



SAINT CHRISTOPHER---NEVIS.

No. 10---1884.

An Ordinance to provide for
the protection of the town of
Basseterre against flood.

I ASSENT,

NEALE PORTER,

Administrator.

WHEREAS it is expedient to provide for the protection of
the Town of Basseterre against Flood.

BE it ordained by the Governor and Legislative Council
of the Presidency of St. Christopher and Nevis as follows:—

1. The Governor in Council may for the purpose of protecting the town of Basseterre from Flood and subject to the provisions of this Ordinance purchase any lands in the Island of St. Christopher on behalf of and in trust for Her Majesty Her Heirs and Successors and construct and maintain all such works as he may think necessary or desirable for carrying out such purpose so that the said works be in accordance with the recommendations contained in the copy of the portion of a report by Captain Alexander R. E. set out in Schedule A of this Ordinance. Provided that the cost to be incurred in the purchase of such lands and in constructing and maintaining such works shall not exceed such sum or sums as the Governor and Legislative Council of this Presidency shall by vote or Ordinance previously provide.

Power to purchase lands and execute and maintain works.

Things authorized to be done to construct works.

2 The Governor in Council may for the purpose of this Ordinance and subject to its provisions in the construction of works enter upon any lands and survey and take levels of the same and set out such part thereof as he may think necessary and dig and break up the soil of such lands and trench and sough the same and remove or use all earth stone mines minerals trees or other things dug or gotten out of the same: He may take up and use or divert any springs streams or waters and take such water as may be found in under or on the lands to be taken for constructing the works. Provided always that in the exercise of the said powers the Governor in Council shall do as little damage as can be and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

2 (a) If any owner or occupiers of premises required and taken for the purposes of this Ordinance who is entitled to compensation in respect thereof shall in writing addressed to the Governor so require, the Governor in Council shall provide such owner or occupier with a new site of equal value with that of the premises taken as a part of or by way of any compensation, which such owner or occupier shall be entitled to and the Governor in Council may purchase lands for the purpose of providing such new sites and may convey the same in fee-simple or let portions thereof for such new sites as may be agreed between such owner or occupier and the Governor in Council and any dispute arising under this section shall be decided in the manner provided for the settlement of disputed cases of compensation for lands taken under this Ordinance.

Power to open roads streets &c

3. The Governor in Council may open and break up the soil and pavement of any road or street and break up any sewer drain or tunnel within or under any street or bridge and lay down and place in or under any part of any road or street pipes conduits and other works and engines and from time to time repair alter or remove such respective works engines or things hereinbefore mentioned with as little delay as possible replacing and restoring any road or street so broken up and making compensation for any damage done in the execution of such powers.

Power to stop up and divert highways.

4. The Governor in Council may stop up or divert any public highway or street necessary to be taken for the purpose of this Ordinance.

Power to contract.

5. The Governor in Council may contract and agree with any person company or body of persons for constructing doing and carrying out all the works things and the undertaking or any other part thereof hereby authorized to be carried out and

also for maintaining and keeping in good order the said works things or undertaking or any part thereof and in such manner and for such sum and sums of money and under such regulations as the Governor in Council may think proper and the Governor in Council may call to his assistance such legal and other professional aid as he may require to enable him to carry out the provisions of this Ordinance and all contracts in writing for any of the purposes aforesaid shall be binding on the Government of the Presidency of St. Christopher and Nevis and all other parties thereto, their respective successors heirs executors and administrators and actions and suits may be maintained thereon and all damages and costs recovered by or against the said Government or by or against any other party thereto failing in the execution thereof.

6. With respect to the purchase of lands by the Governor in Council for the purpose of this Ordinance the following regulations shall be observed that is to say :—

(i.) It shall be lawful for the Governor in Council to agree with the owners of lands required for the purposes of this Ordinance and with all parties having any estate or interest in such lands for the absolute purchase for a consideration in money of any such land or such parts thereof as the Governor in Council may think proper and of all estates and interests in such lands of what kinds soever.

(ii.) With respect to the purchase and taking of lands otherwise than by agreement when the Governor in Council shall require any of the lands he is authorized to purchase or take by this Ordinance he shall give notice thereof to all the parties interested in such lands or to the parties enabled by this Ordinance to convey and sell the same or such of the said parties as shall after diligent enquiry be known and by such notice shall demand from such parties the particulars of their Estate and interest in such lands and of the claims made by them in respect thereof and every such notice shall state the particulars of the lands so required and that the Governor in Council is willing to treat for the purchase thereof and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

(iii.) All notices required to be served by the Governor-in-Council upon the parties interested or entitled to sell shall either be served personally on such parties or left at their last usual place of abode if any such can after diligent enquiry be found and in case any such parties shall be absent from the

Presidency of St. Christopher and Nevis or cannot be found after diligent enquiry shall also be left with the occupier of such lands or if there be no such occupier shall be affixed upon some conspicuous part of such lands; and in the case of corporations and companies such notice may be served by being left at the principal office of business of such corporation or company.

After 21 days proceedings for settling disputed cases.

(iii.) If for twenty one days after the service of such notice any such party shall fail to state the particulars of his claim in respect to any such land or to treat with the Governor in Council in respect thereof or if such party and the Governor in Council shall not agree as to the amount of compensation to be paid by the Governor in Council for the Interest in such lands or for any damage that may be sustained by such party by reason of the execution of the works the amount of compensation shall be settled in a manner hereinafter provided for settling cases of disputed compensation.

Mode of settling disputed cases.

(v.) If no agreement be come to between the Governor in Council and the owners or parties enabled by this Ordinance to sell and convey or release any lands taken or required for or injuriously affected by the execution of the undertaking or any interest in such lands as to the value of such lands or any interest therein or as to the compensation to be made in respect thereof.

Claims not exceeding £20 to be settled by a District Magistrate.

(a) If in any such case the compensation claimed shall not exceed twenty pounds the same shall be settled by a District Magistrate on the application of either party and the said Magistrate shall have power to summon the other party at a time and place to be named in the summons and upon the appearance of both parties or in the absence of any of them upon proof of the service of the summons to hear and determine the question and to examine witnesses on oath for that purpose and the cost of such enquiry shall be in the discretion of the said Magistrate and he shall settle the amount thereof.

Claims exceeding £20 to be determined by arbitrators or umpire. Regulations as to arbitration.

(b) If the compensation claimed or offered in any such case exceed twenty pounds the amount to be paid by the Governor in Council shall be determined by two arbitrators one to be named by the Governor in Council and the other by the other party; and in case of the said arbitrators not agreeing or in the event of their neglecting to make an award within twenty one days after the

