

every person subscribing and paying in advance to such library the yearly sum of two pounds sterling so long as he shall continue to pay such subscription shall be a subscriber to such library shall be and the same is hereby repealed.

And be it enacted, That every person subscribing and paying half-yearly in advance to such library the yearly sum of one pound sterling so long as he shall continue to pay such subscription shall be a subscriber to such library.

Passed in Council this first day of March, in the year of our Lord one thousand eight hundred and fifty-two.

RICHARD D. CADIZ,

Clerk of Council.

The foregoing Ordinance was duly proclaimed in Port of Spain, by me, this eleventh day of March, one thousand eight hundred and fifty-two.

EDWARD MURRAY,

Marshal.

No. 13—1852.

1st October.

AN ORDINANCE for amending and consolidating the Law with regard to the appointment of Wardens, and the powers and duties of such Wardens.

HARRIS.

WHEREAS an Ordinance was passed in Council on the fourth day of September, one thousand eight hundred and forty-nine, entitled "An Ordinance for the appointment of wardens, and for defining the powers and duties of such wardens." And whereas another Ordinance was passed in Council on the sixth day of February, one thousand eight hundred and fifty-one, entitled "An Ordinance for the more effectual sale of lands subject to the payment of quit rents, or of ward rates, or of rates to roads:" And whereas another Ordinance was passed in Council on the tenth day of April, one thousand eight hundred and fifty-two, entitled "An Ordinance for charging a fixed per centage in lieu

Ordinances of 4th September, 1849, 6th February, 1851, and 10th April, 1852, repealed.

of fees on lands sold for ward rates." And whereas it is expedient to amend the said Ordinance of the fourth day of September, one thousand eight hundred and forty-nine, and the said Ordinance of the tenth day of April, one thousand eight hundred and fifty-two, and to consolidate the same, and the provisions of the said Ordinance of the sixth day of February, one thousand eight hundred and fifty-one, so far as the same relate to the payment of ward rates, into one Ordinance. Be it enacted by His Excellency the Governor by and with the advice and consent of the Council of Government, that from and after the passing of this Ordinance the said Ordinance of the fourth day of September, one thousand eight hundred and forty-nine, and the said Ordinance of the tenth day of April, one thousand eight hundred and fifty-two, and so much of the provisions of the said Ordinance of the sixth day of February, one thousand eight hundred and fifty-one, as relate to the payment of ward rates shall be and the same are hereby repealed. Provided always that all appointments of Wardens and Commissioners of Assessments made by the Governor under the said Ordinance of the fourth day of September, one thousand eight hundred and forty-nine, shall have full force and effect without the necessity of any new appointment, and that all returns of lands and houses and all assessments made under the provisions of the same Ordinance shall have full force and effect in the same manner as if the same Ordinance had not been repealed: and that all rates already due and payable under the same Ordinance shall and may be recovered, and all warrants and other proceedings for the enforcing the payments of such rates shall and may be executed and carried on in the same manner as if the same Ordinance and the said other Ordinance of the tenth day of April aforesaid, and the provisions relating to ward rates contained in the said other Ordinance of the sixth day of February aforesaid had not been repealed. And provided also, that the assessment and return which under the provisions of the said Ordinance of the fourth day of September aforesaid was to be made on or before the thirtieth day of September of this present year, shall be good and valid, and shall have full force and effect so far as regards the rates to be levied for the year one thousand eight hundred and

All appointments of wardens, &c., made under provisions of previous Ordinance to be saved.

fifty-three, and that all objections to any such assessment shall be heard and disposed of in the manner prescribed by the said Ordinance.

2. And be it enacted, That it shall be lawful for the Governor from time to time by warrant under his hand to appoint for each ward within this Colony some fit and proper person being a resident within such ward, as the warden of such ward, and any warden already appointed, or who may be hereafter appointed from time to time to remove as he shall see fit, and on the death, resignation or removal of any such warden to appoint some other fit and proper person being a resident within the ward as warden in his place and stead: Provided always that when no fit and proper person being a resident within the ward can be found willing to accept the office of warden it shall be lawful for the Governor to appoint one of the Stipendiary Justices of the colony or such other person being the owner of lands within the ward as the Governor shall see fit to be the warden of such ward.

Governor may appoint a warden for each ward, and if there be no fit person in the ward willing to accept the office he may appoint a Stipendiary Justice to be warden.

3. And be it enacted, That to each of such wardens, there shall be allowed for stationery and other necessary expenses of his office such annual sum not exceeding one hundred pounds sterling as the Governor may from time to time see fit to assign, which sum shall be paid quarterly by the Colonial Treasurer, on the warrant of the Governor, and shall be charged against the funds of such ward.

Allowances to wardens for stationery, &c.

4. And be it enacted, That every warden during his tenure of office shall be charged with the maintenance of the public peace within his ward, and for such purpose shall have power from time to time to swear in such persons as he shall see fit to act as special constables, and may bind any one to the peace who shall make an affray in his presence, and may command any constable to assist him in the preservation of the peace within his ward.

Warden to be charged with the maintenance of the public peace, &c., and for such purpose to swear special constables.

5. And be it enacted, That the Governor may from time to time make order for regulating the duties of such wardens so that such orders be not contrary to the provisions of this Ordinance, and the regulations so made shall be binding on such wardens.

Governor may make rules for the wardens.

A warden
ceasing to hold
office, all
books and pa-
pers in his
possession to
be deliver-
ed to his suc-
cessor.

6. And be it enacted, That in every case in which any person shall be removed from or cease to hold the office of warden, all books, documents, and papers in his possession as such warden shall be given up to his successor in office or such person as the Governor may appoint to receive the same; and if any person shall refuse to give up the possession of any such books, documents or papers, it shall be lawful for any Justice of the Peace for the county where such person shall be or reside, upon application made for that purpose, to issue a warrant under his hand for bringing such person before any two Justices of the peace for the county, and upon such person appearing or not being found it shall be lawful for such justices to hear and determine the matter in a summary way; and if it shall appear to the justices that any such books, documents or papers are in the custody or power of any such person and that he has refused or wilfully neglected to deliver the same, the said justices are hereby required to commit such offender to the Royal Gaol there to remain without bail until he shall have delivered the same, or until satisfaction shall have been given in respect thereof to the person in whose custody the same ought to be, and the said justices may grant a warrant to search for such books, documents or papers as in the case of stolen goods in any dwelling-house or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be, and the same when found shall be delivered to the person in whose custody they ought to be.

Oath of office.

7. And be it enacted, That every person to be appointed warden before entering on office shall take the following oath:—

I do hereby swear that I will perform the duties of warden of ward in the county of without favour or partiality, and to the best of my skill and ability.

Which oath shall be taken by every such warden before the Governor.

Wardens to
be charged
with the
making and
keeping in

8. And be it enacted, That each warden shall be charged with the making and keeping in repair of the public roads not being royal roads within the ward, the

cost of establishing and maintaining public schools of instruction and the payment of the teachers of such schools, the establishment of houses of refuge for the destitute poor incapable of labour, the establishment and maintenance of dispensaries and the costs of carrying into effect and enforcing all sanitary regulations for the preservation of public health within the ward, the expenses of the burial of paupers and inquests, the costs of printing and advertising of notices and other matters relating to the business of the ward, and shall also be bound to contribute to the expense of the repairs of the royal roads within the ward, and of the general police force of the colony.

repair the ward roads, the cost of establishing public schools of instruction, &c.

9. And be it enacted, That every such warden within his ward shall be charged with the collection and receipt of all local taxes and assessments, and all fines and forfeitures, and shares of fines and forfeitures payable to the uses of the ward or of the district of the county within which such ward shall be comprised, and with the registration of lands and houses, and of births, deaths and marriages within such ward; and with the making and revising of the lists of persons resident within the ward, and qualified to serve as jurors and with the summoning of such jurors.

Warden to be charged with the collection and receipt of all local taxes and assessments, &c.

10. And be it enacted, That every such warden within his ward, shall be charged with the superintendence of the public roads not being royal roads, and shall be diligent in the prevention of squatting and trespasses on Crown lands, and shall be bound to give information against squatters, and for such purposes every such warden within his ward shall be deemed to be an agent of the Surveyor General, and shall have power to lay and prosecute informations for the summary ejectment of squatters.

Warden to superintend public roads not being royal roads, and to prevent squatting.

11. And be it enacted, That each warden shall keep a registry of all holders of lands or houses within his ward in the alphabetical order of the surnames of such holders in each sub-division of the ward.

Warden to keep a registry of all holders of land or houses in his ward.

12. And be it enacted, That the Surveyor General of the colony shall furnish to each warden a map of the lands comprised within his ward, all which maps shall be on one and the same scale to be approved by the Governor, and in such maps shall be distinguished the

Surveyor-General to furnish to each warden a map of his ward.

lands granted and those not yet granted by the Crown, and the names as correctly as the same can be ascertained of the present owners or occupiers of such granted lands.

* * * * *

Sections 13, 14, 15, 16, are repealed by Ordinance 25 of 1879.

Warden or constable to detain any lumber, &c., suspected to be cut on Crown lands.

17. And be it enacted, That it shall be lawful for any warden or constable to seize and detain any timber, lumber, wood, underwood or charcoal, which there shall be reason to suspect to have been cut, sawed, or burnt from or upon any Crown lands without a sufficient license in that behalf; and also any cart or carriage, horse, mule, ass, or other beast, boat or craft, having, drawing or carrying any such timber, lumber, wood, underwood or charcoal; and also to seize and detain any person who may be reasonably suspected of having been employed in the cutting, burning, or removal of any such timber, lumber, wood, underwood or charcoal, and to take every such person as soon as conveniently may be before some Justice of the Peace, and that whether such timber, lumber, wood, underwood or charcoal, cart, carriage, horse mule, ass or other beast, boat or craft, or the person so suspected, shall be found within the limits of the ward, in which the same shall be suspected to have been cut, sawed or burnt, or beyond such limits, and all such timber, lumber, wood, underwood or charcoal, and every such cart, carriage, horse, mule, ass, or other beast, boat or craft, shall be forfeited to Her Majesty, and shall be, and be taken to be condemned and may be sold by the warden for the use of the ward, unless the person from whom the same shall have been seized, or the owner thereof, or some person authorized by him shall within three days from the day of seizing the same, claim the same, and shall within the said term of three days, or such further term as any Justice of the Peace may allow, prove to the satisfaction of such justice, that the lands on which such timber, lumber, wood, underwood, or charcoal was so cut, sawed or burnt were not Crown lands, or that such person had some sufficient license or authority in that behalf, and all constables of police are to be aiding and assisting the warden herein.

Lumber, &c., to be taken to be condemned and sold.

18. And be it enacted, That every person who shall be employed or concerned in the cutting, sawing or burning of any timber, lumber, wood, underwood, or charcoal upon any Crown lands without a sufficient license in that behalf, shall on conviction thereof before any Justice of the Peace forfeit and pay such sum not exceeding ten pounds and in default thereof shall be imprisoned in the Royal Gaol for such term not exceeding three calender months with or without hard labour during the whole or any part of such term as to the convicting justice shall seem fit.

Penalty on persons cutting lumber, &c., on Crown lands.

19. And be it enacted, That where according to the law of England, an action or summary proceeding against the Hundred of any county would be maintainable at the suit of the party injured for damage done to any property real or personal within such Hundred, an action or summary proceeding shall in like cases be maintainable against the inhabitants of any ward, at the suit of the party damaged to recover full compensation for such damage, and process in all such cases shall be served on the warden of the ward.

Where action would be maintainable against Hundred in England, action shall be maintainable against inhabitants of ward.

* * * * *

Sections 20, 21 and 22 are repealed by Ordinance No. 23 of 1878.

Sections 23 to 49 both inclusive are repealed by Ordinance No. 25 of 1879.

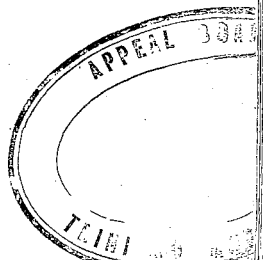
Section 50 is repealed by Ordinance No. 15 of 1879.

51. And be it enacted, That all moneys received by any warden for the uses of his ward shall be and be deemed to be a debt due by such warden to the Crown, and if not duly accounted for by such warden, the same shall be made good to the ward from the Colonial Treasury, but the amount of such debt shall be recoverable by information of debt for money had and received to the use of Her Majesty, and shall have the same rank, preference and priority as any debt due to Her Majesty, her heirs or successors.

Moneys received by warden to constitute a debt to the Crown, and if not accounted for to be made good to the ward from the Treasury.

* * * * *

Sections 52, 53, 54, 55 are repealed by Ordinance No. 23 of 1878.



Auditors to be
elected
annually.

56. And be it enacted, That there shall be elected annually in and for each ward two auditors, and every male whose name shall be borne on the last rate-book for the ward as the owner or occupier of any rated house or lands within the ward, or who shall be in possession of any such house as the attorney, guardian, or committee of any such owner or occupier, provided all rates payable in respect of such house or land shall have been actually paid previous to the time of voting, shall be entitled to vote in the election of such auditors.

Qualification
of voter.

57. And be it enacted, That every person so entitled to vote, who shall be rated at any sum exceeding five pounds, shall be entitled to an additional vote for every sum of five pounds beyond the first sum of five pounds at which he shall be so rated.

How auditors
are to be
elected.

58. And be it enacted, That the first election of such Auditors shall be held on the second day of November in this present year of our Lord one thousand eight hundred and fifty-two, and every subsequent election of such auditors shall be held on the first Tuesday in the month of September in each year, and every such election shall be held at the office of the warden before the warden, assisted by two persons to be chosen from time to time by him as his assessors from the ratepayers of such ward attending such election, and the voting shall commence at nine o'clock in the morning, and shall finally close at two o'clock of the same day, and any person entitled to vote may vote by delivering in person or by his agent, to the warden a voting paper signed by such voter containing the christian and surnames of the persons for whom he votes with their respective places of abode and description, and specifying the property in respect of which he claims to vote.

Warden and
assessors to
determine
who are
elected audi-
tors, and to
publish the
names of the
persons so
elected.

59. And be it enacted, That the warden and his assessors shall forthwith proceed to examine the voting papers for the purpose of ascertaining which of the persons voted for are elected, and the two persons having respectively the greatest number of votes shall be deemed to be elected, and in case of an equality in the number of votes for any two or more persons, the warden and his assessors shall name an Auditor or Auditors from amongst the persons for whom the votes shall be equal and the

warden shall publish the names of the Auditors so elected, and shall keep the voting papers during six calendar months at the least after every such election and shall permit any persons to inspect such voting papers on payment of one shilling for every search.

60. And be it enacted, That if any person elected as such Auditor shall die or leave the Colony, or shall become incapable from illness of fulfilling the duties of Auditor, the person who at the last election of Auditors shall have had the greatest number of votes next to the two persons then elected, and shall be then living and within the Colony, shall be Auditor in lieu of the person so dying or leaving the Colony or becoming incapable to act, and shall continue to hold office until the person in room of whom he shall act would regularly have gone out of office, and shall then go out of office, but shall be capable of being re-elected if qualified as hereinbefore provided.

Provision in case of death, &c., of auditor.

* * * * *

Secs. 61, 62, 63 & 65 are repealed by Ordinance 17 of 18. 6.

Sec. 64 is repealed by Ordinance 23 of 1878, sec. 6.

66. And for the protection of persons acting in the execution of this Ordinance, be it enacted, That all actions and prosecutions to be commenced against any person for anything done in pursuance of this Ordinance shall be commenced within six calendar months next after the act committed and not otherwise; and notice in writing of such action and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in any such action may plead the general issue and give this Ordinance and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if upon demurrer, or otherwise, judgment shall be given against the

Protection of persons acting in execution of ordinance.

plaintiff, the defendant shall recover his full costs as between solicitor and client, and have the like remedy for the same as any defendant hath by law in other cases.

Proceedings
not to be
quashed for
want of form.

67. And be it enacted, That no order, warrant, or other matter made, or purporting to be made by virtue of this Ordinance shall be quashed for want of form; and where any distress shall be made for levying any money by virtue of this Ordinance, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser on account of any defect or want of form in the warrant of distress or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

In case of ac-
tions against
wardens,
Governor may
order the
damages and
costs to be
paid from
general funds
of the colony.

68. And be it enacted, That in case any action shall be brought against any warden for anything done by him in pursuance of this Ordinance it shall be lawful for the Governor, if he shall be of opinion that the act complained of was not done maliciously, and he shall otherwise see fit, to order that the damages and costs, if any, recovered against such warden, and also the costs of the warden in defending such action be allowed to such warden and paid from and out of the Colonial Treasury, and the same shall thereupon be allowed and paid to such warden by the Colonial Treasurer on the warrant of the Governor, and shall be charged by the Colonial Treasurer against the general funds of the Colony.

Passed in Council this first day of October, in the year of our Lord one thousand eight hundred and fifty-two.

RICHARD D. CADIZ,
Clerk of Council.

SCHEDULES.

A.

TRINIDAD.

VICTORIA by the Grace of God of the
United Kingdom of Great Britain and
Ireland, Queen Defender of the Faith,
&c., &c.

To

Warden of Ward in the Island of
Trinidad.

THESE are to command you, that you do forthwith put
A. B. of or his Agent, into possession of a certain
situate in the said Ward of containing
by estimation which by a Decree of our Court of In-
tendant bearing date the day of and made by
virtue of a certain Ordinance entitled "An Ordinance
stand adjudicated to the said A. B. as the pur-
chaser thereof, and hereof fail not, as you shall answer to the
contrary.

Witness Our Trusty and well beloved

Governor and Commander-
in-Chief in and over the Island of Trinidad,
and its Dependencies, Intendant of the
Royal Treasury of the said Island, &c.,
&c., &c.

Signed, J. L. W.—Escribano.

B.

TRINIDAD.

I Escribano of the Court of Intendant,
do hereby certify that (here specify the house, mine, quarry, or
land, and the local situation of such house, mine or quarry, and the
local situation and extent of such land) (have or has) become for-
feited to and vested in Her Majesty under the provisions of an
Ordinance "For amending and consolidating the Law, with regard
to the appointment of Wardens and the powers and duties of such
Wardens."

C.

TRINIDAD.

VICTORIA by the Grace of God of the
United Kingdom of Great Britain and
Ireland, Queen Defender of the Faith,
&c., &c.

To

the Surveyor General of the Colony of Trinidad.

THESE are to command you, that you do by yourself, or
some person to be authorised by you, enter upon and take posses-

