

TRINIDAD AND TOBAGO.

Removal of Material from Crown Lands.

No. 19.—1898.

18th July.

AN ORDINANCE to prohibit the digging or removing of Material from Crown Lands without License.

(L.S.)

C. C. KNOLLYS,

ACTING GOVERNOR.

5th August, 1898.

WHEREAS it is expedient to make provision to prohibit the digging or removing of material from Crown Lands without License: Be it therefore enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. In the construction of this Ordinance the following terms shall have the respective meanings hereinafter assigned to them, that is to say: Interpretation.

“Warden” shall include Ward Officer, Ward Constable or any person acting under the authority of any Warden,

“Material” means and includes earth, sand, gravel, stone, shingle, soil, or shells.

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“Police Officer” shall include Commissioned and Non-commissioned officers of the Police Force and any Police Constable,

“Animal” shall include any horse, mule, ass, ox, or other beast,

“Boat” shall include any flat, lighter, canoe, craft or other vessel,

“Cart” shall mean and include any carriage whether hung on springs or not, or any wheelbarrow, truck, hand cart or other vehicle on wheels whether drawn or propelled by any animal or not.

Penalty for removing material from Crown Land without License.

2. If any person shall dig or remove or be in anywise concerned in the digging or removing of material on or from any Crown Lands in this Colony without a sufficient License in that behalf from the Warden of the district, such person shall be guilty of an offence against this Ordinance, and on conviction thereof before a Stipendiary Justice of the Peace shall

For a first offence

(a.) Forfeit and pay a sum not exceeding Five Pounds, and in default of immediate payment, be imprisoned, with or without hard labour, for any term not exceeding two months,

For a second or subsequent offence

(b.) Forfeit and pay a sum not exceeding Ten Pounds, and in default of immediate payment, be imprisoned, with or without hard labour, for any term not exceeding six months.

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3. Any Warden or Police Officer may without Warrant, Power to arrest without Warrant.

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(a.) Seize and detain any material which there shall be reasonable cause to suspect to have been dug or removed from any Crown Lands without a sufficient License in that behalf ;

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(b.) Seize and detain any cart, animal, boat or craft having drawing or carrying any such material ;

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(c.) Arrest and detain any person who may be reasonably suspected of having been employed or engaged in the digging or removing such material ;

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and it shall be lawful to make such seizures, detentions and arrests as in this Section mentioned whether such material, cart, animal, boat or craft or the person suspected of being employed or engaged in such digging or removing as aforesaid, shall be found within or without the limits of any Crown Land.

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4. Unless the person,

Punishment for unlawful removal.

(a.) From whom any material may have been seized and detained, or

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(b.) Whose cart animal boat or craft having drawing or carrying or removing any material shall have been seized and detained, or the owner thereof, or

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(c.) Who shall have been arrested as one suspected of having been engaged or concerned in the digging or removing of material from Crown Lands without a sufficient License in that behalf,

shall prove to the satisfaction of a Stipendiary Justice of the Peace,

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4. Unless the person,

(a.) From whom any material may have been seized and detained, or

Punishment
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removal.

(b.) Whose cart animal boat or craft having drawing or carrying or removing any material shall have been seized and detained, or the owner thereof, or

(c.) Who shall have been arrested as one suspected of having been engaged or concerned in the digging or removing of material from Crown Lands without a sufficient License in that behalf,

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shall prove to the satisfaction of a Stipendiary Justice of the Peace,

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- (a.) That the material so seized and detained was not dug or removed from Crown Lands without a sufficient License or authority in that behalf,
- (b.) That any material for the having carrying or removing of which such animal or boat has been seized and detained was not dug or removed from Crown Lands without a sufficient License or authority in that behalf,
- (c.) That he was not in truth and in fact engaged or concerned in the digging or removing of material from Crown Lands, or that he had some sufficient License or authority in that behalf,

the proof of all which shall be on the person charged, such Stipendiary Justice of the Peace shall declare

- (a.) All such material carts animals or boats forfeited to Her Majesty the Queen, and shall order the same to be sold by the Warden of the Ward, and the proceeds arising from such sale shall be paid into the Colonial Treasury for the use of Her Majesty the Queen.
- (b.) That the person so arrested on suspicion as having been concerned in the digging or removing of material is guilty of an offence against this Ordinance,

and such person shall be punished accordingly.

Form of License.

5. All Licenses authorising the digging or removing of material from Crown Lands shall be in such form as the Governor may from time to time prescribe.

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6. Every act or default in respect of which according *Procedure.* to this Ordinance a penalty or imprisonment may be imposed shall be an offence against this Ordinance, and shall be punishable on summary conviction before a Stipendiary Justice of the Peace. The provisions of "The Summary Conviction Offences (Procedure) Ordinance, 1895" and of any Ordinance amending or repealing the same shall apply to every such offence, and the defendant and his wife or her husband shall be competent to give evidence.

Passed in Council this Eighteenth day of July, in the year of Our Lord one thousand eight hundred and ninety-eight.

C. J. ROOKS,
Acting Clerk of the Council.
