance.

Purchase by officer of property sold at execution sale for district rates prohibited.

138. No estimate, rate, or assessment shall be legal unless it has been approved by the Board and notice of the approval has been published in the Gazette, but in any proceedings by a local authority for the recovery of the rate, it shall not be necessary to allege or prove that it has been approved or fixed by the Board.

Validation of estimate, rate, or assessment.

Keeping and Audit of Accounts.

139. The financial year of village and country districts shall be the twelve months ending the thirty-first day of ~~March~~, and the accounts of the receipts and expenditure of every village council and country authority shall be made up to the end of each financial year :

Financial year of village and country district :

~~Provided that the Board, with the sanction of the Governor in Council, by order to be published in the Gazette and in a newspaper of the colony, may change the financial year.~~

Proviso.

Sec. 10(a) of
DA 12 of 1953
December

Sec. 10
DA 12 of 1953

Form of
accounts.

140. The accounts of the receipts and expenditure of every village council and country authority shall be in the form for the time being prescribed by the Board.

Keeping
books and
accounts:

141. All the books and accounts of every village and country district employing an overseer or clerk shall be kept at the office of that overseer or clerk, as the case may be, who shall be responsible for their correctness, or if there be no overseer or clerk, then in the manner approved by the Board:

Proviso.

Provided that the Board, by order to be published in the Gazette and in a newspaper of the colony, may direct the books and accounts of any village or country district to be kept at the office of the Board. *District Commissioner*

Half-yearly
statement of
receipts and
expenditure.

142. Where the books and accounts of a village or country district are kept at the office of the Board it shall be the duty of the ~~secretary~~ *District Commissioner*, twice at least in every year, to furnish the chairman of the local authority with a statement of the receipts and expenditure of the village or country district, as the case may be, to the thirtieth day of ~~September~~ *June* and the thirty-first day of ~~March~~ *March* in every year; and the chairman shall cause the statement to be deposited in some convenient place in the district for general inspection.

*Sec. 10(2) of
Ord. 12 of 1937*

Auditing
accounts.

143. Once at least in every year, the ~~secretary~~ *District Commissioner* shall cause separate statements of the receipts and expenditure of each village or country district to be made out, and shall lay them before the Auditor, who shall forthwith audit them, and shall, at the foot of each statement, certify, under his hand, the result of the audit, and the statements shall, at the next meeting of the Board, be laid before the Board for approval.

Inspection of
books and
accounts.

144.—(1) The Auditor or ~~inspector~~ *District Commissioner*, or anyone authorised in writing by either of them, may at any time call for, examine, and make extracts from, the books and accounts of a village or country district, and may require any overseer, clerk, or other officer of the district to produce for his inspection any moneys in their hands as overseer, clerk, or officer.

(2) If the books and accounts of a village or country district are kept at the office of the Board any proprietor in the district, at any reasonable times fixed by the Board, may inspect them and make extracts therefrom.

(3) Everyone who, having the custody of any of the books, accounts, or moneys, refuses or neglects, on demand made by anyone mentioned in this section to produce them for inspection, or to allow extracts to be made therefrom, if desired, shall be liable to a penalty not exceeding one hundred dollars.

Penalty for non-production.

Custody and Payment of Moneys.

145. All payments to be made in a village or country district on account of any undivided lands, or any new empolder, or any loan, or for pasturage or woodcutting, or for rates and taxes, and all other moneys payable on the general account of the village or district, shall be payable to the collector of rates and his receipt for the payment, on a form to be approved by the Board, duly signed by him, shall be a good and valid discharge for any moneys so paid.

Receipt of payments on account of village.

146. Every officer of a village or country district shall, in the manner and at the times prescribed by the Board, transmit to the ~~secretary~~ all moneys whatsoever received by him on account of the village or district and all documents and accounts; and the ~~secretary~~ shall forthwith deposit all those moneys in a local bank approved by the Board, or in a government or post office savings bank, to the credit of the village or country district :

Final receipt and custody of moneys :

*District Commissioner
Sec. 10(2) of
Ch. 12 of 1937*

Provided that the Board may, by order to be published in the Gazette authorise the moneys of a village or country district to be kept by the officer and in the manner it thinks fit.

Proviso.

147. All amounts recovered under and by virtue of a distress warrant issued under this Ordinance shall be paid to the collector of rates of the district and all amounts recovered under and by virtue of parate or summary execution shall be paid to the secretary.

Payment of accounts under distress warrants or execution.

*Sec. 10(2) of
Ch. 12 of
1937*

148. All work done or accounts contracted for or on behalf of a village or country district shall be paid for by the ~~secretary~~ District Commissioner or the overseer, or, if there be no overseer, then by the chairman of the local authority of the district.

Payment for work done.

Loans and Grants.

149.—(1) The Board may borrow, on behalf of a village or country district any amount which, on their application, may be awarded to the district by the Governor in Council from and out of any loan authorised to be raised for the

Power to borrow on behalf of village or country district.

improvement of villages and country districts under and by virtue of the provisions of any Ordinance in that behalf or otherwise, and may pledge the security of the district rates and taxes and of the property generally for the repayment of the loan together with interest.

(2) The local authority of a village or country district may, with the sanction of the Board, borrow any sum of money required for the purposes of the district, and may pledge the security of the rates and taxes and of the property generally of the village or district for the repayment of the loan together with interest.

Provision for
repayment
of loan.

150. In every case of borrowing, it shall be the duty of the Board, and it is hereby empowered, to cause adequate provision to be made in the general rates and taxes of the village or country district, as the case may be, for repayment of the loan together with interest; and, if it thinks it necessary to do so, to levy a special rate or rates for the purpose; and that rate shall have the same preference and be recoverable in the same manner as the general rates and taxes of the village or district.

Recovery of
arrears of
contributions
for repayment
of loan.

151. The Board may adjust and fix the amount of any debt contracted or incurred for or on behalf of a village or country district and whether any rates or taxes have been collected in that village or district by the authority of law or by voluntary contributions; and after the debt has been so adjusted and fixed, the Board may cause adequate provision for its repayment to be made in the general rates and taxes of the village or district, or otherwise may provide for its repayment in any manner to the Board seeming proper.

Provision for
repayment
of debt.

152. Wherever the repayment of a loan is provided for by a contribution from each shareholder, the local authority of the village or country district may recover all arrears of the contributions in the same manner as hereinbefore provided in respect of arrears of rates.

Making free
grants of
money to
villages and
country
districts.

153. The Board may, with the sanction in each case of the Governor, make free grants out of any moneys provided by the Legislative Council for the purpose to villages and country districts which are, in the opinion of the Board, unable to raise funds for necessary works of public utility or for necessary sanitary purposes.

Regulation of Expenditure.

154.—(1) The overseer, or, if there be no overseer, then another person appointed by the local authority of any village or country district, shall, under the direction of the chairman of the authority, cause all the work to be done in the village or district for which provision has been made on the annual or any supplementary estimate of that village or district; and, during the performance of any work, the overseer or other person aforesaid shall in every week make out a pay list showing the amount due to each person at work, and also the wages of the watchman and of every other person employed at weekly wages, and shall lay a copy of the list before the local authority and, on the account being certified by any two members of that authority it shall be transmitted to the secretary.

Making out
weekly pay
lists :

(2) In like manner, the accounts for the salaries of the overseer and all other officers employed in a village or country district shall be laid before the local authority of the village or district and, on being certified by any two of the members thereof, shall be transmitted to the secretary for payment :

Provided that if it appears to the secretary that the refusal of a local authority to certify any pay-list or account is altogether unreasonable he may cause the same to be paid, notwithstanding that refusal; but in that case it shall be the duty of the secretary to make a report in writing of the matter at the next meeting of the Board for any directions the Board may think fit to give.

Proviso.

155. The local authority of any village or country district may enter into contracts for executing any work and for the supply of any materials or articles for which provision has been made on the annual or any supplementary estimate, but no contract involving an expenditure exceeding one hundred dollars shall be valid or binding unless it has been approved by the Board.

Local
authority
may make
contracts.

156.—(1) At any time when any unforeseen accident or occurrence happens in a village or country district of such a nature as to render necessary the immediate performance of any work not provided for in any estimate, the local authority of that village or district shall immediately commence and perform the work; and shall as soon

Execution
of work of
emergency.

Sec. 84 Bd.
12/19/37

as practicable frame an estimate of its costs and make a special rate to defray the cost in like manner as is hereinbefore provided with respect to other estimates and rates; and shall forthwith transmit copies of the estimate and rate to the secretary to be laid before the Board for its approval.

(2) If the local authority refuses or neglects to execute the work, or to frame an estimate and make a special rate in respect thereof, the Board may take any proceedings thereon it thinks fit for the execution and defraying the cost of the work.

Sub-division of Property.

Restriction
on sub-
division of
lots.

157. No lot in a village or country district may be subdivided into shares of less size than quarter-lots, without the sanction of the Board first had and obtained; and any sub-division hereafter made or attempted to be made contrary to the provisions of this section shall be null and void to all intents and purposes.

Obtaining Title under Execution Sale.

Conveyance
of property
bought at
execution
sale.

158. Upon any person delivering to the registrar of the Supreme Court a certificate of the marshal (which certificate shall be given free of charge), to the effect that that person has purchased at execution sale under this Ordinance and paid for any share or lot, with or without buildings, the registrar shall obtain from the judge of the Supreme Court, the appropriate conveyance to the purchaser of the share or lot and buildings, if any, and the registrar shall be allowed to charge and receive for the conveyance, including all charges for recording, the sum of one dollar and no more.

Conveyance
of partitioned
lands.
(No. 1 of
1851.)

159. All lands of which partition has been already made under the provisions of the Village Lands (Partition) Ordinance, 1851. and which have not yet been conveyed, and all lands of which partition is hereafter made under the provisions of any Ordinance at the time of the partition, in force relating thereto, and all lands requiring to be conveyed under any of the provisions of those Ordinances, may, together with the buildings, if any, thereon, be conveyed by the secretary to the persons entitled to conveyance thereof in accordance with the terms of each partition, or

of any agreement relating to any of the lands so requiring to be conveyed, anything in those Ordinances or any of them to the contrary notwithstanding.

160. The local authority of a village or country district may buy in, for the benefit of the village or district, any lot, with the buildings (if any) thereon, or any house or house and premises, sold for the recovery of rates or taxes, and may receive title therefor, and thereafter may lease, sell, or otherwise deal with the same in its discretion.

Local authority may buy lot levied on for rate

Legal Proceedings, etc.

161. In any proceeding for the recovery of any rent, rate, toll, or tax of a village or country district, or of the purchase money or any instalment of the purchase money of any lot, with the buildings (if any) thereon, or of any house or house and premises, in the village or district, a statement purporting to be signed by the secretary or by the chairman of the local authority of the village or country district shall, without proof of the signature or of the official position of the person signing it, be *primâ facie* evidence, in all courts of justice and for all other purposes, of the amount and validity of the claim.

Proof of amount of money sued for.

162. An extract minute of the proceedings of the Board in any matter arising under this Ordinance, or under the by-laws, or of a local authority of any village or country district, purporting to be certified as a true extract by the secretary, or by the chairman of that local authority, as the case may be, shall be received, without further proof, in all courts of justice and for all other purposes as *primâ facie* evidence of that extract minute and of every matter or thing contained therein.

Proof of minutes of the Board or of a local authority.

163. In all legal proceedings against a local authority of a village or country district service of process on the chairman of the authority shall be sufficient service; and in all legal proceedings by the authority any necessary authority to a solicitor may be signed by the chairman thereof.

Service of process.

164. A special estimate may be made and a special rate levied by the local authority of a village or country district for any portion of a financial year remaining unexpired

Making and levying special estimate and rate.

after the establishment of that authority, and the provisions of this Ordinance relating to an annual estimate and rate shall, mutatis mutandis, apply to that estimate and rate.

Offences.

Miscellaneous
offences.

165. Everyone who—

- (a) obstructs or prevents the execution of any of the provisions of this Ordinance; or
- (b) assaults, resists, or obstructs any member of the Board, the secretary, ~~Inspector~~, or any officer appointed by the Board, or any village councillor or member of a country authority, or any officer or servant of a village council or country authority, in the performance of his duty; or
- (c) obstructs, or places any obstruction on, any dam, road, street, or bridge, or in any navigation or draining trench, or in any fresh-water canal, in a village or country district; or
- (d) makes any opening or cut in any dam or stop-off in a village or country district; or
- (e) opens or shuts any sluice or koker in a village or country district without the sanction of the local authority; or
- (f) makes a fire on any dam, road, street, or bridge, in a village or country district; or
- (g) bathes or washes clothes in, or otherwise fouls, any freshwater canal in a village or country district; or
- (h) digs or removes earth, burnt brick or road metal from any dam, road slope, street, drain, main drain, fresh water canal, or public place, in any village or country district, without the sanction of the local authority; or
- (i) throws any refuse or excreta into any drain or main drain; or
- (j) deposits excreta on any land in a district, or defæcates on any township lot or on any land within a quarter of a mile of any residence except where suitable accommodation is provided; or
- (k) places any plank or bridge across a trench without the sanction of the local authority; or
- (l) removes or destroys any barrier placed on a road, dam, or bridge in any district by the local

Sec. 16(2) of Ord.
12 of 1937
District Commission

Ord. 15 of 1934

authority thereof or by any person authorised by the local authority; or
 (m) unlawfully destroys or damages any dam, fence, gate, koker, sluice, paal-off, bridge, building, or stelling, constructed or maintained by a local authority,
 shall be liable to a penalty not exceeding fifty dollars. Penalty.

166. Everyone who wilfully damages, destroys, defaces, or otherwise injures, in any manner any list, notice, estimate, assessment, or other document posted up in a village or country district under the provisions of this Ordinance, or under the by-laws, shall be liable to a penalty not exceeding twenty-five dollars. Damaging document.
Penalty.

PART IV.

GENERAL SANITARY PROVISIONS.

Drainage.

167. Every local authority shall—
- (a) cause to be made, and shall at all times maintain in good order, the dams and trenches and main drains, having the outfall and with the kokers or sluices, necessary for effectually draining the authority's district for sanitary purposes; Maintenance of drainage by local authority.
 - (b) when required by the Board, cause its district, or the part thereof specified by the Board, to be drained by machinery; Drainage by machinery.
 - (c) cause all trenches and main drains used for draining any portion of its district so to be kept as not to be a nuisance or injurious to health and to be properly cleansed and emptied. Keeping trenches and drains clean.

168. The owner, or when required by the local authority the occupier, of every lot of land situate in an urban sanitary, village, or country, district shall effectually drain the lot, and for that purpose shall— Obligation of owner or occupier of lot to drain lot:

- (a) make the dams and drains on the lot necessary for effectually draining it;
- (b) fill up all irregularities in its surface and at all times keep it clean and free from all bush, long grass, and weeds; and

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(c) adjust its surface and, if necessary, raise the level of its surface, in such a manner that—

- (i) the water received on it may flow into the drains without obstruction;
- (ii) no water can remain on any portion of its surface other than the drains; and
- (iii) its surface does not remain swampy:

Proviso.

Provided that—

- (a) where the swampy state of a lot in any of those districts is occasioned by the main drains into which the drains of the lot discharge not having a sufficient outfall or a sufficient capacity to carry off all the water discharged into them, the owner or occupier of the lot shall not be liable under this section to raise the level of the surface of the lot if the level of the surface is as high as the average height of the level of the land surrounding the lot for a distance of twenty roods; and
- (b) any owner, with the consent of the local authority of the district in which the lot is situate, may have a pond thereon.

By-laws relating to drainage.

169.—(1) Every local authority may make by-laws,—

- (a) for regulating the number, position, length and width of all drains, the materials of which they are to be constructed, the mode of their construction, and the main drain into which they are to discharge;
- (b) for imposing on the owner of the lot, or on the occupier, or on each occupier, of the lot or of any building thereon, the duty of keeping the drains on or adjoining the lot clean and wholesome and free from obstruction; and
- (c) for determining in what cases there is to be one drain common to two adjoining lots, and how the expense of the drain is to be divided between the owners or occupiers of those lots.

(2) The by-laws may apply to the whole or any specified part of the district of the local authority.

Where house erected on swampy land.

170. Where a dwelling-house is erected within a district on swampy land, the owner of the land, or when required by the local authority the occupier of the dwelling-house,

shall effectually drain the portion of the land under and around the dwelling-house, and for that purpose shall raise the level of the surface—

- (a) of the land covered by the house; and
- (b) of the land surrounding the house for a distance of at least twenty-five feet from the nearest side of the house, if the owner's land so far extends, and if it does not so far extend then to the boundary of the land, excluding in either case any portions required for drains, to the height necessary to prevent the portion raised continuing swampy, and unless proper drainage for the land can be and is forthwith obtained.

171.—(1) Where in any district a lot is not effectually drained, and a dwelling-house is erected on any swampy land, the local authority shall, by a written notice, require in the first case the owner or occupier of the lot or of any building thereon, and in the second case the owner or occupier of the land or of the dwelling-house thereon, or, if there are more than one of the owners or occupiers, then any one or more of them, to perform, within a reasonable time to be specified in the notice, all or any of the obligations imposed by this Ordinance on the owner or occupier for effectually draining the lot or portion of land.

Enforcing
obligation to
drain lot
effectually.

(2) If an owner or occupier fails to perform any act required by the notice to be performed, he shall be liable to a penalty not exceeding twenty-four dollars, and to a further penalty not exceeding three dollars for each day during which the failure continues after the expiration of the time specified in the notice.

Penalty for
non-per-
formance :

(3) Where the notice is not complied with (and notwithstanding any proceedings which have been or are about to be instituted for the recovery of the penalty for the non-compliance) the local authority, after the expiration of the time specified in the notice, may do the work required, and the expenses incurred by it in so doing may be recovered from the owner or occupier of the lot in the first case, and in the second case from the owner or occupier of the land or of the dwelling-house thereon in the same manner as provided in sub-sections (1), (2), and (3) of section one hundred and twenty-four of this Ordinance in respect of the recovery of rates :

Provided that, under and by virtue of any distress warrant issued for the recovery of the expenses incurred, the movable property of the owner or occupier of the lot in the

Proviso.

first case, and in the second case of the owner or occupier of the land or of the dwelling-house thereon, wherever found, may be levied upon and sold. The local authority may by order declare the expenses incurred to be private improvement expenses.

(4) Any expense incurred by the occupier of any lot or building in complying with any notice under this section may be recovered by him from the owner of the lot, or of the land on which the building is erected, unless the work required by the said notice to be performed was rendered necessary by the act of the occupier, or unless it has been otherwise agreed between the owner and occupier.

Construction
by local
authority of
works for
collecting
sewage.

172. Any local authority may, with the consent of the Board, construct works for the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of, sewage or offensive matter, provided that no nuisance be thereby created.

Water Supply.

Maintenance
of tanks by
owner of
building.

173.—(1) The owner of every building in a district other than a plantation, and the owner of every plantation, shall erect and maintain in good order a tank or tanks for the storage of rain water, and capable of storing the quantity of water prescribed under the provisions of this Ordinance and in this Ordinance referred to as the prescribed quantity.

(2) The Board may from time to time direct what shall be the prescribed quantity, and, when made, may alter or revoke any direction.

(3) Until the Board otherwise directs, the quantities specified in the tables contained in the fourth schedule hereto shall be the prescribed quantities for the buildings and plantations therein described.

(4) Every local authority may make by-laws for the cleansing and rendering mosquito-proof of tanks, vats, and other receptacles for the storage of water, and in the by-laws may prescribe the means by which those tanks, vats, and receptacles shall be made and kept mosquito-proof.

Fourth
schedule.

Requisites
of tank.

174. No tank required to be maintained under the provisions of this Ordinance shall be deemed to be in good order,—

(a) if it is not connected by pipes to gutters attached to a roof or platform exposed to the weather

covering at least one square foot of horizontal area for each five gallons of the prescribed quantity of water; or

- (b) if the gutters or pipes are not of sufficient size to receive all the rain falling on the roof or platform and to convey it to the tank, or if the gutters or pipes are not in good order; or
- (c) if it is not fitted with apparatus for drawing off water therefrom without waste; or
- (d) if it is not kept covered; or
- (e) if it is not water-tight; or
- (f) if there are not proper appliances for discharging the overflow when it is full.

175.—(1) No one having the control of any school house, or building built for the purposes of public entertainment, may, except with the permission of the Board allow it to be used, unless—

Securing
water supply
for school
house or
entertain-
ment
building.

- (a) a tank has been erected with a capacity to contain ten thousand gallons of water, or four gallons for every square foot of horizontal area covered by the roof, whichever shall be the smaller quantity; and
- (b) the tank has been connected with the school or building by proper gutters and pipes, of sufficient size to receive all the rain falling on the roof and convey it to the tank.

(2) Everyone acting in contravention of this section shall be liable to a penalty not exceeding one hundred dollars.

Penalty.

176.—(1) Each owner of a building or plantation required by this Ordinance to erect and maintain a tank who fails to erect a tank capable of storing the prescribed quantity of water or to maintain it in good order shall be liable to a penalty not exceeding two cents for each gallon of the prescribed quantity of water for which he was bound to provide storage, and to a further penalty not exceeding five dollars for each day during which the failure continues after conviction.

Not erecting
or maintain-
ing tank.

Penalty.

(2) In any proceeding against any person under this section the burden of proving that a tank capable of storing the prescribed quantity has been erected, or that the tank is maintained in good order, shall be on the person against whom the proceeding is taken.

Enforcing
obligation to
erect or
maintain
tank.

177.—(1) When there has been failure to erect or maintain a tank required by this Ordinance to be erected or maintained, and whether proceedings have been or are to be instituted for recovery of a penalty for the failure, the local authority may by a written notice require the owner, within a reasonable time therein specified, to erect a tank capable of storing the prescribed quantity, or to do any work necessary to put the tank in good order.

(2) If the notice is not obeyed, the local authority may, at the expiration of the time specified in the notice, erect the tank or do the work specified in the notice, and may recover by parate execution the expenses incurred by it in so doing or may by order declare the expenses to be private improvement expenses.

Erection and
maintenance
of tanks by
local
authority.

178. Every local authority may, and when required by the Board shall, construct and maintain the necessary tanks and reservoirs for the storage of rain or fresh water, and may sell the water so stored or permit the free use thereof.

Use by local
authority of
roof of
building to
collect water
for tank :

179.—(1) A local authority may, for the purpose of collecting and storing rain water, attach gutters to the roof of any church, chapel, or school, or any building used for public entertainment, within its district, and convey the water collected thereby by pipes to tanks or reservoirs maintained by the authority, unless there is a tank connected with the church, chapel, school, or building, of sufficient size to contain five gallons of water for every square foot of the horizontal area covered by the roof thereof.

(2) The officers of every local authority may at all reasonable times enter on the land whereon is the church, chapel, school, or building, or on the land used therewith, and may erect tanks thereon, and may so attach gutters and lay down pipes over, or on, or under that land, and may at all reasonable times enter on the land and examine and repair the tanks, gutters, and pipes :

Proviso.

Provided that, before proceeding to erect any tank on land belonging to or under the control of the persons having the control of the church, chapel, school, or building, the local authority shall apply to a magistrate for permission to do so.

(3) The magistrate, after having afforded those persons full opportunity of being heard, is hereby required to grant the permission, unless it is proved to his satisfaction that the granting of the permission will cause an injury to

the persons owning or having the control of the land which cannot be compensated by money; and if the magistrate considers that a substantial injury will be occasioned to those persons by the erection of the tank, but can be compensated in money, he shall determine what sum ought to be paid by the local authority to the persons, and thereupon shall grant permission to the local authority to erect the tank on condition that that sum be paid; and the local authority shall not commence to erect the tank until it is paid.

(4) No permission shall be required to attach the gutters or lay down the pipes.

(5) No tank shall be placed by a local authority under the provisions of this section on any land belonging to or under the control of the persons having the control of a church, chapel, school, or building within one hundred and fifty feet of the church, chapel, school, or building, except with the consent of those persons, and the local authority shall be bound to place the pipes underground if those persons so require.

(6) Everyone who obstructs an officer entering as aforesaid for any such purpose shall be liable to a penalty not exceeding twenty-four dollars.

Penalty for obstructing officer.

180. Every local authority may make by-laws for regulating the issue of water from any tank or reservoir under its charge or on a plantation.

By-laws relating to issue of water.

181. Everyone who—

(a) wilfully fouls any water in a tank or reservoir; or

(b) wilfully wastes any water stored in a tank or reservoir; or

(c) wilfully damages any tank or reservoir, or any intake or outlet, koker, or any guttering, pipe, cover, platform, roof, tap, or pump, connected therewith,

Fouling or wasting water or damaging tank or reservoir

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shall be liable to a penalty not exceeding fifty dollars; and shall in addition be ordered by the magistrate to pay to the person aggrieved a sum not exceeding one hundred dollars by way of compensation for so fouling or wasting the water which the magistrate considers adequate, and, in the case of damage, to pay to that person the cost of repairing the damage, and the cost shall be ascertained and determined by the magistrate. All sums so ordered to be paid may be recovered in the same manner as the penalty.

Penalty.

Water-closets and Privies.

Enforcement
by local
authority of
provision of
privy accom-
modation
for houses :

182.—(1) If a house within any district constituted under this Ordinance appears to the local authority of the district, by the report of any of its officers, to be without a sufficient water-closet, earth-closet, or privy, and a receptacle for refuse matter (other than fæcal matter) furnished with proper doors and coverings, the local authority shall, by written notice, call upon the owner or occupier of the house, within a reasonable time to be therein specified, to provide a sufficient water-closet, earth-closet, or privy, and a receptacle as aforesaid, furnished as aforesaid, or either of them, as the case may require.

(2) If the notice is not complied with (and notwithstanding any proceedings which have been or are about to be instituted for the recovery of the penalty for non-compliance therewith), the local authority, at the expiration of the time specified in the notice, may do the work thereby required to be done and recover by parate execution from the owner the expenses incurred by it in so doing, or may by order declare the expenses to be private improvement expenses :

Proviso.

Provided that where a water-closet, earth-closet, or privy, has been and is used in common by the inmates of two or more houses, or if in the opinion of the local authority a water-closet, earth-closet, or privy, may be so used, the authority need not require one to be provided for each house.

(3) If the owner or occupier refuses or neglects to comply with the notice he shall be liable for each default to a penalty not exceeding twenty-four dollars, and to a further penalty not exceeding ten dollars for every day during which the default continues.

Supply of
deodorant for
earth closets.

183. Any local authority may itself undertake, or contract with anyone to undertake, a supply of dry earth or other deodorising substance to any house within its district for the purpose of any earth-closet.

Privy accom-
modation
for factory.

184.—(1) Where it appears to a local authority that a house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at any time in a manufacture, trade, or business, the local authority may, if it thinks fit, by written notice, require the owner or occupier of the

house within the time therein specified to construct a sufficient number of water-closets, earth-closets, or privies, for the separate use of each sex, and receptacles for refuse matter.

(2) Everyone who refuses or neglects to comply with the notice shall be liable for each default to a penalty not exceeding twenty-four dollars, and to a further penalty not exceeding ten dollars for every day during which the default continues. Penalty.

185. The local authority of any urban sanitary, village, or country district, may, if it thinks fit, provide and maintain, in proper and convenient situations, urinals, water-closets, earth-closets, privies, and receptacles for refuse matter, and other similar conveniences for public accommodation. Provision of public conveniences.

186. Every local authority shall provide that all drains, water-closets, earth-closets, privies, receptacles for refuse matter, and cesspools, within its district are constructed and kept so as not to be a nuisance or injurious to health, and may make by-laws for regulating the size and mode of construction of the water-closets, earth-closets, privies, receptacles for refuse matter, and cesspools. Construction and keeping of drains and closets.

187. Everyone who wilfully damages any water-closet, earth-closet, privy, or receptacle for refuse matter, shall be liable to a penalty not exceeding twenty-four dollars, and in addition shall be ordered by the magistrate to pay to the person aggrieved the cost of repairing the damage, the amount whereof shall be ascertained and determined by the magistrate and may be recovered in the same way as the penalty. Wilfully damaging closets.
Penalty.

188.—(1) On the written application of anyone to a local authority, stating that any drain, water-closet, earth-closet, privy, receptacle for refuse matter, or cesspool, on or belonging to premises within its district is a nuisance or injurious to health, the local authority may by writing empower any of their officers, after twenty-four hours' written notice to the occupier of the premises, or in case of emergency without notice, to enter the premises, with or without assistants, and if necessary to cause the ground to be opened and examine the drain, water-closet, earth-closet, privy, receptacle for refuse matter, or cesspool. Examination of drain or closet, on complaint of nuisance.

(2) If the drain, water-closet, earth-closet, privy, receptacle for refuse matter, or cesspool, is found on

examination to be in proper condition, the local authority shall cause any damage done to be made good and, when the ground has been opened, shall cause it to be closed as soon as can be; and the expenses of the works shall be defrayed by the local authority.

Notice to
abate.

(3) If the drain, water-closet, earth-closet, privy, receptacle for refuse matter, or cesspool, appears on examination to be in bad condition, or to require alteration or amendment, the local authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises requiring him forthwith, or within a reasonable time therein specified, to do the necessary work.

Penalty for
non-com-
pliance.

(4) In default of compliance with the notice, the person to whom it is given shall be liable to a penalty not exceeding three dollars for every day during which the default continues; and the local authority may, if it thinks fit, execute the work and recover in a summary manner from the owner the expenses incurred by it in so doing, or may by order declare the expenses to be private improvement expenses.

Scavenging and Cleansing.

Removal of
refuse and
cleansing
and watering
streets, by
local
authority.

189.—(1) Every local authority may, and when required by the Board shall, itself undertake or contract for—

- (a) the removal of house refuse from premises; and
 - (b) the cleansing of earth-closets, privies, receptacles for refuse matter, and cesspools,
- either for the whole or any part of its district.

(2) The local authority of every urban sanitary, village, or country, district may, and when required by the Board shall, itself undertake or contract for the proper cleansing of streets, and may also itself undertake or contract for the proper watering of streets for the whole or any part of its district.

(3) All material collected by the local authority or contracted in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by the local authority shall be carried to the credit of the funds of the district.

Penalty for
obstruction:

(4) Everyone who removes, or obstructs the local authority or contractor in removing, any material by this section authorised to be removed by the local authority, shall for each offence be liable to a penalty not exceeding twenty-four dollars:

Proviso.

Provided that the occupier of a house within the district shall not be liable to a penalty in respect of any material

which is produced on his own premises and is intended to be removed for sale or for his own use, and is in the meantime so kept as not to be a nuisance.

190. If a local authority who has itself undertaken or contracted for the removal of house refuse from premises, or the cleansing of earth-closets, privies, receptacles for refuse matter, and cesspools, fails, without reasonable excuse, (after notice in writing from the occupier of any house within its district requiring it to remove any house refuse, or to cleanse any earth-closets, privies, receptacles for refuse matter, or cesspools, belonging to the house or used by the occupiers thereof) to cause the same to be removed, or cleansed, as the case may be, within seven days, the local authority shall be liable to pay to the occupier of the house a penalty not exceeding two dollars for every day during which the default continues after the expiration of that period.

Neglect of local authority to scavenge or cleanse.

Penalty.

191.—(1) Where the local authority does not itself undertake or contract for—

- (a) the cleansing of footways and pavements adjoining any premises;
- (b) the removal of house refuse from any premises; and
- (c) the cleansing of earth-closets, privies, ashpits, and cesspools, belonging to any premises,

it may make by-laws imposing the duty of the cleansing or removal at such intervals and in such manner as it thinks fit on the owner or occupier of the premises.

(2) Every local authority may also make by-laws for the prevention of nuisance arising from filth, dust, rubbish, or refuse matter and for the prevention of the keeping of animals on any premises so as to be injurious to health.

Power to local authority to make by-laws imposing duties on occupier.

192. Any local authority, if it sees fit, may provide in proper and convenient situations receptacles for the temporary deposit and collection of dust, rubbish, and refuse matter, and it may also provide fit buildings and places for the deposit of any material collected by it in pursuance of this Part.

Provision of receptacles for deposit of rubbish.

193.—(1) Where on the certificate of any registered medical practitioner it appears to a local authority that a house or part thereof is in such a filthy or an unwholesome condition that the health of anyone

Purifying house on certificate of registered medical practitioner.

is thereby affected or endangered, or that the whitewashing, cleansing, or purifying, of any house or part thereof would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of that house or part thereof to whitewash, cleanse, or purify it, as the case may require.

Penalty for default.

(2) If the person to whom notice is so given fails to comply therewith within the time therein specified; he shall be liable to a penalty not exceeding three dollars for every day during which the default continues; and the local authority may, if it thinks fit, cause the house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by it in so doing from the defaulter.

Certain nuisances on premises.

194.—(1) Everyone who in any urban sanitary district keeps any swine; or in any district—

- (a) keeps any swine or pigstye in a dwelling-house, or so as to be a nuisance to anyone; or
- (b) suffers waste or stagnant water to remain in any place within a dwelling-house for twenty-four hours after written notice to him from the local authority to remove it; or
- (c) allows the contents of a water-closet, privy, or cess-pool to overflow,

Penalty.

shall for each offence be liable to a penalty not exceeding ten dollars, and to a further penalty not exceeding two dollars for every day during which the offence continues.

(2) The local authority shall abate the nuisance, or cause the nuisance to be abated, and may recover in a summary manner the expenses incurred by it in so doing from the occupier of the premises on which the nuisance exists.

Offensive Drains, Trenches, and Collections of Matter.

Order to cleanse offensive watercourse, near or forming boundary of district :

195.—(1) Where a watercourse, main drain, or drain, near or forming the boundary of the district of a local authority is foul and offensive so as injuriously to affect that district, any magistrate may, on the application of the local authority, summon the person having the charge of the watercourse, main drain, or drain, to appear before a magistrate to show cause why an order should not be made by him to cleanse the watercourse, main drain, or drain, and to execute permanent or other structural works appearing to him to be necessary.

(2) The magistrate after hearing the parties, or ex parte in case of the default of any of them to appear, may make any order to him seeming reasonable with reference to the execution of the works, the persons by whom they shall be executed, and by whom and in what proportions the costs thereof shall be paid, and also as to the amount thereof and the time and mode of payment :

Provided that the magistrate shall not order the execution of any works of which the probable cost exceeds two hundred and forty dollars. Proviso.

196.—(1) Where in any urban sanitary, village, or country, district it appears to an officer of the local authority that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter, ought to be removed, the authority shall give notice to the person to whom the accumulation belongs, or to the occupier of the premises whereon it exists, to remove it. Removal of filth on certificate of officer of local authority.

(2) If the notice is not complied with within twenty-four hours from the service thereof, the manure, dung, soil or filth, or matter, shall be vested in, and be sold or disposed of by, the local authority; and the proceeds thereof shall be applied in payment of the expenses incurred by the authority in the execution of this section, and the surplus, if any, shall be paid on demand to the owner of the matter removed.

(3) The expenses of removal by the local authority of the accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the authority in a summary manner from him to whom the accumulation belongs, or from the occupier of the premises, or, where there is no occupier, from the owner.

197.—(1) Notice may be given by the local authority of any urban sanitary, village, or country, district (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises. Periodical removal of manure from mews and other premises.

(2) Where that notice has been given, anyone to whom the manure or other refuse matter belongs who fails so to remove it, or permits a further accumulation and does not continue the periodical removal at the intervals directed by the local authority, shall be liable without further notice to a penalty not exceeding five dollars for each day during which the manure or other refuse matter is permitted to accumulate. Penalty for default.

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Common Lodging-houses and Houses let in rooms.

Register of
common
lodging
houses.

198.—(1) Every local authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of the authority, and the situation of each of those houses, and the number of lodgers authorised under this Ordinance by the authority to be received therein.

(2) A copy of any entry in the register, certified by an officer of the local authority to be a true copy, shall be received in all courts and on all occasions as evidence, it shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded, and shall be supplied gratis by the local authority to anyone applying for it at a reasonable time.

Obligation
to register :

199. No one shall keep a common lodging-house, or receive a lodger therein, unless the house is registered in accordance with the provisions of this Ordinance, nor unless his name as the keeper thereof is entered in the register kept under this Ordinance :

Proviso.

Provided that, when the person so registered dies, his widow, or any member of his family, may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

Condition of
registration.

200. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the local authority; and the local authority may refuse to register as the keeper of a common lodging-house a person who does not produce to it a certificate of character, in the form directed by it, signed by three inhabitant householders of the district respectively rated for property of the value of one thousand dollars.

Affixing
notice of
registration.

201. The keeper of every common lodging-house shall, if required in writing by the local authority to do so, affix and keep undefaced and legible a notice with the words "Registered Common Lodging-house" in some conspicuous place on the outside of the house, and the keeper who, after requisition in writing from the local authority, refuses or neglects to affix or renew that notice shall be liable to a penalty not exceeding twenty-four

Penalty for
default.

dollars, and to a further penalty of three dollars for every day whereon the refusal or neglect continues after his conviction.

202. Every local authority shall from time to time make by-laws,—

- (a) for fixing, and from time to time varying, the number of persons who may be received as lodgers into a common lodging-house, and for the separation of the sexes therein;
- (b) for promoting cleanliness and ventilation in those houses;
- (c) for the giving of notices and the taking of precautions in the case of an infectious disease; and,
- (d) generally, for the well ordering of those houses.

203.—(1) Where it appears to a local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that that supply can be furnished thereto at a reasonable rate, the local authority may, by notice in writing, require the owner or keeper of the house, within a time specified therein, to obtain the supply and to do all works necessary for that purpose.

(2) In default of compliance with the notice accordingly, the local authority may remove the house from the register until compliance.

204. The keeper of a common lodging-house shall, to the satisfaction of the local authority, whitewash, or paint with some water paint, the walls and ceilings thereof in the first week of each of the months of April and October in every year, and if he fails to do so, shall be liable to a penalty not exceeding ten dollars :

Provided that if the walls or ceilings are painted in oil paint or papered, the owner shall re-paint or re-paper them, as the case may be, as the local authority directs and shall, if he fails to do so, be liable to a like penalty.

205. The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall from time to time, if required in writing by the local authority to do so, report to the local authority, or to the person directed by the local authority, everyone who has resorted to the house during the preceding day or night; and for that purpose schedules shall be furnished by the local authority to

By-laws.

Power to local authority to require supply of water.

White-washing house :

Penalty :
Proviso.

Report from keeper of house receiving vagrants.

anyone so required to report, which he shall fill up with the information required and transmit to the local authority.

Notice of infectious illness.

206. The keeper of a common lodging-house, when a person in the house is ill of any infectious disease, shall give immediate notice thereof to some officer of the local authority.

Right of inspection.

207.—(1) The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall, at all times when required by any officer of the local authority give him free access to the house or any part thereof.

Penalty for refusing.

(2) A keeper or person who refuses the access shall be liable to a penalty not exceeding twenty-four dollars.

Offences by keeper.

208. Any keeper of a common lodging-house who,—

- (a) receives a lodger in the house without its being registered under this Ordinance; or
- (b) fails, after he has been furnished by the local authority with schedules for the purpose in pursuance of this Ordinance to make a report of the persons resorting to the house; or
- (c) fails to give the notices required by this Ordinance where anyone has been confined to his bed in the house by any infectious disease,

Penalty.

shall be liable to a penalty not exceeding twenty-four dollars, and, in the case of a continuing offence, to a further penalty, not exceeding ten dollars, for every day during which the offence continues.

When keeper is convicted of third offence.

209. When the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Ordinance relating to common lodge-houses, the magistrate before whom the conviction for the third offence takes place, may, if he thinks fit, adjudge that the offender shall not, at any time within three years after the conviction, or within any shorter period after the conviction the magistrate thinks fit, keep a common lodging-house without the previous licence in writing of the local authority, a licence which the local authority may withhold or grant on any terms and conditions it thinks fit.

By-laws as to houses let in rooms.

210.—(1) Any local authority may make by-laws for the following matters, namely,—

- (a) fixing, and from time to time varying, the number of persons who may occupy each room in a

house or part of a house which is let in rooms or occupied by members of more than one family;

- (b) the registration of houses so let or occupied;
- (c) the inspection of those houses;
- (d) enforcing drainage and the provision of privy accommodation for those houses and promoting cleanliness and ventilation therein;
- (e) cleansing and limewashing the premises at stated times and the paving of the courts and court yards thereof; and
- (f) giving notices and taking precautions in case of any infectious disease.

(2) This section shall not apply to common lodging-houses.

211. In any proceeding under the provisions of this Ordinance relating to common lodging houses or to houses let in rooms, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving that allegation shall lie on the persons making it.

Evidence as to family in proceedings.

212.—(1) In this section "landlord" means anyone who lets a house or room to a tenant for habitation under any contract mentioned in this section and includes a landlord's successors in title.

Interpretation of "landlord" in this section.

(2) In a contract for the letting of a house or room for human habitation, whether furnished or unfurnished, there shall be implied therein the following conditions—

Implied conditions where house or room is let.

- (a) that the house or room is at the commencement of the tenancy in repair and in all respects reasonably fit for human habitation; and
- (b) that the house shall be kept during the tenancy in repair and in all respects reasonably fit for human habitation.

(3) In the event of a breach of either or both of those conditions, an inmate of the house or room who suffers loss by injury to health, or in any other way whatever, in consequence of the breach shall be entitled to recover damage from the landlord of the house or room.

(4) This section shall take effect notwithstanding any agreement to the contrary and that agreement shall be void.

Nuisances.

What are to
be deemed
nuisances :

213. For the purposes of this Ordinance,—

- (a) any premises in such a state as to be a nuisance or injurious to health;
- (b) any pool, trench, drain, gutter, watercourse, privy, urinal, cesspool, drain, or receptacle for refuse matter, so foul or in such a state as to be a nuisance or injurious to health;
- (c) any animal so kept as to be a nuisance or injurious to health;
- (d) any accumulation or deposit which is a nuisance or injurious to health;
- (e) any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family;
- (f) any factory, workshop, or workplace, not kept in a cleanly state, or not so ventilated as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein;
- (g) any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working an engine by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gas-work, or in any manufacturing or trade process whatsoever; and
- (h) any chimney sending forth black smoke in such a quantity as to be a nuisance,

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Ordinance :

Proviso.

Provided that,—

- (a) a penalty shall not be imposed on anyone in respect of any accumulation or deposit necessary for effectually carrying on any business or manufacture, if it is proved to the satisfaction of the magistrate, that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have

been taken for preventing injury thereby to the public health; and

- (b) where a person is summoned before a magistrate in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used therein, the magistrate shall hold that no nuisance is created within the meaning of this Ordinance and dismiss the complaint, if he is satisfied that the fireplace or furnace is so constructed as to consume, as far as practicable (having regard to the nature of the manufacture or trade), all smoke arising therefrom, and that the fireplace or furnace has been carefully attended to by the person having the charge thereof.

214. Every local authority shall cause to be made from time to time inspection of its district, in order to ascertain what nuisances exist calling for abatement under the powers of this Ordinance, and enforce the provisions of this Ordinance for their abatement.

Inspection of district by local authority for detection of nuisances.

215. Information of any nuisance under this Ordinance in the district of any local authority may be given to that local authority by anyone aggrieved thereby, or by any two inhabitant householders of the district, or by any officer of the authority, or by any constable or member of the police force.

Information of nuisance to local authority.

216. On receipt of information respecting the existence of a nuisance, the local authority, if satisfied of the existence of a nuisance, shall serve a notice on the person by whose act, default, or sufferance, the nuisance arises or continues, or, if that person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the nuisance within a time to be specified in the notice, and to execute the works and do the things necessary for that purpose:

Service of notice requiring abatement of nuisance:

first schedule; form 3:

Provided that,—

Proviso.

- (a) where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner; and
- (b) where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act, default, or

sufferance, of the owner or occupier of the premises, the local authority may itself abate the nuisance without further order.

Complaint
for non-
compliance
with notice ;

first
schedule ;
form 4.

Order dealing
with
nuisance :

first
schedule ;
form 5 :

Proviso.

Order of
prohibition
in case of
house unfit
for human
habitation.

217. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requirements thereof within the time specified, or if the nuisance, although abated since the service of the notice, is in the opinion of the local authority likely to recur on the same premises, the local authority shall cause a complaint relating to the nuisance to be made before a magistrate, who shall thereupon issue a summons requiring the person on whom the notice was served to appear before him.

218.—(1) If the magistrate is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, he shall make an order on the person—

- (a) to comply with all or any of the requirements of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or
- (b) prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or
- (c) both requiring abatement and prohibiting the recurrence of the nuisance :

Provided that the magistrate shall not under this section direct the execution of any works of which the probable cost exceeds two hundred and forty dollars.

(2) The magistrate by his order may impose a penalty not exceeding twenty-four dollars on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

219.—(1) Where the nuisance proved to exist is such as to render a house or a building, in the judgement of the magistrate, unfit for human habitation, he may prohibit the use of it for that purpose until, in his judgement, it is rendered fit for that purpose.

(2) On a magistrate being satisfied that it has been rendered fit for that purpose, he may determine the previous order by another declaring the house or building habitable; and from the date thereof the house or building may be let or inhabited.

220.—(1) Everyone who does not obey an order to comply with the requisitions of the local authority or otherwise to abate the nuisance shall be liable, if he fails to satisfy the magistrate that he has used all due diligence to carry out the order, to a penalty not exceeding three dollars per diem during his default.

Contraven-
tion of order
of magistrate.

Penalty.

(2) Everyone who knowingly and willingly acts contrary to an order of prohibition shall be liable to a penalty not exceeding six dollars per diem during his contrary action.

(3) The local authority, or any of its officers, may enter the premises to which an order relates and abate the nuisance and do whatever may be necessary in execution of the order, and may recover in a summary manner the expenses incurred by the authority from the person on whom the order is made.

221. Where anyone appeals to the Supreme Court against an order of a magistrate, no liability to a continuing penalty shall arise, nor shall any proceedings be taken or work be done under that order after the appeal has been brought until it has been determined, unless it ceases to be prosecuted.

Appeal
against
order.

222. Whenever it appears to the satisfaction of the magistrate that the person by whose act or default the nuisance arises, or the owner or occupier of the premises, is not known or cannot be found, the order of the magistrate may be addressed to and executed by the local authority.

Execution
of order in
certain cases
by local
authority.

223. Any material or thing removed by the local authority in abating a nuisance under this Ordinance may be sold by public auction; and the money arising from the sale may be retained by the local authority and applied in payment of the expenses incurred by it with reference to the nuisance, and the surplus, if any, shall be paid on demand to the owner of the material or thing.

Power to sell
material
removed in
abatement
of nuisance.

224.—(1) The local authority, or any of its officers, shall be admitted into any premises, for the purpose of examining as to the existence of any nuisance thereon at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business at any hour when the business is in progress or is usually carried on.

Powers of
entry by
local
authority.

(2) Where under this Ordinance a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made, the local authority, or any of its officers shall be admitted from time to time into the premises between the hours aforesaid until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

(3) Where an order of abatement or prohibition has not been obeyed, or has been infringed, the local authority, or any of its officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists in order to abate the nuisance.

Magistrate's
order.

(4) If admission to premises for any of the purposes of this section is refused, any magistrate, on complaint thereof upon oath by any officer of the local authority (made after reasonable notice in writing of the intention to make it has been given to the custodian of the premises), may, by order under his hand, require the custodian of the premises to admit the local authority or its officer into the premises during the hours aforesaid; and, if no one having custody of the premises can be found, the magistrate shall, upon oath made before him of that fact, by order under his hand authorise the local authority, or any of its officers, to enter the premises during the hours aforesaid.

(5) Any order made by a magistrate for admission on premises of the local authority or any of its officers shall continue in force until the nuisance has been abated or the work for which the entry was necessary has been done.

Penalty for
non-com-
pliance.

(6) Everyone who refuses to obey an order of a magistrate for admission of the local authority or any of its officers on any premises shall be liable to a penalty not exceeding twenty-four dollars.

Cost and
expenses of
execution of
provisions
relating to
nuisances :

225.—(1) All reasonable costs and expenses incurred in giving notice, or in making a complaint, or in obtaining any order of a magistrate in relation to a nuisance under this Ordinance or carrying it into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made, or, if the order is made on the local authority, or if no order is made but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, those costs and expenses may be recovered from anyone who is for the

time being owner of the premises, but they shall not exceed in the whole one year's rack-rent of the premises.

(2) The costs and expenses incurred in relation to any nuisance may be recovered in any court of competent civil jurisdiction; and the court shall have power to divide costs and expenses between those by whose acts or defaults a nuisance is caused as to it may seem just.

(3) Any costs and expenses recoverable under this section by a local authority from an owner of premises may be recovered from the occupier for the time being of those premises; and the owner shall allow the occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the premises as if they had been actually paid to the owner as part of the rent :

Provided that,—

Proviso.

- (a) no occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which (after demand of the costs or expenses from him and after notice not to pay his landlord any rent without first deducting the amount of the costs or expenses) becomes payable by him, unless he refuses, on application made to him by the local authority, truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum demanded from an occupier is greater than the rent due by him at the time of the notice, or which has since accrued, shall lie on him; and
- (b) nothing in this section shall affect any contract between an owner or occupier of any house, building, or other property, whereby it is or may be agreed that the occupier shall pay or discharge all rates, dues, and sums of money payable in respect of that house, building, or other property, or affect any contract whatsoever between landlord and tenant.

226.—(1) Complaint may be made to a magistrate of the existence of a nuisance under this Ordinance on any premises within the district of a local authority by any one aggrieved thereby, or by any inhabitant of the district, or by any owner of premises within the district; and thereupon the like proceedings shall be had, with the like incidents and consequences as to making of orders, penalties

Complaint
by private
person as to
nuisance :

for disobedience of orders, appeals, and otherwise, as in the case of a complaint relating to a nuisance made to a magistrate by the local authority :

Proviso.

Provided that—

(a) the magistrate may, if he thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into those premises of any constable or other person for the purposes of the examination; and

(b) the magistrate may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

(2) Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the local authority authorised under the provisions of this Ordinance relating to nuisances, to enter any premises and do any acts thereon.

Board may authorise proceeding in certain cases in respect of nuisance.

227. Where it is proved to the satisfaction of the Board that a local authority has made default in doing its duty in relation to nuisances under this Ordinance, the Board may authorise anyone named by it to institute any proceedings which the defaulting authority might institute with respect to the nuisances; and that person, or the Board, may recover from the defaulting authority in a summary manner or in any court of civil jurisdiction, any expenses incurred by him, and not paid by the party proceeded against: but he shall not be at liberty to enter any house or part of a house used as the dwelling of any person without that person's consent, or without the warrant of a magistrate, for the purpose of carrying this enactment into effect.

Proceedings for abatement of nuisance.

228. Any local authority, if in its opinion summary proceedings will not afford an adequate remedy, may cause proceedings to be taken against anyone in the Supreme Court to enforce the abatement or prohibition of a nuisance under this Ordinance, or for the recovery of any penalties from, or for the punishment of, any persons offending against the provisions hereof relating to nuisances, and may order the expenses of and incidental to all

those proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Ordinance.

229.—(1) Where a nuisance exists or is likely to occur in or near a district, the local authority of that district may apply by motion to the Supreme Court in its civil jurisdiction for an order on the owner or occupier of the premises whereon the nuisance exists, or on the offender, to enforce the abatement or prohibition of the nuisance.

Special
remedy for
abatement
of nuisance.

(2) The Court, on the motion, if satisfied that a nuisance exists or is likely to occur, may make any order the circumstances require for effectually abating or preventing the nuisance or prohibiting any recurrence of a nuisance.

(3) The Court, on the motion, may also order the execution, within a reasonable and specified time, of any works necessary effectually to abate or prevent the nuisance or prevent the recurrence thereof, and may direct the owner or occupier of the premises on which the nuisance exists or is likely to occur, or the offender to execute those works, or may authorise the local authority to execute them.

(4) When the local authority is authorised by the Court to execute any works under the provisions of this section, it shall have full power to do so and immediately to recover, by parate execution against the premises on which the nuisance exists or any portion of them, the costs of executing the works and all charges and expenses incurred by the local authority in so doing, or the local authority may declare the costs, charges, and expenses to be private improvement expenses.

(5) The Board shall have the powers conferred by this section on the local authority.

(6) In this section, the term " works " includes anything necessary to be done either by way of construction, alteration, or destruction.

230. Where a nuisance under this Ordinance within the district of a local authority appears to be wholly or partially caused by some act or default committed or taking place without its district, the local authority may take or cause to be taken against anyone, in respect of that act or default, any proceedings in relation to nuisances by this Ordinance authorised, with the same incidents and consequences as if the act or default were committed or took place wholly within its district.

Proceedings
where cause
of nuisance
arises with-
out district.

Where there are two convictions for overcrowding.

231. Where two convictions against the provisions of any Ordinance relating to the overcrowding of a house have taken place within a period of three months (whether the persons convicted were or were not the same) a magistrate may, on the application of the local authority of the district in which the house is situate, direct the closing of the house for any period he deems necessary.

Application to ships and vessels of provisions relating to nuisances.

232.—(1) For the purposes of the provisions of this Ordinance relating to nuisances, any ship or vessel lying in any river, harbour, or other water within the district of a local authority, shall be subject to the jurisdiction of that authority in the same manner as if it were a house within the district; and any ship or vessel lying in any river, harbour, or other water not within the district of a local authority, shall be deemed to be within the district of the local authority prescribed by the Board, and, where no local authority has been prescribed, then of the local authority whose district most nearly adjoins the place where the ship or vessel is lying.

(2) The master or other officer in charge of the ship or vessel shall be deemed, for the purpose of those provisions, to be the occupier thereof.

(3) This section shall not apply to any ship or vessel under the command or charge of an officer bearing his Majesty's commission, or to any ship or vessel belonging to a foreign government.

Saving of other remedies relating to nuisances :

233. The provisions of this Ordinance relating to nuisances shall be deemed to be in addition to, and not to abridge or affect, any right, remedy, or proceeding under any other provisions of this Ordinance or under any other Ordinance or law :

Proviso.

Provided that no one shall be punished for the same offence both under the provisions of this Ordinance relating to nuisances and under any other law or enactment.

By-laws relating to keeping animals.

234. Every local authority may, and when required by the Board shall, make by-laws for regulating the keeping of animals, and the by-laws may authorise the destruction of swine which are not kept in accordance therewith.

Offensive Trades.

Offensive trades.

235. Anyone who establishes within an urban, village, or country, district, without the consent in writing of the local authority of that district, any noxious or offensive

trade, business, or manufacture, that is to say, the trade or business of—

- (a) bedding maker;
- (b) blood drier;
- (c) fat melter or fat extractor;
- (d) fish frier or curer;
- (e) fish skin dresser;
- (f) glue maker;
- (g) gut scraper;
- (h) leather dresser;
- (i) manure dealing;
- (j) manure maker;
- (k) size maker;
- (l) tanner;
- (m) skin or hide dealer;
- (n) fellmonger;
- (o) soap boiler,

or any other trade, business, or manufacture, which the Board from time to time declares by order to be published in the Gazette to be a noxious or offensive trade, shall be liable to a penalty not exceeding two hundred and forty dollars in respect of the establishment thereof; and every one who carries on a business so established shall be liable to a penalty not exceeding ten dollars for every day whereon the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

Penalty.

236. Any local authority may from time to time make by-laws with respect to any offensive trades established with its consent, either before or after the commencement of this Ordinance, in order to prevent or diminish the noxious or injurious effects thereof.

By-laws as to offensive trades.

237.—(1) Where any slaughter-house, or any manufactory, building, or place used for any trade, business, process, or manufacture causing effluvia, is certified to a local authority by its medical officer of health, or by a registered medical practitioner and by any eight inhabitants of the district of that authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, the authority shall direct complaint to be made before a magistrate, who may summon the person by or on whose behalf that trade is carried on, to appear before a magistrate.

Complaint by local authority of nuisance arising from offensive trade :

(2) The magistrate shall inquire into the complaint, and if it appears to him that the business carried on by the person complained is a nuisance, or causes any effluvia which is a nuisance or injurious to the health of any

Penalty :

of the inhabitants of the district, and if it is not shown that the person has used the best practicable means for abating the nuisance or preventing or counteracting the effluvium, the offender (being the owner or occupier of the premises, or being a foreman or other person employed by the owner or occupier) shall be liable to a penalty of not less than ten dollars and not more than twenty dollars, and on a second or any subsequent conviction to a penalty of double the amount of the penalty imposed for the last preceding conviction; but the highest amount of the penalty shall not in any case exceed the sum of five hundred dollars :

Proviso.

Provided that the magistrate may suspend his final determination on condition that the person complained undertakes to adopt, within a reasonable time, such means as the magistrate deems to be practicable and are ordered to be carried into effect, for abating the nuisance or mitigating or preventing the injurious effects of the effluvium.

(3) Any local authority may, if it thinks fit, on the certificate mentioned in this section, cause to be taken any proceedings in any court of justice, or against anyone, in respect of the matters alleged in the certificate.

Proceedings
where
nuisance
arises from
offensive
trade carried
on without
district.

238. Where a house, building, manufactory, or place, certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of an urban sanitary, village, or country, district is situate without the district, the local authority thereof may take, or cause to be taken, any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences as if the house, building, manufactory, or place, were situate within the district.

Unsound Food.

Power to
inspect
articles of
food.

239. Any registered medical practitioner, or any officer of a local authority, may at all reasonable times inspect and examine any article, solid or liquid, intended for human food, exposed for sale or deposited in any place for the purpose of sale or of preparation for sale, and intended for the food of man, and the proof that the article was not exposed or deposited for that purpose or was not intended for the food of man, shall rest with the party charged; and if the article, solid or liquid, intended for human food

appears to the medical practitioner or officer to be unsound, unwholesome, or unfit for the food of man, he may seize it and carry it away himself or by an assistant, in order to have it dealt with by a justice of the peace.

240. If it appears to the justice of the peace that any article, solid, or liquid, intended for human food, so seized is diseased, unsound, unwholesome, or unfit for the food of man, he shall condemn it and order it to be destroyed, or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom it belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises it was found, shall on summary conviction thereof be liable to a penalty not exceeding fifty dollars for every article, solid or liquid, intended for human food, so condemned, or without the infliction of a penalty to imprisonment with or without hard labour for any term not exceeding three months.

Order for destruction of unsound article.

Penalty.

241. Everyone who—

- (a) in any manner prevents any registered medical practitioner, or officer of the local authority, from entering any premises and inspecting any article, solid or liquid, intended for human food, exposed or deposited for the purpose of sale or of preparation for sale and intended for the food of man; or
- (b) obstructs or impedes that practitioner or officer, or his assistant, when carrying into execution the provisions of this Ordinance,

Hindering inspection.

shall be liable to a penalty not exceeding one hundred dollars.

Penalty.

242.—(1) On complaint made upon oath by a registered medical practitioner, or by an officer of a local authority, any magistrate may grant to him a warrant to enter any building in which he has reason to believe there is kept or concealed any article, solid or liquid, intended for human food, which is intended for sale for the food of man and is diseased, unsound, unwholesome, or unfit for the food of man, and to search for, seize, and carry away that article, in order to have it dealt with by a justice of the peace under the provisions of this Ordinance.

Search warrant for purposes of inspection.

Penalty for obstruction.

(2) Everyone who obstructs an officer in the performance of his duty under the warrant shall be liable, in addition to any other punishment to which he may be subject, to a penalty not exceeding one hundred dollars.

Provisions against Infection.

Cleansing and disinfecting premises on requirement by local authority.

243.—(1) Where a local authority is of opinion, on the certificate of its medical officer of health or of any other registered medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, is necessary, it shall be the duty of that authority to give notice in writing to the owner or occupier of the house or part thereof requiring him to cleanse and disinfect it and the articles within a time specified in the notice.

Penalty.

(2) If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than three dollars and not more than twenty-four dollars for every day during which the default continues; and the local authority shall cause the house or part thereof and the articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

(3) Where the owner or occupier of the house or part thereof is from poverty or otherwise unable, in the opinion of the local authority, effectually to carry out the requirements of this section, the authority may, without enforcing the requirements on that owner or occupier, with his consent, cleanse and disinfect the house or part thereof and the articles, and defray the expenses thereof.

Destruction of infected articles, means of disinfection and conveyance for infected person.

244. Any local authority may,—

- (a) direct the destruction of any bedding, clothing, or other articles, which have been exposed to infection from any dangerous infectious disease and may give compensation for so doing;
- (b) provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles, which have become infected, and cause any articles brought for disinfection to be disinfected free of charge; and
- (c) provide and maintain a carriage or carriages suitable for the conveyance of persons suffering

from any infectious disease and pay the expenses of conveying therein anyone so suffering to a hospital or other place.

245.—(1) Where any suitable hospital or place for the reception of the sick is provided within the district of a local authority, or within a convenient distance therefrom, to which the local authority is entitled to remove patients, anyone suffering from a dangerous infectious disease and without proper lodging or accommodation, or lodged in a room occupied by more than one family, or on board any ship or vessel, may, on a certificate signed by a registered medical practitioner, be removed by order of any magistrate to that hospital or place at the cost of the local authority; and anyone so suffering who is lodged in a common lodging-house may, on a like certificate, be so removed by order of the local authority.

Removal to hospital, by order of magistrate of infected person without proper lodging.

(2) An order made under this section may be addressed to any constable or officer of the local authority whom the magistrate or local authority making it thinks expedient.

(3) Everyone who wilfully disobeys or obstructs the execution of the order shall be liable to a penalty not exceeding fifty dollars.

Penalty.

246.—(1) Any local authority may make by-laws for regulating the removal to any hospital to which that authority is entitled to remove patients, and for keeping in the hospital so long as may be necessary, any persons brought within the district of the authority by any ship or boat who are infected with a dangerous infectious disease.

By-laws for removal to hospital of infected persons brought by ship.

(2) The by-laws may impose on offenders against them reasonable penalties not exceeding ten dollars for each offence.

247. Everyone who,—

(a) while suffering from any dangerous infectious disease, wilfully exposes himself, without proper precautions against spreading the disease, in any street, public place, shop, inn, or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering; or,

(b) being in charge of anyone so suffering, so exposes the sufferer; or

Exposure of infected persons and things:

(c) gives, lends, sells, transmits, or exposes, without previous disinfection, any bedding, clothing, rags, or other things, which have been exposed to infection from that disease,

Penalty :

shall be liable to a penalty not exceeding twenty-four dollars; and anyone who, while suffering from that disease enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering shall in addition be ordered by the magistrate to pay to the owner, conductor, and driver the amount of any loss and expense they incur in carrying into effect the provisions of this Ordinance with respect to disinfection of the conveyance :

Proviso.

Provided that no proceedings under this section shall be taken against persons transmitting, with proper precautions, any bedding, clothing, rags, or other things, for the purpose of having them disinfected.

Failure by owner or driver to provide for disinfection of public conveyance.

Penalty.

248. Every owner, conductor, or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed anyone suffering from a dangerous infectious disease; and if he fails to do so, he shall be liable to a penalty not exceeding twenty-four dollars; but he shall not be required to convey anyone so suffering until he has been paid a sum sufficient to cover any loss or expense likely to be incurred by him in carrying into effect the provisions of this section.

Letting houses in which infected persons have been lodging.

Penalty.

249.—(1) Everyone who knowingly lets for hire any house, room, or part of a house, in which anyone has been suffering from any dangerous infectious disease, without having the house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a registered medical practitioner (as testified by a certificate signed by him), shall be liable to a penalty not exceeding one hundred dollars.

(2) For the purposes of this section, the keeper of a hotel, tavern, or inn, shall be deemed to let for hire part of a house to anyone admitted as a guest into the hotel, tavern, or inn.

Letting house and making false statement as to infectious disease.

250. Anyone letting for hire, or showing for the purpose of letting for hire, any house or part of a house who, on being questioned by anyone negotiating for the hire of the house, or part of a house, as to the fact of there being,

or within six weeks previously having been, therein any one suffering from a dangerous infectious disease, knowingly makes a false answer to that question shall be liable, at the discretion of the magistrate, to a penalty not exceeding one hundred dollars or to imprisonment, with or without hard labour, for any term not exceeding one month.

Penalty.

Prevention of Epidemic Diseases.

251.—(1) The Board may from time to time make any by-laws it sees fit for the protection of the colony or any part thereof from any epidemic, endemic, or infectious disease, for all or any of the following purposes:—

By-laws for prevention of epidemic, endemic and infectious diseases.

- (a) preventing the spread thereof;
- (b) the speedy interment of the dead;
- (c) house to house visitation; and
- (d) the provision of medical aid and the promotion of cleansing, ventilation, and disinfection,

and may by order declare all or any of the by-laws so made to be in force within the whole or in any part or parts of the district of any local authority, and to apply to any vessels within the colony, or within the territorial waters thereof, for the period in the order mentioned, and may, by any subsequent order, abridge or extend that period.

(2) The local authority of any district, within which or part of which by-laws so issued by the Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint the officers or persons, and do and provide all the acts, matters, and things necessary for mitigating the disease, or for superintending or aiding in the execution of the by-laws, or for executing them, as the case may require.

Duty of local authority to see to execution of by-laws.

(3) Everyone who wilfully refuses or neglects to obey or carry out, or violates, any by-law so made by the Board; or wilfully obstructs anyone acting under the authority or in the execution thereof shall be liable to a penalty not exceeding twenty-four dollars.

Penalty on person violating or obstructing execution of by-laws.

(4) The local authority may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any of the by-laws.

(5) The local authority and their officers shall have power of entry on any premises or vessel for the purpose of executing or superintending the execution of any of the by-laws.

Power of entry for execution of by-laws.

Charges by registered medical practitioner for attendance on board vessels.

252.—(1) Whenever, in compliance with any by-laws so made by the Board, a registered medical practitioner, other than a government medical officer acting under the Governor's instructions, performs any medical service on board a vessel, he shall be entitled to charge for that service, with extra remuneration on account of distance, at the same rate as he is in the habit of receiving from private patients of the class of those attended and treated on ship-board, the charges to be paid by the captain of the vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

(2) Any dispute in respect of those charges may (where they do not exceed one hundred dollars) be determined by a magistrate; and the magistrate shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises, for attendance on patients of the like class as those in respect of whom the charge is made.

Combination among local authorities.

253. The Board may, if it thinks fit, by order authorise or require any two or more local authorities to act together for the purposes of the provisions of this Ordinance relating to the prevention of epidemic diseases, and may prescribe the mode of the joint action and of defraying the costs thereof.

Hospitals.

Provision of district hospitals by local authority.

254.—(1) Every local authority may with the consent of the Board provide, for the use of the inhabitants of its district, hospitals or temporary places for the reception of the sick, and for that purpose may—

- (a) itself build the hospitals or places of reception; or
- (b) contract for the use of any of the hospitals or parts of a hospital or places of reception; or
- (c) enter into agreement with anyone having the management of a hospital for the reception of the sick inhabitants of its district, on payment of an agreed annual or other sum.

(2) Two or more local authorities may combine in providing a common hospital.

Recovery of cost of maintenance of patient in hospital.

255. Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to the authority), a patient who is not a pauper shall be deemed

to be a debt due from the patient to the local authority and may be recovered from him, or from his heirs or executors in the event of his death.

256. Every local authority may, with the consent of the Board, provide and maintain dispensaries at which medicines may be obtained and medical prescriptions properly compounded at reasonable charges; and the local authority may make by-laws for regulating the dispensaries, the issue of medicines thereat, those to whom medicine shall be supplied, and the charges to be made.

Provision and regulation of dispensaries.

Mortuaries; Post-mortem Examinations.

257.—(1) Any local authority may, and if required by the Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Ordinance called a mortuary) and may make by-laws with respect to the management and charges for use thereof.

Mortuaries; by-laws.

(2) The local authority may also provide for the decent and economical interment, at charges to be fixed by the by-laws, of any dead body received into a mortuary,

258.—(1) Where the body of anyone who has died of an infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in the house or room, any justice of the peace, on a certificate signed by a registered medical practitioner, may order the body to be removed, at the cost of the local authority, to any mortuary provided by the authority, and direct the body to be buried within a time to be limited in the order; and, unless the friends or relatives of the deceased undertake to bury, and do bury, the body within the time so limited, it shall be the duty of the local authority to cause the body to be buried at the authority's expense; but any expense so incurred may be recovered by the authority in a summary manner from anyone legally liable to pay the expense of burial.

Order in certain cases for removal of dead body to mortuary.

(2) Everyone who obstructs the execution of an order made by a justice of the peace under this section shall be liable to a penalty not exceeding twenty-four dollars.

Penalty for obstructing execution of order.

259.—(1) A local authority may, and if required by the Board shall, provide and maintain a proper place for the reception of dead bodies during the time required to

Place for post-mortem examinations.

conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make by-laws with respect to the management of the place.

(2) Where the place has been provided, a coroner or other constituted authority may order the removal of the body thereto and therefrom for carrying out the examination, and the costs of the removal shall be paid by the local authority.

Burial of the Dead.

By-laws as to interment of human corpses.

260.—(1) The Board may make by-laws for preventing the interment of any human corpse in an unsuitable place, or in any place where, from the proximity of dwelling-houses or otherwise, danger to the public health might arise from the interment, and for limiting the time after death within which interments shall take place.

(2) The by-laws may apply to any part of the colony therein specified, and different by-laws may apply to different parts of the colony.

Penalty for contravention.

(3) Everyone offending against any of the by-laws shall be liable to a penalty not exceeding one hundred dollars.

By-laws as to cemeteries.

261.—(1) The Board may make by-laws as to the establishment, management, and control of cemeteries and all places used as burial grounds in any village, country, or rural sanitary, district and for the registration of the cemeteries and burial grounds.

(2) The by-laws may prescribe, as regards the cemeteries and burial grounds,—

- (a) the manner in which they shall be laid out and the recording thereof;
- (b) the distances of graves from one another;
- (c) the size and depth of graves;
- (d) the number of bodies which may be buried in one grave;
- (e) the keeping of a register of interments;
- (f) the fees to be paid for graves and in respect of burials in the cemetery and for any copy of an entry in a register of interments, and,
- (g) generally, all other matters necessary for their proper regulation.

262. The local authority of any village, country, or rural sanitary, district, may, with the consent of the Board, allot any part of a cemetery under its control for the exclusive use of any church or religious denomination.

Allotment of part of cemetery for use of any religious body.

PART V.

GENERAL PROVISIONS AS TO LOCAL ADMINISTRATION.

Regulation of Buildings.

263.—(1) Every local authority, with respect to all buildings in its district, may make by-laws with respect to the following matters:—

Building by-laws.

- (a) the height to which the ground floor shall be raised above the ground;
- (b) the minimum height of each storey, and the height from the floor to the plate;
- (c) the minimum size of each room to be used by any one as a room wherein to sleep;
- (d) the internal ventilation of each room;
- (e) the sufficiency of space about buildings to secure a free circulation of air;
- (f) the line of buildings in any street;
- (g) the drainage of buildings to water-closets and cess-pools in connection with buildings;
- (h) the closing of buildings or parts of buildings unfit for human habitation, and the prohibition of their use therefor;
- (i) the materials to be used in the construction of buildings; and
- (j) the enclosing and fencing of lots of land.

(2) The authority may further provide for the observance of the by-laws by enacting therein the provisions it thinks necessary as to the giving of notices and as to the deposit of plans by those intending to construct buildings, as to inspection by the local authority, and as to the power of the authority to apply for an order requiring the removal, alteration, or taking down of any work begun or done in contravention of this Ordinance; but the provisions of this section shall not apply to buildings belonging to His Majesty or to the colony.

264.—(1) If, in any urban, village, or country district, any house, building, fence, wall, or anything affixed thereon, is in a ruinous state, or dangerous to persons, or

Ruinous and dangerous buildings to be taken down or made secure.

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to the occupiers of the neighbouring buildings, the local authority shall immediately cause a notice in writing to be served on the owner of the house, building, fence, or wall, requiring him forthwith to take down, secure, or repair the house, building, fence, wall, or other thing, within the time specified in the notice.

(2) If the owner does not comply with the notice or complete the taking down, securing, or repairs, of the house, building, fence, wall, or other thing, as speedily as the nature of the case demands and as required by the notice, the local authority may, by its officers, enter upon the lands whereon it stands and take it down, or rebuild, repair, or otherwise secure it, as the case demands and as is deemed necessary.

(3) The local authority may store any material taken down from a house, building, wall, or fence, or used in any repairs to it on the lot or land on which it stands.

(4) All the charges and expenses incurred by a local authority in carrying out any of the acts of taking down, rebuilding, repairing, or otherwise securing, a house, building, fence, or wall, as the case may be, and as afore provided to be done, shall be recoverable by parate or summary execution against the lot or land with the buildings (if any) thereon, or against the house or house and premises; and the process shall be at the instance and in the name of the local authority of the urban, village, or country district, as the case may be.

(5) If any house, building, fence, or wall aforesaid, or any part of it be pulled down by virtue of the powers aforesaid, the local authority may sell the materials thereof, or so much of it as shall be pulled down, and apply the proceeds of sale in payment of the expenses incurred in respect of the house, building, fence, or wall; and the local authority shall on demand restore any overplus arising from the sale to the owner of the house, building, fence, or wall; but the local authority although it sells the materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as remains due after the application of the proceeds of the sale as are by this section given to it for compelling the payment of the whole of those expenses.

Commence-
ment of
works, and
removal of
works made
contrary to
by-laws.

265. Where a notice, plan, or description of a work, is required by any by-laws made by a local authority, the local authority, within fourteen days after the same has

been delivered or sent to them, shall signify in writing their approval or disapproval of the intended work to the person who proposes to execute it; and if the work is commenced after the notice of disapproval or before the expiration of the period of fourteen days without approval, and is in any respect not in conformity with any by-law of the local authority, the local authority may apply for an order on the person who causes the work to be executed to take it down or alter it.

266.—(1) Where the beginning or execution of a work is an offence in respect whereof the offender is liable under any by-law to a penalty, the existence of the work in any form or state contravening the by-laws shall be deemed to be a continuing offence.

Continuing offence in respect of work.

(2) Where a work is commenced or maintained in contravention of any by-laws, the local authority may apply by petition for an order to a judge of the Supreme Court (who is hereby authorised to grant the order) requiring the person who causes the work to be so commenced or maintained to take it down or alter it, so as to conform to the by-laws, and to pay all the expenses incurred thereby.

Regulation of Trades.

267.—(1) Every local authority may make by-laws for regulating the mode in which any trade or manufacture shall be carried on within its district, and may provide that no machinery shall be erected without its consent and under such conditions as it imposes.

By-laws for regulation of trades and erection of machinery.

(2) The by-laws may authorise any officer of the local authority, or any police constable, to enter and inspect at all reasonable times any premises or place where the trade or manufacture is carried on.

268. Every local authority may, and when required by the Board shall, make by-laws for regulating the sale of provisions.

By-laws for regulating sale of provisions.

269. Every local authority may make by-laws for regulating the sale of milk and may therein provide for—

By-laws as to milk.

- (a) the keeping of cows;
- (b) the erection and regulation of cattle byres and pens;
- (c) the licensing of persons to sell milk;

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- (d) the registration, licensing, and regulation of dairies and places where milk is sold;
- (e) the cleansing of all vessels and utensils in which milk may be sold, or in which it is put or kept for sale;
- (f) the payment of fees for licences or registration;
- (g) the inspection of dairies and places where milk is sold and of cattle byres and pens; and,
- (h) generally, for securing the wholesomeness and purity of milk offered for sale.

The Board may forbid removal of milk from any place.

270.—(1) When in the opinion of the Board the preservation of the public health requires it, the Board may order that no milk shall be taken out of or removed from any part of the colony specified in the order.

(2) The order shall specify the limits of the area to which it applies, and everyone who removes any milk from that area, or who sells milk which has been so removed, shall on summary conviction thereof be liable to a penalty of one hundred dollars.

Penalty.

(3) The order shall remain in force until it is revoked and the order and the revocation of it shall be made by a resolution, and be under the seal, of the Board and be published in the Gazette.

Power to establish and regulate markets.

271.—(1) Any local authority may, with the consent of the Board, do the following things or any of them within its district:—

- (a) provide a market-place and construct a market-house and other conveniences for the purpose of holding markets;
- (b) provide houses and places for weighing carts;
- (c) make convenient approaches to the market;
- (d) provide all matters and things necessary for the convenient use of the market;
- (e) purchase, or take on lease, land and public or private rights in markets and tolls for any of the foregoing purposes; and
- (f) take stallages, rents, and tolls in respect of the use of the market by anyone.

(2) The local authority may make by-laws for the purposes aforesaid and for the regulation of any market aforesaid, and in the by-laws may prohibit the sale of fresh fish and fresh meat within the area of the local authority, except in the market.

272. Any local authority may, if it thinks fit, provide slaughter-houses, and it shall make by-laws with respect to the management and charges for the use of any slaughter-houses so provided, and, where slaughter houses are provided, for prohibiting the slaughter of any animal except in a slaughter-house and for the examination of all animals before they are slaughtered.

Establishment and regulation of slaughter-houses.

273. The owner or occupier of a slaughter-house licensed or registered under this Ordinance shall, within one month after the licensing or registration of the premises, affix and keep undefaced and legible, on some conspicuous place on the premises, a notice with the words "licensed slaughter-house" or "registered slaughter-house," as the case may be.

Notice of licence to be affixed to slaughter-house.

274. The local authority of every urban sanitary, village, and country, district may, and when required by the Board shall, erect and maintain baths and wash-houses, and may make by-laws for the due regulation thereof.

Provision and regulation of baths and wash-houses.

275.—(1) Any local authority may licence the proprietors, drivers, and conductors of horses, ponies, mules, or asses, standing for hire within the district in like manner, and with the like incidents and consequences as in the case of proprietors and drivers of hackney carriages; and may make by-laws for regulating stands and fixing rates of hire, and as to the qualification of the drivers and conductors, and for securing their good and orderly conduct while in charge.

Licensing proprietors and drivers of animals and of boats, for hire.
By-laws.

(2) The authority may also licence the proprietors of pleasure boats and vessels for hire, and the boatmen or other persons in charge thereof; and may make by-laws for regulating the numbering of those boats and vessels and the number of persons to be carried therein, and the mooring places for them, and for fixing rates of hire and the qualification of the boatmen or other persons in charge, and for securing their good orderly conduct while in charge.

Overhanging Trees.

276. Any local authority may require the owner of any tree overhanging any public street, road, or thoroughfare in its district so as to injure the street, road or thoroughfare, or the drainage thereof, or to endanger the safety of

Requiring overhanging trees to be cut down or pruned.

Sec. 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

for any drainage hand

for any drainage hand

the inhabitants, or overhanging the boundary between two lots, to cause the tree to be cut down or pruned, or anything dangerous to be removed therefrom in the manner and within the time directed by it by an order in writing to be served upon the owner, and if the owner fails to comply with the order, the authority, or anyone duly authorised in writing by it, may enter upon any private premises or land in the district wherein the tree is growing and cause it to be cut down or pruned, or anything dangerous to be removed therefrom, in accordance with the order, and the cost of so doing shall be recoverable from the owner.

Cattle straying within the area of a local authority.

Penalty.

277.—(1) If cattle graze, or stray, on or in any main drain, or on a public road, street, dam, bridge, or other public place, within the area of a local authority, the person having the possession or control of the cattle shall be liable on summary conviction to a fine not exceeding five dollars, unless he proves that the cattle were not so grazing or straying through any act or default on the part of himself or his servants or agents.

(2) Any cattle grazing or straying on any place mentioned in the last preceding subsection, may be seized and impounded by any member of the police force or of the rural constabulary, or by any officer of the local authority, or by anyone authorised in writing by the local authority.

(3) Swine straying on any place mentioned in subsection (1) of this section may be destroyed by any of the persons mentioned in the last preceding subsection, and the carcasses of the swine shall belong to the local authority.

(4) Any cattle impounded under this section shall be impounded in the nearest pound and the provisions of the Pounds Ordinance shall apply to the impounding.

Chapter 93.

Purchase of Lands.

Power to purchase lands.

278. The local authority of any urban sanitary district, and any other local authority with the consent of the Board, may, for the purpose and subject to the provisions of this Ordinance, purchase or take on lease, sell, exchange, or mortgage any lands, whether situate within or without its district; and they may also buy up any dam or water-course which interferes with the proper drainage of, or the supply of water to, its district.

279. Lands acquired by a local authority in pursuance of any powers in this Ordinance contained and not required for the purpose for which they were acquired shall (unless the Board otherwise directs) be sold at the best price that can be obtained for them; and the proceeds of sale shall be applied as the local authority, with the consent of the Board, directs.

Sale of surplus lands.

280. With respect to the purchase of lands by a local authority for the purposes of this Ordinance, the following regulations shall be observed, that is to say,—

Regulations as to purchase of lands:

(a) the provisions of the Companies' Clauses and Powers Consolidation Ordinance, 1846, with respect to—

(No. 1 of 1846):

(i) the taking of lands otherwise than by agreement;

(ii) the application of the purchase money or compensation coming to parties having limited interests;

(iii) small portions of intersected lands;

(iv) lands subject to mortgage; and

(v) lands subject to leases, shall be incorporated with this Ordinance;

and in construing those provisions for the purposes of this Ordinance this Ordinance shall be deemed the special Ordinance, and the local authority shall be deemed to be the promoters of the undertaking.

(b) all arbitrations required under the incorporated Ordinance shall be conducted in the manner provided in this Ordinance, and all things authorised or required to be done by two justices of the peace may be done by a magistrate;

(c) the local authority, before putting in force any of the powers of the incorporated Ordinance with respect to the purchase and taking of lands, otherwise than by agreement, shall—

(i) publish, once at least in each of three consecutive weeks, in the Gazette and in a local newspaper in the colony, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be

seen at all reasonable hours and stating the quantity of land the authority requires; and

- (ii) serve a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of those lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, or dissents, or is neutral, in respect of the taking of the lands;
- (d) on compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if it thinks fit, present a petition to the Governor in Council, wherein shall be stated the lands intended to be taken, the purposes for which they are required and the names of the owners, lessees, and occupiers thereof who have assented, dissented, or are neutral in respect of the taking of them, or who have returned no answer to the notice; and the petition shall pray that the local authority may, with reference to those lands, be allowed to put in force the powers of the incorporated Ordinance with respect to the purchase and taking of lands otherwise than by agreement; and the prayer shall be supported by the evidence which the Governor in Council requires;
 - (e) on receipt of the petition, it shall be referred to the Board; and the Board, on due proof of the proper advertisements having been published and notices served, shall take the petition into consideration and direct a local inquiry as to the propriety of assenting to the prayer; and
 - (f) after the completion of the inquiry the Board shall report to the Governor in Council, who may, if he sees fit to do so, empower the local authority to put in force, with reference to the lands mentioned in the order, the powers of the incorporated Ordinance with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with any conditions and modifications he directs; and it shall be the duty of the local

authority to serve a copy of the order so made in the manner and on the person or persons in which and on whom notices in respect of the lands are required to be served :

Provided that any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in undivided shares may be served on any three or more of those persons on behalf of all of them.

281. A local authority, with the consent of the Board, may let for any term any lands it possesses, as and when it can conveniently spare them.

Power to let lands.

Arbitration.

282. In case of dispute as to the amount of any compensation to be made under the provisions of this Ordinance (except where the mode of determining the amount is specially provided for), and in the case of any matter which by this Ordinance is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.

Mode of reference to arbitration.

283. With respect to arbitrations under this Ordinance the following regulations shall be observed, that is to say,—

Regulations as to arbitrations.

- (a) every appointment of an arbitrator under this Ordinance shall be in writing, shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making it;
- (b) after the making of an appointment, it shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation;
- (c) if, for the space of fourteen days after any matter by this Ordinance authorised or directed to be settled by arbitration has arisen, and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred and accompanied by a copy of the appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by, and shall act on behalf of, both parties;
- (d) if, before the determination of any matter so referred, an arbitrator dies, or refuses or becomes

incapable to act, the party by whom that arbitrator was appointed may appoint in writing another person in his stead; and if that party fails to do so for the space of seven days after notice in writing from the other party in that behalf, the remaining arbitrator may proceed *ex parte*; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made;

- (e) if a single arbitrator dies, or becomes incapable to act, before he makes his award, or fails to make his award within twenty-one days after his appointment, or within any extended time he has duly appointed for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Ordinance, as if no former reference had been made;
- (f) where there are more arbitrators than one, the arbitrators, before they enter on the reference, shall, by writing under their hands, appoint an umpire; and if the person appointed to be umpire dies, or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead; and if the arbitrators refuse or neglect to appoint an umpire for seven days after being requested to do so by any party to the arbitration, the Board, on the application of that party, shall appoint an umpire;
- (g) if the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within any extended time they have duly appointed for that purpose, the matters referred shall be determined by the umpire;
- (h) the time for making an award by arbitrators under this Ordinance shall not in any case be extended beyond the period of two months from the date of the submission; and the time for making an award by an umpire under this Ordinance shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him;
- (i) before any arbitrator or umpire enters on a reference under this Ordinance he shall make and

subscribe the following declaration before a magistrate :—

“ I, *A.B.*, solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Local Government Ordinance.—*A.B.*”;

and the declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to the declaration shall be guilty of a misdemeanor;

- (j) any arbitrator, arbitrators, or umpire, appointed by virtue of this Ordinance may require the production of any documents in the possession or power of either party they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses upon oath;
- (k) the costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or, in case the matters referred are determined by an umpire, of the umpire;
- (l) any submission to arbitration under the provisions of this Ordinance may be made a rule of the Supreme Court in its civil jurisdiction on the application of any party thereto; and
- (m) the award of an arbitrator or arbitrators, or of an umpire, under this Ordinance shall be final and binding on all parties to the reference.

284. All questions referable to arbitration under this Ordinance, when the amount in dispute is less than one hundred dollars, may be determined, at the option of either party, before a magistrate; but the magistrate, if he thinks fit, may require that any work in respect of which the claim of the local authority is made and the particulars of the claim shall be reported on to him by any qualified person not being of the local authority; and the magistrate may determine the amount of costs incurred in that behalf and by whom they or any part of them shall be paid.

Reference to
magistrate of
claim under
\$100.

Officers and Conduct of Business.

285.—(1) Every local authority shall from time to time appoint fit and proper persons to be officers and servants who are necessary and proper for the efficient execution of this Ordinance, but, except in the case of officers appointed

Appointment
of officers
and servants
of local
authority :

by an urban authority, the appointment shall be subject to the approval of the Board :

Proviso.

Provided that if any authority is empowered by any other Ordinance in force within its district to appoint any of those officers, this enactment may be deemed to be satisfied by the employment under this Ordinance of the officer so appointed, and no second appointment need be made.

By-laws for conduct of officers.

(2) Every local authority may make by-laws with respect to the duties and conduct of the officers and servants so appointed or employed.

Power to remove officer or servant.

(3) Every officer and servant appointed by a local authority under this Ordinance may be removed by the local authority. *For new (3) see sec. 97 O. 2 of 1957*

Qualification of medical officer of health.

286. No one shall be appointed medical officer of health unless he is a registered medical practitioner.

Appointment of officer for two or more districts.

287. The same person may, with the sanction of the Board, be appointed an officer for two or more districts by the local authorities thereof; and the Board shall by order prescribe the mode of the appointment and the proportions in which the expenses of the appointment and the salary and charges of the officer shall be borne by those authorities.

Prohibition of officer being interested in contract.

288. An officer or a servant appointed or employed under this Ordinance by the local authority shall not in any wise be concerned or interested in any bargain or contract made with that authority for any of the purposes of this Ordinance, and if he is so concerned or interested, or under colour of his office or employment exacts or accepts any fee or reward whatsoever other than his proper salary, wages, and allowances, he may be declared by the Board to be, and shall thereafter be, incapable of holding or continuing in any office or employment under this Ordinance.

Rating and Borrowing.

Defraying expenses incurred by local authority.

289. All expenses incurred or payable by a local authority in the execution of this Ordinance and not otherwise provided for shall be defrayed out of the general rates and taxes levied by the authority.

Private improvement expenses.

290. Any local authority, or the Board, may, if it thinks fit,—

(a) perform any work which by this Ordinance the owner or occupier of a property is or may be required to perform; or

(b) perform any work which the owner requests should be performed and which is necessary to place the property in a proper sanitary condition; and declare the expenses expended or incurred by it in so doing to be private improvement expenses.

291.—(1) The Governor in Council may, by order, direct a local authority to perform any work which a local authority is authorised to perform, and to declare the expenses to be expended or incurred by it in so doing to be private improvement expenses, and to levy such private improvement rate as may be necessary or as the Governor in Council may direct.

Order in Council directing execution of works and costs to be defrayed by private improvement rate.

(2) If a local authority, when so directed, neglects to comply with any of those directions, it shall be deemed to have made default in enforcing a provision of this Ordinance, and the Board shall enforce the direction and shall have the same power to execute the work as the local authority; and the Board shall have power to levy and recover the private improvement rate directed to be levied, and shall have the same powers, rights, and preferences as the local authority for enforcing and securing payment thereof.

292. Where a local authority or the Board has incurred or becomes liable for any expenses which by this or any other Ordinance now or hereafter to be in force, is declared to be private improvement expenses, that authority may, if it thinks fit, make and levy a rate in addition to all other rates on the property in respect of which the expenses have been incurred, to be called a "private improvement rate," of an amount sufficient to discharge those expenses, with interest thereon at a rate not exceeding six per centum per annum, payable at the times and in the period, not exceeding ten years, which the authority in each case determines.

Levy of private improvement rate to defray private improvement expenses.

293.—(1) Where a local authority or the Board has incurred or become liable for any expenses which, by this or any other Ordinance now or hereafter to be in force, may be declared to be private improvement expenses, that authority shall have a preferent lien on the property in respect of which the expenses have been incurred for all sums advanced, with interest thereon at a rate not exceeding six per centum per annum, over and above all other

Preferent lien for private improvement expenses and rate.

(No. vii of
1906.)

liens or claims whatsoever, save and except claims due to the Crown or the colony or the Director of Public Works under the East Demerara Sea Defences Ordinance, 1906, and save and except claims due in respect of taxes or rates levied by the authority to defray its general expenditure.

(2) That lien shall continue in full force until the whole sum advanced has been repaid in full, with all interest thereon, and continue vested on the property notwithstanding any change of ownership thereof, whether by devolution, or private, or execution, or other public sale.

(3) Where the authority levies a private improvement rate, it shall have the same preferent lien for the payment of that rate as for the payment of private improvement expenses.

(4) Where any property subject to the payment of a private improvement rate is sold at execution sale, the authority levying the rate may, if it thinks fit, require the amount realized by the sale, after payment of all claims preferent thereto, to be applied in payment of the whole amount, with interest, levied by the rate then remaining unpaid, so far as the proceeds may suffice for the purpose.

Recovery of
private im-
provement
expenses
and rate.

294. Private improvement expenses and every private improvement rate may be levied and recovered by parate execution against the owner of the property in respect of which those private improvement expenses are payable or in respect of which the private improvement rate is levied, without naming him.

Redemption
of private
improvement
rate :

295. At any time before the expiration of the period for which a private improvement rate is made, the owner of the premises assessed thereto may redeem the rate by paying to the local authority the expenses in respect of which the rate was made, or such part thereof as has not been defrayed by sums already levied in respect of the same :

Proviso.

Provided that money paid in redemption of any private improvement rate shall not be applied by the authority otherwise than in defraying expenses incurred by it in works of private improvement or in discharging the principal of any moneys borrowed by it to meet those expenses, whether by means of a sinking fund or otherwise.

Payment of
rate by
occupier and
recovery of
amount
thereof from
owner.

296.—(1) Where the owner of property in any district makes default in paying to the local authority thereof or the Board any tax, rate, or amount levied, assessed, or due,

in respect of the property, as and when it becomes payable, the occupier of, or anyone having any interest in, that property, or any portion thereof, may pay the tax, rate, or amount and recover it from the owner of the property, together with interest at the rate of eight per centum per annum until repaid, with all costs of suit.

(2) Where there are several owners, the occupier or person may so recover from any one of them, and the part owner so paying shall be entitled to recover from the other part owners of the property the amount of their proper contribution.

297.—(1) The local authority of any district which consists of a plantation may, for the purpose of defraying expenses incurred by it in the execution of this Ordinance, recover the amount of all those expenses from the proprietors of the plantation.

Recovery of expenses where district is a plantation.

(2) Wherever a plantation forms part of a district, any rate levied under this Ordinance shall be assessed and levied on the plantation as a whole.

298. Every local authority may, with the sanction of the Board, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by it in the execution of this Ordinance, borrow any sum of money on the security of the rates, and may mortgage the rates for the repayment thereof.

Local authority may borrow on credit of rates.

PART VI.

PROVISION FOR WORKS OF SPECIAL MAGNITUDE IN VILLAGE AND COUNTRY DISTRICTS.

299. Where in the opinion of the Board any works of empoldering or drainage or irrigation in a village or country district are of such magnitude as to necessitate special provisions the Board may declare those works to be special works.

Declaration by Board of special works.

300. Where the Board, acting under the powers conferred on it by the last preceding section, declares any works to be special works the following procedure shall be observed, that is to say,—

Procedure.

(a) the local authority of the district shall prepare specifications, and if necessary plans, of the proposed works, together with an estimate of the

- cost thereof, and also a schedule of the lands which it proposes to take possession of for the purposes of the works;
- (b) the local authority shall also prepare a statement showing the property which it is proposed shall be made liable to contribute to the cost of, or to provide labour for, the execution of any of the works and the proportions and manner in which it is proposed to assess the amounts to be paid for the work to be done by each separate proprietor;
 - (c) a copy of the documents, and plans, if any, hereinafter required to be prepared, shall be kept at the office of the local authority of the district, or, if there be no office, at some convenient place within the district to be approved by the Board;
 - (d) a notice intimating that the documents and plans (if any) have been so lodged and that they are open to inspection shall be posted up in some conspicuous place within the district;
 - (e) the documents and plans (if any) shall remain open for the inspection of every person interested on every day, not being a Sunday or public holiday, during reasonable hours for one month after the date of posting the notice;
 - (f) anyone who objects to the execution of any of the works, or to the taking of any of the lands proposed to be taken therefor, or to the proportion or manner in which it is proposed to assess any property in which he is interested, shall, within the period of one month, lodge with the local authority his objections in writing and the grounds on which he bases his objections; and
 - (g) after the expiration of that period the local authority shall transmit the documents and the objections (if any) with a full report thereon, to the secretary to be laid before the Board.

Order of Board as to works to be executed.

Power to enter on lands to survey.

301. The Board, after considering the expediency of executing the proposed works and all the objections thereto, may make such order as it thinks fit.

302. When it is proposed to prepare any specifications or plans for special works in any village or country district, the chairman of the local authority may, by an order

under his hand, authorise anyone, accompanied by the required assistants, to enter at all reasonable times upon any lands for the purpose of making the necessary surveys for the preparation of the specifications or plans of the works and an estimate of the cost thereof; and the cost of the survey may, at the discretion of the local authority, be included in any rate imposed by authority of this Ordinance.

303. The local authority in carrying out any orders made by the Board under section three hundred and one of this Ordinance shall have the following powers, that is to say, it may—

General powers of local authority.

- (a) hold the necessary lands for the construction and maintenance of the works and for any other works connected therewith approved or directed by the Board;
- (b) enter into all contracts and do all acts necessary or expedient for the proper carrying out of the works;
- (c) dig earth, cut wood, and take material of every kind, from or on any of the lands benefited which may be necessary for the works.

304. All the provisions as to the assessment and recovery of rates enacted in Part III of this Ordinance shall be applicable mutatis mutandis to rates assessed for the construction of special works, and in addition the following provisions shall have effect, namely,—

Principles of assessment.

- (a) the local authority may exempt from assessment wholly or partially any portion of the district or any property which, in its opinion, does not derive benefit, or does not derive benefit equally with other portions of the district or other properties, from the work; and
- (b) the local authority may assess at a higher rate than the ordinary rate any portion of the district or any property which, in its opinion, derives greater benefit from the work than other portions of the district or other properties.

PART VII.

CO-OPERATIVE CREDIT BANKS.

305.—(1) The Board may appoint a banks committee (hereafter in this part called "the committee") for the supervision and control of co-operative credit banks, and

Banks committee.

*Repealed by sec. 39 of 1933
28/1/1933*

for that purpose may nominate five members of the Board to constitute the committee.

(2) The chairman and deputy chairman of the Board shall be ex officio members of the committee.

(3) Three members of the committee, of whom either the chairman or the deputy chairman of the Board shall be one, shall form a quorum, and the chairman or, in his absence the deputy chairman, shall preside at all meetings of the committee.

(4) The chairman or deputy chairman presiding at any meeting shall have both an original and a casting vote.

(5) The committee shall be a committee of the Board in the same manner as if appointed under section twenty-four of this Ordinance, and all clerks, officers, servants, and agents of the committee may be appointed in the manner provided by this Ordinance.

Register.

306.—(1) The secretary of the committee shall keep a register, in a form approved by the Governor in Council, in which shall be registered the names of any co-operative credit banks which have complied with the provisions of this part of this Ordinance and of any regulations made under this part.

(2) No co-operative credit bank shall be registered unless the committee so directs, and the committee may at any time for any cause cancel or suspend the registration.

Regulations.

307.—(1) The committee may, with the approval of the Governor in Council, make and, when made, may alter or revoke regulations for the constitution, management, and administration of co-operative credit banks and for their registration.

Schedule.

(2) The regulations in the fifth schedule hereto shall be the regulations under this part of this Ordinance until superseded, altered, or amended by regulations made by the committee under this section.

Powers
of the
committee.

308.—(1) The committee shall have and may exercise a right of supervision, inspection, and control over any co-operative credit bank so registered, and may by resolution amend or vary any order or decision of the committee, or other governing body, or of any meeting of shareholders of the bank, and that resolution shall have the same force and effect as if made by the committee, or other governing body, or by the meeting of shareholders, aforesaid.

(2) The committee may for any sufficient cause remove from office without notice the chairman, or any member or officer of a committee or other governing body, of any bank and may appoint some other person to act in that capacity in his stead for the period and under the conditions determined by the committee.

(3) The committee may authorise the secretary, or any clerk or other officer of the committee to examine the books of any co-operative credit bank registered under this part of this Ordinance.

(4) No rules made by any co-operative credit bank registered under this part of this Ordinance shall be valid unless approved by the committee.

(5) An appeal shall lie to the Governor in Council from any decision of the committee.

309. All applications by co-operative credit banks for loans or other advances from public funds shall be made to the committee, and the committee shall, after full consideration of the applications, transmit them to the Governor in Council with a recommendation as to whether they shall be granted in whole or in part, or whether they shall be refused, and the Governor in Council shall thereupon take such action as he sees fit.

Recommendations for loans.

310. No loan or other advance of money from public funds shall be made to any co-operative credit bank not registered under this Ordinance.

Loans from public funds to be made only to registered banks.

311.—(1) Every document purporting to be an order, licence, recommendation, or other instrument, issued by the committee and to be signed by the secretary or by any other person authorised by the chairman to act on behalf of the secretary, shall be received in evidence and be deemed to be that order, licence, recommendation, or other instrument, without further proof unless the contrary is shown.

Proceedings of committee.

(2) A certificate signed by the chairman or deputy chairman of the committee that an order, licence, recommendation, or other instrument, purporting to be made or issued by the committee is so made or issued, shall be conclusive evidence of the fact so certified.

312. On being registered, a co-operative credit bank shall ipso facto by the name described in the acknowledgment of registration, be capable of suing and of being sued

Incorporation of co-operative credit bank.

in all courts of justice and before all magistrates, and, subject to any regulations, of purchasing, receiving, possessing, holding, mortgaging, and otherwise dealing with property.

Audit of
accounts.

313. The committee shall from time to time cause the accounts of every co-operative credit bank registered under this part of this Ordinance to be audited by the Auditor at the expense of the bank.

Report by
committee.

314. The committee shall submit annually through the Board to the Governor in Council, not later than the fifteenth day of February, for the information of the Legislative Council, a report on the working of the committee and of any co-operative credit bank registered under this part of this Ordinance setting forth the various loans made from public funds to that bank during the year, the amounts repaid, the security for the loan, and the method of repayment.

Loans by
co-operative
banks a
preferent
charge on
borrower's
property :

315.—(1) Where a loan or an advance from public funds has been made to any co-operative credit bank registered under this part of this Ordinance, all loans or advances made by that bank to any member in accordance with its rules, together with the interest that may accrue, shall constitute a preferent charge on all the movable and immovable property of the borrower, over and above all claims of whatever nature, not being claims due and owing to the Crown or the Government of the colony; and the same preference shall apply if proceedings in bankruptcy are taken against the borrower :

Proviso :

Provided that—

- (a) the borrower shall be personally liable for the loan or advance; and
- (b) the preferent charge so constituted shall be limited to a loan or advance, or loans or advances, to any borrower up to and not exceeding the sum, or amounts aggregating the sum, of two hundred and forty dollars.

(2) The Official Receiver, the Registrar of Deeds, and magistrates' clerks shall, from the proceeds of the sale of movable or immovable property sold by them which belongs to a borrower from a co-operative credit bank as aforesaid, after first paying all expenses of the sale and the amount of all claims due to the Crown and the colony, deduct the

amount of the loan or advance and interest due to the bank by the borrower whose property has been sold and pay over that amount to the secretary of the bank concerned :

Provided that the obligation imposed by this section on the Official Receiver, the Registrar of Deeds and magistrates' clerks shall not in any case arise unless the secretary of the bank concerned, on or before the date of the sale, gives notice in writing to the Official Receiver, the Registrar, or the magistrates' clerks, as the case may be, of the existence of unpaid loans or advances, and unless, within seven days after the sale, he gives further notice in writing to the Official Receiver, Registrar, or magistrates' clerks, as the case may be, of the amount thereof. Proviso.

(3) In its application to any loan which has been or may be made by a co-operative credit bank to any of its members out of funds advanced from general revenue in pursuance of resolutions numbered XX and XXXI, passed by the combined court on the twenty-fifth and twenty-ninth days of June respectively at the first special sessions, nineteen hundred and twenty-six, sub-section (1) of this section shall be construed as from the ninth day of October, nineteen hundred and twenty-six, as if paragraph (b) had been omitted from the sub-section.

PART VIII.

LEGAL PROCEEDINGS GENERALLY.

Procedure Generally.

316. All offences under this Ordinance or the by-laws, and all penalties and forfeitures directed to be recovered before a magistrate, or the recovery of which is not otherwise provided for, may be prosecuted for and recovered under the Summary Jurisdiction Ordinances. Procedure and appeal.

317. Proceedings for the recovery of a penalty under this Ordinance shall not (except as in this Ordinance is provided) be had or taken by anyone, other than by a party aggrieved, or by the local authority of the district in which the offence is committed, without the consent in writing of the Attorney-General; but that consent shall not be required to proceedings which, by the provisions of this Ordinance relating to nuisances or offensive trades, are authorised to be taken by a local authority in respect Restriction on recovery of penalties.

of any act or default committed or taking place without its district or in respect of any house, building, manufactory, or place situate without its district.

Recovery of penalties by authorised officer of local authority.

318. Any proceedings by a local authority for the recovery of a penalty under this Ordinance or any amending Ordinance may be taken by any officer of the authority, if duly authorised in writing by the chairman thereof, either generally or in respect of any particular offence, and an authorisation may be cancelled at any time by writing under the hand of the chairman.

Penalties to be paid to local authority.

319. The amount of all penalties and forfeitures for offences under this Ordinance shall be paid over to the local authority by which or at whose instance the proceedings for their recovery were taken.

Appearance of local authority.

320. A local authority may appear before a magistrate by the chairman of the local authority in person, or by anyone authorised to do so by the chairman in writing generally or in respect of any special proceeding so to appear.

Proof of name of local authority.

321. In any proceeding instituted by or against a local authority under this Ordinance, it shall not be necessary for the plaintiff to prove the corporate name of the local authority or the constitution or limits of its district.

Penalties for giving false evidence.

322. Everyone who, on any examination upon oath under any of the provisions of this Ordinance, wilfully and corruptly gives false evidence, shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

Execution of document by local authority.

323.—(1) Except where otherwise provided in this Ordinance, any document requiring to be signed by a local authority may, if the authority consists of more than one person, be executed by any two members thereof, and if the authority consists of only one person, then by that person.

(2) In any legal proceeding it shall not be necessary to prove any signature purporting to be the signature of a member of a local authority or that the person so signing was a member thereof, but the burden of proof shall be on the person disputing the fact.

324. Any document requiring to be executed or authenticated by the Board may be executed or authenticated by the secretary affixing the common seal of the Board; and all courts of justice shall take judicial notice of the seal.

Execution of document by the Board.

325. Any notice, summons, or order, with respect to the abatement of a nuisance may be in the forms contained in the first schedule hereto.

Use of forms; first schedule: forms 3-6.

Protection of Local Authority.

*Sec 10(1) of Ord.
12 of 1937*

326.—(1) No process shall be issued against or served on any local authority, or any member thereof, or any officer of a local authority or person acting in his aid, for anything done, or intended to be done, or omitted to be done, under the provisions of this Ordinance until the expiration of one month after notice in writing has been served on that local authority, member, officer, or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff and of his attorney or agent in the cause.

Notice of action against local authority or its officer.

(2) On the trial of the action, the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and, unless the notice is proved, the defendant shall have judgement in his favour.

(3) The action shall be commenced within six months next after the cause of action accrues, and not afterwards.

327.—(1) Anyone to whom a notice of action is given as aforesaid may tender amends to the plaintiff, or his attorney or agent, at any time within one month after service of the notice and, in case the tender is not accepted, may plead it in bar.

Tender of amends.

(2) If amends have not been tendered as aforesaid, or if the amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial pay into court under plea such sum of money as he thinks proper.

(3) If upon issue joined, or upon any plea pleaded for the whole action, the plaintiff is nonsuited or judgement is given for the defendant, then the defendant shall be entitled to the full costs of suit and have judgement accordingly.

Protection of local authority and its officers from personal liability.

328. No matter or thing done, and no contract entered into by a local authority, and no matter or thing done by any member of a local authority, or by any officer, or other person whomsoever acting under the direction of a local authority, shall, if the matter or thing was done or the contract entered into in good faith for the purpose of executing this Ordinance, subject it or them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by the authority, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by the authority to the general purposes of this Ordinance.

Notices.

Documents may be printed or written.

329. Notices, orders, and other like documents under this Ordinance, may be in writing, or in print, or partly in writing and partly in print; and if they require authentication by authority, the signature thereof by any member or officer of a local authority shall be sufficient authentication.

Service of documents.

330.—(1) Any notice, order, or other document, required or authorised to be served under this Ordinance, may be served by delivering it to or at the residence of the person to whom it is addressed; or, where it is addressed to the owner or occupier of premises, by delivering it, or a true copy thereof, to someone on the premises; or, if there be no one on the premises who can be so served, by fixing it on some conspicuous part of the premises.

(2) A notice, order, or other document aforesaid may also be served by post.

Description of addressee.

331. Any notice by this Ordinance required to be given to the owner or occupier of any premises may be addressed by the description "owner," or "occupier," of the premises (naming them) in respect of which the notice is given, without further name or description.

PART IX.

MISCELLANEOUS PROVISIONS.

Authentication of by-laws.

332. All by-laws made by a local authority under and for the purposes of this Ordinance shall, if the authority possesses a seal, be under its seal, and if not shall be under the hand of one of its members; and all by-laws made by the Board shall be under the seal of the Board.

333. Any local authority or the Board may, by by-laws made by it under this Ordinance, impose on offenders against them any reasonable penalties it thinks fit, not exceeding the sum specified in this Ordinance, or where no sum is specified the sum of fifty dollars for each offence, and in the case of a continuing offence a further penalty, not exceeding ten dollars, for each day after written notice of the offence from the local authority; but all by-laws imposing a penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Penalties for breach.

334. No by-laws made by a local authority or by the Board under this Ordinance shall take effect unless and until they have been submitted to and confirmed by the Governor and Legislative Council who may allow, or disallow, or alter them as deemed proper.

Confirmation.

335. A local authority shall, on the application of any ratepayer, furnish him with a copy of any by-laws made or proposed by it, or of any part thereof, on payment of such sum, not exceeding twelve cents for each copy, as the local authority determines.

Supply of copies.

336.—(1) All by-laws made by a local authority under this Ordinance, or for purposes the same as, or similar to, those of this Ordinance under any local Ordinance, shall be printed and hung up in the office of that authority.

Notification.

(2) A copy of any by-laws made by a local authority shall be open to the inspection of any ratepayer at all reasonable hours.

337. Whenever it becomes necessary for a local authority or any of its officers to enter, examine, or lay open, any lands or premises for the purpose of making plans, surveying, measuring, taking levels, making, or keeping in repair, or examining works, ascertaining the course of drains, or ascertaining or fixing boundaries, and the owner or occupier of those lands or premises refuses to permit them to be entered upon, examined, or laid open for the purposes aforesaid or any of them, the local authority may, after written notice to the owner or occupier, apply to a magistrate for an order authorising the

Entry of officer of local authority in certain cases ;

first schedule : form 7.

local authority to enter, examine, and lay open the lands and premises for the purposes aforesaid or any of them.

Neglecting to quit land belonging to local authority.

338. Everyone who occupies any land or house in a district belonging to or under the control of any local authority or the Board without its permission, and who neglects to quit the land or house on being required to do so, shall be guilty of an offence, and on conviction thereof shall be liable to a penalty not exceeding ten dollars, or to imprisonment with or without hard labour for any term not exceeding one month.

Penalty.

Where occupier prevents owner from carrying out the Ordinance; first schedule: form 8.

339.—(1) Where the occupier of premises prevents the owner thereof from obeying or carrying into effect any provisions of this Ordinance, any magistrate, if he sees fit, may make an order for the carrying into effect of the provisions of this Ordinance; and if the occupier fails to comply therewith within twenty-four hours after the order is made, he shall be liable to a penalty not exceeding twenty-four dollars for every day while the non-compliance continues.

Penalty.

Penalty for withholding owner's name.

(2) If the occupier of premises, when requested by or on behalf of the local authority to state the name of the owner of the premises occupied by him, refuses, or wilfully omits to disclose or wilfully mis-states the name, he shall be liable, unless he shows cause to the satisfaction of the court for his refusal, to a penalty not exceeding twenty-four dollars.

Wilfully damaging works of local authority. Penalty.

340. Everyone who wilfully damages any works or property belonging to or under the control of any local authority shall (in cases where no other penalty is provided by this Ordinance) be liable to a penalty not exceeding twenty-four dollars.

Compensation by local authority for damage.

341. Where anyone sustains damage by reason of the exercise of any of the powers conferred by this Ordinance, in relation to any matter as to which he is not himself in default, full compensation shall be made to him by the local authority exercising those powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Ordinance; or, if the compensation claimed does not exceed the sum of ninety-six dollars, it may, at the option of either party, be ascertained by and recovered before a magistrate.

342. Nothing in this Ordinance shall be construed to authorise a local authority or the Board to disturb or interfere with any lands or other property vested in His Majesty, or any of his Majesty's Principal Secretaries of State, or in the colony.

Exemption of Crown and colony property.

343. All powers given by this Ordinance shall be deemed to be in addition to and not in derogation of any other powers conferred by Ordinance, law, or custom; and those other powers may be exercised in the same manner as if this Ordinance had not passed; and nothing in this Ordinance shall exempt anyone from any penalty to which he would have been subject if this Ordinance had not passed :

Powers of the Ordinance to be cumulative :

Provided that no one who has been adjudged to pay any penalty in pursuance of this Ordinance shall for the same offence be liable to a penalty under any other Ordinance.

Proviso.

SCHEDULES.

FIRST SCHEDULE.

FORMS.

1.

(Section 124.)

Account and Notice of Sum due for Rates.

Village* district of _____ in the county of _____
Country

The proprietor of lot no. _____ in section _____ of the said district (or, of a house or a house and premises, situated on lot no. _____ in section _____ of the said district) to the local authority of the said district, Dr. _____ money due for labour hired and the cost of materials and superintendence _____

To amount of _____ rates due _____
 on account of the above lot, with the buildings thereon, (or, on the above house or house and premises) at the appraised value of _____ from the day of _____ 19 _____ to the _____ day of _____ 19 _____

Take notice that unless the above sum of _____ is paid within two weeks from the date of the service of this notice, application will be made

3.

(Sections 216 and 325.)

Notice requiring Abatement of Nuisance.

To [the person causing the nuisance, or the owner or occupier of the premises wherein the nuisance exists, as the case may be].

Take notice that, under the provisions of the Local Government Ordinance the [describe the local authority] being satisfied of the existence of a nuisance at [describe the premises or place where the nuisance exists], arising from [describe the cause of nuisance, for instance, want of a privy or drain; or, for further instance, a ditch or drain so foul as to be a nuisance, or injurious to health; or, for further instance, swine kept so as to be a nuisance or injurious to health] do hereby require you within from the service of this notice to abate the same, and for that purpose to [state any things required to be done or works to be executed].

If you make default in complying with the requirements of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance to answer a complaint which will be made to a magistrate for enforcing the abatement of the nuisance and prohibiting a recurrence thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of , 19 .

(Signed)

Officer of Local Authority. }

Repealed by Ord. 15 of 1934

4.

(Sections 217 and 325.)

Summons on Complaint relating to Nuisance.

DISTRICT.

To the owner [or occupier] of [describe the premises], situated at [insert such a description as may be sufficient to identify the premises] [or to A.B., of]

You are required to appear before the court holden before a magistrate at on the day of , 19 , at the hour of in the noon, to answer the complaint this day made to me by that in or on certain premises situated at [insert such a description as may be sufficient to identify the premises], in the district, under the Local Government Ordinance, of [describe the local authority] the following nuisance exists, [describing it as the case may be], and that the said nuisance is caused by the act or default of the owner [or occupier] of the said premises [or by you, A.B.] or, in case the nuisance is discontinued but likely to be repeated, say, there existed recently, to wit on or about the day of , on the premises, the following nuisance [describe the nuisance], and that the said nuisance was caused, etc., and although the same has, since the last-mentioned day, been abated or discontinued, there is reasonable ground to conclude that the same or the like nuisance is likely to recur on the said premises.

Dated this day of , 19 .

(Signed)

Stipendiary Magistrate.

5.

(Sections 218 and 325.)

Order for Abatement or Prohibition of Nuisance.

DISTRICT.

To the owner [or occupier] of [describe the premises], situated at [insert such a description as may be sufficient to identify the premises] [or to A.B., of . . .]

Whereas on the . . . day of . . . 19 . . . , complaint was made before . . . esquire, magistrate for the . . . district, by . . . that in or on certain premises situated at . . . in the district under the Local Government Ordinance, of [describe the local authority] the following nuisance then existed [describing it] and that the said nuisance was caused by the act or default of the owner [or occupier] of the said premises; [or was caused by A.B.] *If the nuisance has been removed, say,* the following nuisance existed on or about [the day the nuisance was ascertained to exist], and that the said nuisance was caused, etc., and although the same is now removed, the same or the like nuisance is likely to recur on the said premises; And whereas . . . the owner [or occupier] within the meaning of the Local Government Ordinance, [or the said A.B.] has this day appeared before me to answer the matter of the said complaint; or, in case the party charged does not appear, say, and whereas it has been this day proved to my satisfaction that a true copy of a summons requiring the owner [or occupier] of the said premises [or the said A.B.] to appear this day before me . . . has been duly served according to the said Ordinance:—Now, on proof being here made before me that the nuisance so complained of does exist on the said premises, and that the same is caused by the act or default of the owner [or occupier] of the said premises [or by the said A.B.], I, in pursuance of the said Ordinance, do order the said owner [or occupier, or A.B.] within [specify the time] from the service of this order, or a true copy thereof, according to the said Ordinance [here specify anything required to be done or work to be executed, as, for instance, to provide for the cleanly and wholesome keeping of, [or to remove] the animal kept so as to be a nuisance or injurious to health; or, for further instance, to cleanse, whitewash, purify, and disinfect the said dwelling-house; as, for further instance, to construct a privy or dig a drain, etc.; or, for further instance, to clean or to fill up the said cesspool, etc.], so that the same shall no longer be a nuisance or injurious to health as aforesaid.

[And if it appears to the magistrate that the nuisance is likely to recur on the premises, say.] And I, being satisfied that, notwithstanding the said cause or causes of nuisance may be removed under this order, the same is [or are] likely to recur, do hereby prohibit the said owner [or occupier, or A.B.] from [here insert the matter of the prohibition, as, for instance, from using the said house or building for human habitation until the same, in my judgement, is rendered fit for that purpose].

[In case the nuisance was removed before complaint, say,] Now, on proof being here made before me that, at or recently before the time of making the said complaint, to wit, on the . . . day of . . . 19 . . . , as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same has since been removed, yet notwithstanding such removal, I, being satisfied that it is likely that the same or the like

Local Government Ordinance, of certain premises [*describe the situation of the premises so as to identify them*]; that *C.D.*, the occupier of the said premises, prevents the said *A.B.* from obeying and carrying into effect the provisions of the said Ordinance in this, to wit, that he, the said *C.D.*, prevents the said *A.B.* from [*here describe the works generally according to circumstances*]; And whereas the said *C.D.*, having been duly summoned to answer the complaint and not having shown sufficient cause against the same, and it appearing to me that the said works are necessary for the purpose of enabling the said *A.B.* to obey and carry into effect the provisions of the said Ordinance, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the manner required by the said ordinance.

Dated this day of , 19 .

(Signed)

Magistrate.

SECOND SCHEDULE.

(Section 128.)

FEE PAYABLE FOR PROCESS OF DISTRESS.

1. Entering and recording application for warrant of distress, including swearing to return service of notice	Cents.
2. Issuing warrant of distress, including levy and sale of property thereunder and the return	16
	32

THIRD SCHEDULE.

(Section 133.)

FEE FOR EXECUTION AND SALE.

	\$	c.
For summation, and serving same	1	00
For writ of execution, to be indorsed on summation	0	25
For act of levy, inventory, and advertisements of sale	1	00
For selling, a commission of two and one-half per centum on the amount of purchase money.		

FOURTH SCHEDULE.

(Section 173.)

TABLES RELATING TO THE STORAGE OF WATER IN BUILDINGS AND PLANTATIONS.

The owner of any building or plantation described in the first columns of the following tables shall provide tanks to store the quantity of water

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specified in the second columns of the said tables in relation to the said buildings and plantations respectively :—

TABLE I.

Buildings in urban sanitary districts.	Quantity of water in imperial gallons.
Each house, including the out-buildings occupied therewith, appraised with the land on which it is situated for local taxation at or above \$50,000	20,000
Each house, including as aforesaid, so appraised at or above \$30,000 and under \$50,000	10,000
Each house, so appraised at or above \$20,000 and under \$30,000	5,000
Each house, so appraised at or above \$10,000 and under \$20,000	4,000
Each house used as a dwelling-house of more than one story so appraised at or above \$7,000	3,000
Each house used as a dwelling-house of more than one story so appraised at or above \$3,000 and under \$7,000	2,000
Each house used as a dwelling-house of more than one story so appraised at and above \$1,000 and under \$3,000	1,000
Each house used as a dwelling-house of more than one story so appraised at any sum under \$1,000	500
Each house used as a dwelling-house of one story only so appraised at or above \$1,000	1,000
Each house used as a dwelling-house of one story so appraised at any sum under \$1,000, for each inhabited room	100
Each house of which the different rooms are occupied by different families or different persons not members of the same family, for each room so occupied	100

TABLE II.

Buildings in village and country districts.	Quantity of water in imperial gallons.
Each house used as a dwelling-house of more than one story and of or exceeding \$500 in value	1,500
Each house used as a dwelling-house of one story only, or, if of more than one story and of less value than \$500, for each room therein	100
Each house of which the different rooms are occupied by different families or different persons not members of the same family, for each room so occupied	100

TABLE III.

Description of plantation.	Quantity of water in imperial gallons.
Each plantation on which any quantity of sugar exceeding fifty tons in weight and not exceeding five hundred tons has been made during the preceding year	25,000
Each plantation on which any quantity of sugar of or exceeding five hundred tons has been so made, then, for every additional quantity of one hundred tons of sugar or less so made, an additional	2,500

Provided that, where two licensed medical practitioners certify in writing that there is a supply of wholesome fresh water on the plantation sufficient for the wants of all the persons residing thereon, the quantity hereinbefore prescribed in addition to the first 25,000 gallons shall be reduced to 1,250 gallons.

FIFTH SCHEDULE.

REGULATIONS FOR THE SUPERVISION AND CONTROL OF
CO-OPERATIVE CREDIT BANKS.

1. These regulations may be cited as the Banks Committee Regulations, 1914.

2. Save as hereafter provided, no co-operative credit bank shall be registered under the Local Government Ordinance, unless it has adopted as its rules the model rules set out below.

3. The banks committee may, on the application of the committee of management or other governing body of any co-operative credit bank, sanction the adoption by that bank of any rules additional to the model rules, and, with the consent of the Governor in Council, may on the application allow any omissions from or alterations of the model rules for sufficient cause in the case of any bank.

MODEL RULES FOR CO-OPERATIVE CREDIT BANKS.

NAME AND PLACE OF THE OFFICE OF THE BANK.

1. The bank shall be called the _____ bank. Its registered office is _____ in the county of _____

2. Notice of any change in the situation of the registered office shall be sent to the banks committee within fourteen days of the change.

SCOPE AND MEMBERSHIP.

3. The bank is established to make loans to its members at a moderate rate of interest for the development of their land or other industrial pursuit.

4. The bank may borrow money from the Government upon which interest shall be paid at the rate fixed by the Governor in Council.

5. Any person approved by the committee of management is qualified for membership.

6. Every member must hold at least one of the bank's shares.

7. Every application for membership shall be signed by the applicant and shall without delay be laid before the committee. One adverse vote in three shall exclude the applicant.

8. Any person refused admission shall have the right of appeal to the next general meeting of members. The voting shall be by ballot, and if three-fourths of the votes of those present approve of the admission of the candidate, he shall thereupon be admitted.

9. All moneys payable by a member to the bank shall be deemed to be a debt due from that member and shall be recoverable in the petty debt court.

GENERAL MEETINGS.

10. Every member shall be entitled to attend and vote at the general meetings, and to obtain all information required concerning the solvency and good management of the bank.

11. Members shall be entitled to vote as follows :—

for one to five shares	one vote,
for six to ten shares	two votes,
for eleven to fifteen shares	three votes,

and so on.

12. The first meeting of members shall be deemed to be an annual general meeting under these rules.

13. An annual general meeting of members shall be called during the months of February or March in each year.

14. The functions of the annual general meeting shall be—

- (a) to receive from the committee, or any officer of the bank, a report and full statement of the accounts for the preceding year and the audited balance sheet; to consider, and if satisfactory to adopt, them;
- (b) to decide any appeal referred to it from a decision of the committee, provided not less than seven days' notice of the matter being brought before the meeting has been given to the secretary;
- (c) to elect the committee, trustees, treasurer, or other officers, as required by the rules;
- (d) to transact any other general business.

15. A special general meeting of members may be called at any time by the committee, and on the receipt of a demand signed by not less than one-fifth of the members it shall be the duty of the chairman of the committee to call a special meeting.

16. The banks committee shall from time to time decide how many members shall form a quorum for an annual or a special general meeting.

17. The chairman of the committee of management shall preside at general meetings.

18. In the event of the death of a member, the liability of his heirs, executors, and administrators shall extend to any loans contracted by him and remaining unpaid at his death, together with the interest thereon.

THE COMMITTEE OF MANAGEMENT.

19. The committee of management shall be elected at the annual general meeting. The members shall be eligible for re-election on the expiry of their term of office.

20. Except as provided in the next rule, members of committee must also be members of the bank and own not less than five shares. They shall not receive salary or other remuneration.

21. So long as the bank is indebted to the Government the banks committee shall have the right to nominate some person as chairman of the committee who need not be a shareholder. The number of votes in committee to which the chairman shall be entitled shall be arrived at in the following manner :—the total subscribed capital of the bank shall be divided by the number of elected members of committee, and the number of times the result is contained in the amount due by the bank to the Government shall be the number of votes to which that nominated chairman shall be entitled.

22. The chairman shall have the right to vote on all questions before the committee and shall also have in divisions a casting vote. Elected members of committee shall be entitled to one vote each.

23. The committee shall consist of the chairman and ten members. Three members shall constitute a quorum. Vacancies occurring on the committee shall be filled by the committee. Any member so elected shall remain in office until the succeeding annual general meeting, and will then be eligible for re-election.

24. Any member absenting himself from the meeting of the committee for four times in succession without having forwarded to the secretary what is deemed by the committee to be a sufficient excuse, will be held to have vacated his office, which shall thereupon be filled as provided in the rules.

25. The committee shall meet at least once a month.

26. The chairman may, and, at the request of any two members of the committee, shall, within a week from the time when the request is made, call an extraordinary meeting of the committee to transact any special business.

27. The committee shall, in every year before the first of April, cause the secretary to send to the appointed authority the annual returns required by rule 68 of these rules.

28. The committee shall draw up a prospectus of the bank, which shall be printed and contain the names of the officers, the registered office, the hours of business, the terms and conditions of membership, and the interests and expenses to be charged for loans.

29. The committee shall have powers to open an account in the post office savings bank if it considers it advisable. Notice of withdrawal must be signed by the chairman and one other member of committee and be countersigned by the secretary.

30. At each ordinary committee meeting the procedure shall be as follows :—

(a) the secretary shall first read the minutes of the preceding meetings ;

- (b) a statement of accounts shall be presented by the secretary, or other officer appointed by the committee, showing the amount due to the Government, the loans outstanding, the moneys received or paid since the last meeting, and the balance on hand ;
- (c) the statement shall be checked and signed by the chairman and one other member of the committee ;
- (d) the secretary shall then report as to the instalments of loans due and unpaid, and the action to be taken in each case shall be determined ;
- (e) he shall then read the list of applications for loans which may not have been previously granted owing to funds not having been available, and a decision shall be arrived at as to which of those shall be granted if additional funds are reported as being available ;
- (f) any fresh applications for loans will then be considered and the course to be taken with each determined ;
- (g) Any other business.

THE TRUSTEES.

31. The general meeting shall elect from among the committee two or more trustees, in whom all the property of the bank shall be vested. When the chairman of the bank is appointed by the Government he shall also be a trustee. The trustees may, with the sanction of the committee, invest money which is not required for loans in the post office savings bank or in trustee securities.

32. A copy of every resolution appointing a trustee shall be sent within fourteen days to the banks committee.

THE TREASURER.

33. The annual general meeting shall appoint a member of committee to be treasurer. If a vacancy occurs in the post of treasurer, the committee shall appoint a successor who shall hold office until the next general meeting. Security shall be given by the treasurer at the expense of the bank in the manner and for the amount which the annual general meeting, subject to approval of the banks committee, determines.

34. The treasurer may retain in his hands a cash balance not exceeding ten dollars ; he shall deposit in the name of the bank any cash in excess of that sum in the post office savings bank.

35. In the temporary absence of the treasurer the committee shall appoint two of their number to perform his duties.

THE SECRETARY.

36. The committee shall appoint a secretary and shall have power to remunerate him for his services at a rate approved at a general meeting. The secretary shall not be a member of the committee, nor shall he have a vote as to the granting of any loan. He shall furnish security in the manner and for the amount which the committee from time to time decides.

37. The duties of the secretary shall be,—

- (a) to summon, attend, and record the proceedings at all meetings of the bank and of the committee, and to be present during business hours at the office ;
- (b) to record the whole of the transactions of the bank in the books provided for that purpose, to keep a register of names and addresses of members, to conduct correspondence on behalf of the bank, to prepare the annual return and balance sheet, and to have charge of the documents, books, and vouchers for payments made on behalf of the bank ;
- (c) to receive all applications for loans, to report thereon and bring them before the committee ; to prepare receipts and other documents in the form prescribed by the committee to be signed by borrowers ; to pay out amounts authorised by the committee ; to deposit with the treasurer moneys received on behalf of the bank ; and to supply forms, books of rules, balance sheets, or information about the bank.

38. If the secretary be an honorary officer, the duties here stated may be shared with certain members of the committee.

39. The committee may sanction the appointment of a clerical assistant for some of the stated work, and the expenses shall be defrayed from the funds of the bank.

40. The committee may at any time suspend or dismiss the secretary for any irregularity in the performance of his duties.

41. The secretary shall provide himself with a sufficient number of copies of the rules to enable him to deliver a copy to any person on demand on payment to the bank of a sum not exceeding twenty-four cents for non-members and twelve cents for members. He shall also provide himself with copies of the last annual return to be supplied gratuitously to members. He shall always keep a copy of the last annual balance sheet of the bank together with the auditor's report, hung up in a conspicuous place at the registered office of the bank.

42. Forms of applications for membership, for loans and the instalment cards, shall be subject to approval by the banks committee and shall be issued to members on payment of one cent for each form.

LOANS.

43. Loans shall be made to members only, and principally for productive agricultural or industrial enterprises which hold out reasonable prospects of profits sufficient duly to repay the loans with the prescribed interest, preference being given to cane-farming, rice-farming, and the cultivation of coconuts, cacao, coffee, limes, rubber, or other products recommended by the Board of Agriculture.

44. Loans approved by the committee may be granted to members on their obtaining two sureties approved by the committee, or who can give the security the committee deems sufficient.

45. Any member desirous of obtaining a loan shall fill up and sign a form stating (1) the object for which it is required ; (2) the amount of it and whether it is to be repaid by instalments or otherwise ; (3) the period for which it is desired ; (4) the names and addresses of the persons willing to be sureties ; or (5) any agreement or promissory note or other security which is offered.

46. Every application shall be handed to the secretary at least a week prior to the committee meeting at which it is desired that it shall be considered.

47. If the committee is satisfied with the position and good faith of the applicant, the sufficiency of the security or sureties offered, and the purpose for which the loan is required, it may sanction the loan, or such part thereof as it considers desirable.

48. The banks committee shall fix the maximum amount which the bank may advance for any one member.

49. If the committee decides that a loan cannot be made either from lack of funds, or otherwise, or if consideration of the application is postponed, notice to that effect shall be sent to the applicant by the secretary.

50. Every loan shall be granted for some fixed term, not exceeding one year, when it will become repayable in full; or it may be made repayable in weekly or monthly instalments as the committee may decide.

51. The interest to be charged for loans shall in no case exceed twelve per centum per annum, or one per centum per mensem. The interest shall be payable at the same time as the loan or instalment of the loan is repayable.

52. If the committee finds it necessary for the borrower to make any payment on account of the expenses of management or expenses incurred in connection with the granting of a loan, those payments shall be made by the borrower at the time that the loan is advanced.

53. When a loan is sanctioned a notice shall be sent to the borrower to that effect, and if the borrower does not take up the loan within one week from the date of the notice, he may be deemed by the committee to have withdrawn his application. If he accepts the term offered, then, before the amount be advanced, he, and his sureties, if required, shall execute a bill of exchange, promissory note, declaration as to possession of effects free from incumbrance, an agreement as to the terms of repayment, or any other document which the committee considers necessary.

54. If the loan be repayable by instalments, the borrower shall be supplied with a card, upon which shall be stated the amount and terms of the loan, and upon which each instalment, when repaid by him, shall be entered and initialled by the secretary.

55. No person other than members of the committee and the secretary shall be present at any meeting of the committee when an application for a loan is under consideration. A member of committee who applies for a loan must withdraw while his application is being discussed. If there is a difference of opinion concerning the granting of a loan, the voting shall be taken by ballot. The proceedings with regard to loans at committee meetings shall be kept secret, and any member of committee or officer of the bank infringing this rule shall be liable to immediate expulsion or dismissal.

56. In the event of non-payment of any loan, or instalment of loan, on the due date, the secretary shall send a notice to the defaulter. If the amount due is not paid within two weeks, together with a fine of five cents on every five dollars of the loan or instalment of loan owing, and no explanation is placed before the committee for non-payment, then the borrowers and sureties shall be required to pay within fourteen days the whole amount then owing, or, if other security has been given, steps shall be taken towards the realisation thereof.

57. A member failing to pay the amount due and the fine within the time named, and not giving, in the opinion of the committee, a sufficient reason for non-payment, shall not be entitled to receive another loan from the bank.

58. If, by reason of sickness or other sufficient cause, notified to the secretary before any repayment is due, a member finds that he will be unable to meet his obligations to the bank, the committee shall have power to remit the fine, or to extend the time fixed for payment on any conditions it thinks fit.

59. If any member is found to have misapplied a loan, the committee shall have power to take proceedings for the immediate repayment of the loan.

SHARES.

60. The value of each share may be any number of dollars from one dollar to five dollars. No member shall own more than one hundred dollars' worth of shares. Every application to the Government to start a co-operative credit bank shall state what share value is desired.

61. Shares shall not be re-payable except on dissolution of the bank, and shall be transferable at a sum not exceeding face value and only to a member; no transfer shall be recognised until it has been approved by the committee of management and recorded in the books of the bank.

DISPOSAL OF REVENUE.

62. The revenue of the bank shall be used—

- (a) for the payment of interest on money borrowed from the Government;
- (b) for repaying amounts borrowed from the Government;
- (c) to create a reserve fund;
- (d) to meet expenses of management;
- (e) to supplement the cash available for loans, or to pay dividends on shares.

63. Before any dividend is declared the interest due on amounts borrowed from the Government, plus one-twenty-fifth part of each amount so borrowed, shall be deducted from the bank's revenue and paid to the Government until the whole amount borrowed, together with the interest due thereon, has been repaid. Likewise a sum equal to four per centum of the capital paid up by members shall be deducted annually from the revenue and paid into the post office savings bank to the credit of the bank's reserve fund, until it equals two-thirds of that capital. The annual expenses of management shall in no case exceed fifty per centum of the bank's annual revenue.

64. After the payments referred to in the last preceding rule have been made, a dividend at a rate not exceeding six per centum per annum may be paid to shareholders.

RESERVE FUND.

65. If any loss be incurred by the bank the annual general meeting may vote such sum as it thinks desirable from the reserve fund to meet the deficiency; but the deductions referred to in rule 63 of these rules shall be continued or resumed until the amount at the credit of the fund is equal to two-thirds of the paid-up capital.

66. When the reserve fund is equal to two-thirds of the paid-up capital, the interest thereon may be paid into the general revenue of the bank, but not otherwise.

ACCOUNTS AND BOOK-KEEPING.

67. The following books shall be kept, namely,—

- (a) minute books, in which the proceedings of every general and committee meeting shall be recorded ;
- (b) a register of members, showing the names, addresses, the dates of admission, the number of shares held, the numbers of the pages in the ledger in which each current account appears, and any other particulars which the committee requires ;
- (c) a cash book, in which shall be entered all the cash received or paid ;
- (d) a ledger, into which every entry in the cash book shall be posted ; the ledger shall contain a separate account for every member, as well as accounts for capital ; loans by the Government, reserve fund, interest, working expenses, and any other accounts found necessary, or considered advisable, by the committee or the Auditor.

68. During January in each year an annual financial return shall be prepared, which shall show the receipts and expenditure up to and including the thirty-first day of December of the preceding year ; also a balance sheet, showing the assets and liabilities of the bank, and a list of shareholders, showing the number of shares held by each shareholder. Those statements shall be drawn up in the form the Auditor requires, and shall be transmitted with his report thereon to the banks committee within one week of the annual general meeting.

69. The books and accounts shall be open at all times to inspection by the chairman and to any member at the registered office at times fixed by the banks committee, and it shall be the duty of the secretary to produce them for inspection if called upon to do so ; but no such member or person, unless he is an officer of the bank, or is authorised by a resolution of the bank to do so, shall have the right to inspect another member's account without his written consent.

AUDIT OF ACCOUNTS.

70. The committee of management shall in January in every year, submit the accounts, together with a general statement of the same, and all necessary vouchers up to and including the preceding thirty-first day of December, for audit to the Auditor. The audited statements shall be laid before the annual general meeting.

71. The Auditor shall have access to all the books and accounts of the bank, and shall examine the balance sheet and statements of receipts and expenditure, and shall verify them with the accounts and vouchers relating thereto ; he shall also verify the statement of shares held by members with the capital account and all written securities held by the bank. The Auditor shall either sign the statements as having been found correct, and duly vouched, or shall specially report to the general meeting of the bank before which the report is laid, in what respects the statements have been found incorrect or otherwise incomplete.

SETTLEMENTS OF DISPUTES.

72. Any member who is dissatisfied with the management of the bank or with any decision of the committee may bring the matter before a general meeting of members, whose decision shall be final, subject to the approval of the Board.

ALTERATION OF RULES.

73. The rules shall not be altered except by a resolution passed at a general meeting confirmed by the Governor in Council.

APPLICATION OF RULES.

74. These rules bind the bank and the members thereof, and all persons claiming through them, respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform thereto.
