

Number, limits, and extent of wards to be fixed by the Governor.

Governor from time to time as often as he shall see fit, by proclamation, to ascertain and declare the limits of the said several districts, and also to determine the number, limits, and extent of any such wards respectively, and to make such alterations in the limits or extent of any such ward as he may from time to time see fit.

Passed in Council this fourth day of September in the year of Our Lord one thousand eight hundred and forty-nine

GEORGE B. VAN BUREN,

Acting Clerk of Council.

The foregoing Ordinance was duly proclaimed in Port of Spain, this seventh day of September, one thousand eight hundred and forty-nine.

A. CLOGSTOUN, *Marshal.*

No. 16.—1849.

31st December.

AN ORDINANCE to provide for the maintaining and keeping in repair of roads, bridges and ferries.

HARRIS.

Certain roads to be royal roads. Such roads to be under the control of the governor.

WHEREAS it is expedient to make provision for the maintaining and keeping in repair of the roads, bridges and ferries in the Colony, be it enacted by His Excellency the Governor, by and with the advice and consent of the Council of Government, that the roads hereinafter mentioned shall be deemed and taken to be royal roads, and shall be called and distinguished as follows—that is to say:—

1. The road from the point of junction of the St. James's road with the Tragarete road, to the Police Station at Diego Martin, and whence in a westerly direction to the sea-shore at Point Cumana, which shall be called the Western Royal Road.
2. The road from the spring at Madame Monereau's, to the sea-shore at Manzanilla with one branch to Toco and another branch to Mayaro, which shall be called the Eastern Royal Road.

3. The road from Port of Spain to the suburbs of the town of San Fernando, which shall be called the San Fernando Royal Road.
4. The road from the suburbs of the town of San Fernando, to the mission of Savanna Grande, and thence by one branch to Mayaro, and by another branch to Moruga which shall be called the Náparima Royal Road.
5. The road from the suburbs of the town of San Fernando, to the police station at Cedros, which shall be called the Southern Royal Road; and the maintaining and repairing of such roads, and the bridges and ferries thereof shall be under the direction and control of the Governor, and the expense thereof shall be borne by the colonial treasury.

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Section 2 Repealed by Ordinance 5 of 1875.

3. And be it enacted, That for each district of a county a separate account shall be opened in the books of the colonial treasury in respect of the royal roads within such district, and the colonial treasurer shall carry to the credit of such accounts respectively all monies to arise from the tolls to be taken at the several tollgates to be established on the royal roads within such districts respectively and shall also carry to the credit of such accounts respectively from and out of the rates and other monies to be levied or received under an Ordinance entitled "An Ordinance for the appointment of wardens, and for defining the powers and duties of such wardens" in the several wards within such districts respectively a sum equal to one penny in the pound of the assessed value of all lands, mines and quarries, and to one and a half per cent. on the assessed rent or annual value of all houses in such wards respectively, and the monies so carried to the credit of each of such accounts shall be applied in the first place to the maintaining and repairing of the royal roads within the district in respect of which such account shall be opened, and the bridges and ferries of such roads; and any surplus may be applied in aid of any other public road within the same

Tolls taken at tollgates on royal road, and one penny in the pound on the assessed value of land and one and a half per cent. on the assessed rent of houses to be taken out of ward rate to form a fund for maintaining the royal roads.

district not being a royal road as the governor may direct.

Governor may employ surveyors and inspectors of roads.

4. And be it enacted, That it shall be lawful for the Governor to employ such surveyors and inspectors and other persons as he may see fit for the superintendence, and keeping in repair of such royal roads; and the colonial treasurer shall on the warrant of the Governor issue and pay from the monies standing to the credit of any district such sums as the Governor may from time to time direct for the payment of the salary or wages of such surveyors, inspectors and other persons, and of any expenses incurred in the repairs or otherwise in respect of the royal roads within such district.

Roads to be inspected once in each year by surveyors. Surveyors to report in writing.

5. And be it enacted, That such royal roads shall be inspected once in each year by some competent surveyor or surveyors to be appointed by the Governor for that purpose; and every such surveyor shall report in writing to the Governor as to the state and condition of the roads, bridges and ferries surveyed by him and the repairs and improvements required thereon.

Report of surveyors and road accounts to be laid before the council.

6. And be it enacted, That the reports so made by such surveyors, and also accounts to be made up to the thirty-first day of December then next proceeding, shewing the amount of all monies carried to the credit of such districts of counties respectively, and of all monies paid and issued on account of the royal roads within such districts respectively, and the manner in which the same have been expended shall be laid before the council of government.

Tollgates on the royal roads.

7. And be it enacted, That there shall be established and maintained on such roads such number of tollgates, and at such convenient places as the Governor may by proclamation from time to time direct, not exceeding

- On the Western Road - - - Two.
- On the Eastern Road - - - Four.
- On the San Fernando Road - - - Four.
- On the Naparima Road - - - Two.
- On the Southern Road - - - Two.

Tolls to be taken according to Schedule.

8. And be it enacted, That there shall be taken and paid at the several tollgates to be established under this Ordinance, the several tolls set forth in the Schedule annexed to this Ordinance; but it shall be lawful for the Governor from time to time as he shall see fit to make

order by proclamation, that such lower rate of tolls shall be taken at any such tollgate and for such terms as shall be specified in and by such proclamation.

9. And be it enacted, That it shall be lawful for the Governor, if he shall see fit, by writing under his hand to let to farm the tolls to be levied at any tollgate established under this Ordinance for any period not exceeding two years, and fourteen days, previous notice of such tolls being to be let to farm shall be first given in the *Royal Gazette*, and one other newspaper circulating in the Colony, and the payment of the rent of such tolls shall be received and made payable monthly in advance, and shall be secured by the bond of the lessee with one sufficient surety at the least in double the amount of the total rent, conditioned for the regular payment of such rent.

Tolls may be leased.

10. And be it enacted, That it shall be lawful for the Governor or any lessee of tolls which may be let to farm to appoint a collector of the tolls to be taken at any tollgate, and every person so appointed shall have authority to receive and recover the same, and to use all means and methods for the recovery of the same in case of non-payment or evasion as hereinafter mentioned.

Governor or lessee of tolls may appoint collector of tolls.

11. And be it enacted, That any carriage, cart, or other vehicle attached to any other carriage, cart, or vehicle, and all animals fastened to any carriage, cart, or vehicle, and not employed in drawing the same, shall pay the same tolls as if the same were not so attached or fastened.

One vehicle attached to another to pay toll.

12. And be it enacted, That no toll shall be demanded or taken in respect of any horse or carriage of the Governor or any vehicle or animal employed in carrying or going to carry, or any vehicle returning empty from carrying any stones, bricks, lime, timber, wood, gravel, or other materials for making or repairing any royal or public road, or repairing any public bridge; or in respect of the horse or horses of any officer or soldier on duty; or in respect of any horse or other beast employed in carrying or drawing the arms, ammunition, or baggage of any officer or soldier, or any sick, wounded, or disabled officer or soldier, or any officer or soldier on duty, or any waggon, cart or other carriage, or the horse, horses or

Certain exemptions from tolls.

other cattle drawing the same, if employed in carrying any ordnance, or naval, or commissariat stores of or belonging to Her Majesty, or returning empty from having been so employed; or in respect of the horse of any mounted officer of any corps of militia, or of any person belonging to any corps of militia cavalry, or the horses or arms of any militia corps of artillery on any day of review, inspection, or exercise whilst going to or returning from such review, inspection, or exercise, provided that every such officer or person shall be dressed in the uniform of his corps, or from any stipendiary justice, or clerk of the peace, or officer or constable of the police force; or from any minister of religion, going to or returning from the performance of divine service or the discharge of any spiritual duty; or in respect of the horses or carriages of any persons employed in or attending on any funeral or returning therefrom on the same day.

Penalty for exacting tolls not payable, or greater amount than is due.

13. And be it enacted, That any toll keeper or collector who shall knowingly exact any toll not due by law, or any greater amount of toll than is due by law, or exact the payment of any toll from any person exempt by law from the payment of such toll after notice of such exemption, shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalty for evading payment of tolls or fraudulently claiming exemption.

14. And be it enacted, That any person who shall, by any fraudulent or collusive means, wrongfully claim any exemption from toll, shall for every such offence forfeit and pay any sum not exceeding five pounds; and in all cases the proof of the exemption shall be upon the person claiming the same.

Table of tolls to be exhibited at tollgates.

15. And be it enacted, That at every toll gate there shall be put up and continued a table of all the tolls payable at such toll gate, painted in distinct and legible black letters on a white ground, or white letters on a black ground; and the collector of tolls at every such gate shall be provided with tickets denoting the payment of toll which shall be delivered gratis by him to the persons paying the toll, who may require the same.

Collector of tolls may seize animals or vehicles for

16. And be it enacted, That if any person subject or liable to the payment of any such toll shall, after demand thereof made, neglect or refuse to pay the same, it shall

be lawful for the person or persons authorised OR non-payment of tolls. or appointed to collect the tolls, with such assistance as he or they shall think necessary, to seize and detain any animal or vehicle upon or in respect of which the toll is imposed, together with their bridles, saddles, gear, harness, or accoutrements; and if the toll and the reasonable charges of such seizure and detention shall not be paid within four days next after such seizure made, the person making such seizure may sell the animal or vehicle and other thing or things so seized, or a sufficient part thereof, returning the overplus, after deducting such toll and the reasonable expenses occasioned by such seizure, detention and sale, to the owner, on demand.

17. And be it enacted, That if any person shall, with Penalty for evading payment of tolls, or forging or counterfeiting notes or tickets. any horse, cattle, beast, carriage, cart, wagon, or other vehicle, go off or pass from any turnpike road, through or over any land or ground near or adjoining thereto, with intent to evade the payment of any toll, or if the owner of such land or ground shall knowingly or willingly permit any person with any animal or vehicle to pass through or over such ground or land with intent to evade any toll; or if any person shall give to or receive from any person other than the collector of the tolls, or shall forge or counterfeit any note or ticket with intent to evade the payment of any toll; or if any person shall fraudulently or forcibly pass through any such toll gate with any animal or vehicle, or shall do any other act whatever in order to evade the payment of any toll; every such person shall, for every such offence, forfeit and pay any sum not exceeding five pounds.

18. And be it enacted, That if any person shall Penalty for malicious injury to toll-gates, table of tolls, &c. wilfully or maliciously pull down, pluck up, throw down, level or otherwise destroy or damage any toll gate or any table of tolls, chain, rail, post, or bar, or other fence or fences of or belonging to any toll gate, or any chain, bar, or fence of any kind whatsoever set up or erected, or hereafter to be set up or erected to prevent passengers from passing without payment of toll, or any mile post or direction post now or hereafter to be set up on or near any road, or shall forcibly rescue any person or persons being lawfully in custody for any of the offences before mentioned, every person so offending, shall on

conviction thereof before any Justice of the Peace forfeit and pay any sum not exceeding twenty pounds, or be imprisoned with or without hard labour for such term not exceeding two calendar months as to the convicting Justice shall seem fit.

Rules and regulations to be observed upon petitions for opening any new road, or for altering or discontinuing any old road.

19. And be it enacted, That it shall be lawful for the Governor in Council on the petition of any person being the holder of any land or house within any ward assessed to the rate on lands or houses to make an order for the opening of any new road, and the alteration or discontinuance and stopping up of any old road in any such ward, and the following rules and regulations shall be observed upon every such petition.

Petitions to be signed by petitioners and by the persons agreeing to the same.

1. Every such petition shall be signed by the party or parties making the same and also by the several persons agreeing to the prayer of such petition being owners, or in possession of any lands through which such proposed new road, or such old road, would or may run.

Notice of applications to be given.

2. A copy of such petition shall be served on all persons in possession of any lands through which such new road would run or adjoining such old road, together with a written notice signed by the parties to such petition or by their agent that such petition has been or is immediately about to be presented to the Governor in Council; and such service shall be made at least thirty days before such petition is heard.

Proof of notice by affidavit.

3. Proof of the service of such copy and notice shall be made by affidavit, which may be sworn before any Judge or Magistrate.

Counter petitions may be presented.

4. Any party on whom such notice shall have been served, or who may be interested in opposing the petition, may present a counter petition, containing a statement of the objections of such party.

Council may determine as to further proceedings. Petitions and counter petition to be referred to

5. As soon as possible after the expiration of the above mentioned term of thirty days, the Council of Government shall proceed to determine whether or not further proceedings shall be had on such petition, and if it shall be determined that further proceedings shall be had, the Council shall name

- some Stipendiary or other Justice of the Peace to whom such petition and counter petition, if any, shall be referred; and such Justice of the Peace, at some time or place whereof ten days previous notice at the least shall be given in the Royal Gazette and one other newspaper circulating in the Colony, shall from and out of the persons qualified to serve as jurors and attending at such time and place select by lot not less than three or more than six indifferent persons as assessors; and such assessors upon their oaths to be administered by such Justice, and on view of the line of road which it is proposed to open, alter, or discontinue and stop up, and on such evidence as may be adduced before them shall assess the damages to be given and the recompense to be made to the owner or owners of the land through which such road so to be opened, altered or discontinued or stopped up shall pass, and also the satisfaction to be made to any person or persons who may be otherwise injured by the altering, opening, discontinuing or stopping up such road; and in case such assessors shall differ in opinion on any question, such question shall be decided by the opinion of the majority of them.
- Justice of the Peace. Meeting of Jurors to be held. Justice to select by lot from Jurors attending six assessors, who shall assess damages to be paid to owners of land.
- Questions to be decided by majority.
6. The finding of the assessors together with the substance of the evidence, if any, taken before them shall be reported to the Governor in Council in writing under the hand of the Justice of the Peace and of the assessors who shall concur therein and shall be forwarded by such Justice to the Clerk of the Council, and a copy of the report shall be published in the Royal Gazette and one other newspaper in general circulation.
- Justices and assessors to report.
7. Any party interested in the matter of such petition, or his guardian, attorney or agent may at any time within one month after the publication in the Gazette of the copy of such report, present to the Governor in Council objections to such report, which objections shall be in writing and shall be signed by the person or persons making the same.
- Objections may be made to report.
8. All such objections shall be heard and determined by the Governor in Council after due notice to all
- Counsel may be heard upon

objections to report.

parties concerned, and the parties shall, if the Governor in Council shall think fit so to order, be heard by counsel.

Governor in Council to confirm or set aside report.

9. The Governor in Council shall, after hearing the objections, if any, proceed either to confirm the report or set aside the same.

Governor in Council may make order on report.

10. In all cases in which no objection to the report of such assessors shall have been presented within the term aforesaid, or in which such report shall have been confirmed and allowed upon the hearing of the objections thereto, the Governor in Council shall make order thereupon.

Penalty for obstructions.

20. And be it enacted, That any person who shall wilfully cause any obstruction upon any road or in or to any ditch or drain used for draining the water from any road, or shall wilfully or negligently cause or permit the wheels of any carriage or other vehicle to injure any ditch or trench at the side of any road shall on conviction thereof forfeit for every such offence such sum not exceeding ten pounds nor less than ten shillings, as to the convicting Justice shall seem meet.

Warden to remove obstructions and encroachments at expense of party causing the same.

21. And be it enacted, That wherever any road shall be encroached upon by any fence, gate, enclosure, tree or bush, or in any other manner it shall be lawful for the Warden of the Ward within which the portion of the road so encroached upon may be situate by an order in writing signed by such Warden, to cause such fence, gate, enclosure, tree, bush or other thing obstructing or encroaching upon the road to be removed, and the expense of removing the same may be recovered by such Warden in a summary manner before a Justice of the Peace from the person who shall have caused such obstruction or encroachment.

Bushes and branches of trees overhanging any road to be removed in May and December in each year.

22. And be it enacted, That every person in possession of any land adjoining any road shall during each of the months of May and December in each year remove all bushes and branches of trees which may overhang such road, and keep cut down to within four feet of the ground all hedges and live fences bordering on such road; and in case of failure so to do, it shall be lawful for the Warden of the Ward or any inspector or surveyor employed on any road to remove all such bushes

and branches of trees, and to cut down all such hedges and live fences and the expense of so doing may be recovered by the Warden in a summary manner before a Justice of the Peace from the person in possession of such land, and such person shall, in addition to such expenses, forfeit and pay such penalty not exceeding the sum of twenty pounds as to the convicting Justice shall seem fit, and to a further penalty not exceeding the sum of twenty pounds for every term of fourteen days after the first conviction during which such bushes or branches of trees, hedge and live fence shall remain uncut, such penalty or penalties to be recovered on the complaint of the Warden of the Ward, or of any such inspector or surveyor or of any other person who will inform for the same. Provided always that where any road shall pass through any lands in highwood, and such road is not used by the proprietors or occupiers of such lands for the transport of produce, then in such case the cutting and removing the trees and bushes overhanging such road shall be considered as part of the necessary repairs thereof, and shall be done at the expense of the ward.

Penalty for default.

23. And be it enacted, That any person who shall throw the cuttings or loppings of any hedge or tree, or suffer the same to fall into any road or into any ditch at the side of any road or haul or move any timber or other substance on the ground along any road whereby such road shall be injured shall on conviction thereof before a Justice of the Peace forfeit for every such offence such sum not exceeding five pounds as to the convicting Justice shall seem fit.

No cuttings or loppings to be thrown on the roads.

24. And be it enacted, That any person who shall carry any fire, or shall smoke on any part of any road passing through or adjoining any plantation, shall on conviction thereof before a Justice of the Peace, forfeit for every such offence a sum not exceeding five pounds, nor less than five shillings, as to such convicting Justice shall seem fit.

No person shall carry fire or smoke on any road passing through or near a plantation.

25. And be it enacted, That every person who shall lay or cast or cause to be laid or cast on any road, or in any ditch at the side of any road, any dead animal or other filth, and every person in possession of any land on any part of which land within one hundred yards of any

Penalty for laying or casting filth on the roads.

road, the carcase of any dead animal shall be left exposed, shall for every such offence forfeit and pay such sum not exceeding five pounds as to the convicting Justice shall seem fit.

Penalty for
conducting
water over or
upon a road.

26. And be it enacted, That every person who shall conduct or turn or cause to be conducted or turned any stream of water upon or over any public road otherwise than in a covered water course of substantial material so constructed and laid down as not in any way to impede or obstruct the free passage upon such road, shall for every such offence forfeit and pay such sum not exceeding twenty pounds as to the convicting Justice shall seem fit.

Penalty
against per-
sons under
fourteen years
of age driving
carts, &c.

27. And be it enacted, That if any cart, waggon, or other carriage travelling on any road shall be driven by any person or persons who shall not be of the full age of fourteen years the owner of such cart, waggon, or other carriage shall for every such offence forfeit and pay the sum of twenty shillings on conviction thereof before a Justice of the Peace.

Owners of
carts and
waggons to
have their
names and
places of resi-
dence painted
thereon.

28. And be it enacted, That the owner of every cart, waggon, or other carriage used for the conveyance of passengers for hire or of goods on any road shall have his name and place of residence or the name of the plantation to which such cart, waggon, or carriage belongs, and if there be more than one such cart, waggon, or carriage belonging to such proprietor or plantation then a particular number for each of such carts, waggons, or carriages painted in letters not less than one inch in length, in black on a white ground or white on a black ground, on some conspicuous part thereof; and in case of default such owner shall on conviction thereof before a Justice of the Peace forfeit and pay the sum of twenty shillings for every time such cart, carriage, or waggon shall be so used on any road.

Penalty
against riding
on carts with-
out leaders on
foot.

29. And be it enacted, That if any driver of any cart, waggon, or other carriage (except such as are usually driven with reins, and conducted by some person holding the reins of the horses, or beasts, drawing the same) shall ride upon any such cart, waggon, or carriage on any road without some other person on foot actually guiding the same; or if the driver of any cart, waggon, carriage

or other vehicle, or of any horse, mule, ass or beast of burden on any part of any road shall, by negligence or wilful misbehaviour, cause any hurt or danger to any person, carriage, or animal passing on such road, or shall quit such road, or wilfully be at such distance from such cart, waggon, carriage or other vehicle, or any such horse, mule, ass or beast of burden whilst it shall be passing on such road or in such a situation that he cannot have the direction of the horse or horses, beast or beasts, or cattle drawing the same, or shall not when meeting any other cart, waggon, carriage, or other vehicle, or any other horse, mule, ass or beast of burden keep the left or near side of the road, or shall not when overtaking and passing any other cart, waggon, carriage, or other vehicle, or any other horse, ass or beast of burden, keep the right or off side of the road; or if any person shall in any manner wilfully prevent any other person or persons from passing him or any such cart, waggon, carriage or other vehicle under his care, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage on any road; every such person on conviction of any such offence before a Justice of the Peace shall forfeit such sum not exceeding three pounds, as to the convicting Justice shall seem fit, and in default of immediate payment shall be imprisoned in the Royal Gaol, with or without hard labor, for any time not exceeding one month as to the convicting Justice shall seem fit, unless such fine be sooner paid; and every person so offending shall and may with or without any warrant be apprehended by any person or persons who shall see the offence committed, and shall and may be conveyed before some Justice of the Peace, to be dealt with according to law; and if any person so offending shall refuse to discover his name it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or before whom any such complaint shall be made to commit him to the Royal Gaol, there to be kept to hard labor for any term not exceeding two months, or to proceed against him for the penalty aforesaid by a description of his person and the offence only, without adding any name or designation, but expressing in the proceedings that he refused to discover his name.

Penalty
against ani-
mals found
straying.

30. And be it enacted, That any beast or cattle of any kind which shall at any time be found wandering, straying or lying or being depastured or tethered, on any road or the sides or ditches thereof may be seized by any person by whom the same may be so found and impounded in the pound of the Ward, or if there be no such pound in such other place as may be provided by any Warden for that purpose until the owner thereof shall pay to such Warden the sum of five shillings for every such beast or cattle together with the reasonable charges of impounding and keeping the same; and if the owner shall not pay such penalty and charges within five days after such impounding, notice having been given to the owner, if known, it shall and may be lawful for any Justice of the Peace to order such beast or cattle to be sold; and every person who shall release or attempt to release any beast or cattle so seized for the purpose of being impounded or actually impounded before the same shall be released in due course of law, shall forfeit such sum not exceeding five pounds as to the convicting Justice shall seem fit.

Power to en-
ter upon lands
to obtain
materials for
repairing
roads upon
payment of
compensation.

31. And be it enacted, That it shall be lawful for the inspector or surveyor of any royal road to be appointed by the Governor, or the Warden of any Ward, to dig for, quarry, and take and carry away for the purpose of making or repairing any road under his charge all stones, sand or gravel, or other such like materials for the purpose, in and upon and from the lands of any person or persons whomsoever in any place not being a cane-piece, cocoa, coffee or provision ground, or part of an enclosed yard or garden, or in the immediate neighbourhood of any dwelling house or works, or other agricultural or manufacturing buildings: Provided always, that every such inspector, surveyor or warden, whenever he shall intend to use the authority hereby vested in him for the purpose of procuring such materials on the lands of any person without his consent first obtained, shall be bound to give such person or his attorney or agent notice in writing at least three days previous to his entering on such lands or taking away such materials; and if the owner or person in possession of such lands shall think fit to oppose the digging for, quarrying, taking or carrying away any such materials by such

inspector, surveyor or warden, he may apply to any two Justices of the Peace in the County, who may thereupon issue their summons to the inspector, surveyor or warden, to attend before them at a time and place to be therein named for hearing such application; and such Justices shall at the time and place so named proceed to hear the parties and their witnesses, and if necessary view the place from which such materials are proposed to be taken, and they shall thereupon order and adjudge that a proper and reasonable compensation shall be made to the owner or person in possession of such lands previously to the inspector, surveyor or warden, or his servants, entering on the land for the purpose of digging for quarrying or taking away any such materials; and any person obstructing the Inspector, Surveyor, or Warden, or his servants, in entering upon such land, or in digging for, quarrying, or taking away such materials, after having received such notice as aforesaid, unless he shall have made such application and the same be still pending before such Justices, or unless the compensation ordered to be paid to him by such Justices shall not have been duly paid or tendered, shall on conviction thereof before a Justice of the Peace forfeit and pay for every such offence the sum of five pounds.

32.—And be it enacted, That all penalties given by this Ordinance shall be recoverable by any inspector or surveyor of any royal road appointed by the Governor or by the Warden of the Ward in which the offence shall have been committed, or by any person who will sue for the same before any Justice of the Peace, and shall be paid to the Warden for the uses of the Ward in which the offence in respect whereof such penalty shall be imposed may have been committed, except such penalties shall have been recovered on the information of any informer, in which case such penalties shall be paid, one half to the informer and the other half to the Warden of the Ward in which the offence was committed for the uses of such Ward.

33.—And be it enacted, That for the protection of persons acting in execution of this Ordinance 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 after the act

Recovery of penalties.

Protection of persons acting under this Ordinance.

committed and not otherwise; and notice in writing of such action and of the cause or causes thereof shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action the defendant 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 sufficient sum of money shall have been paid into Court by or on behalf of the defendant after such action brought; and if a judgment shall pass for the defendant, or the plaintiff shall become non suit or discontinue any such action the defendant shall recover treble costs, and have the like remedy for the same as any defendant hath by law in other cases.

Interpretation clause.

34. And be it enacted, That throughout this Ordinance the word "road" shall be construed to include all royal roads and all public roads, and all words importing the singular number or the masculine gender only shall be understood to include several matters and several persons as well as one matter or person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Passed in Council this thirty-first day of December in the year of our Lord one thousand eight hundred and forty-nine.

GEORGE B. VAN BUREN,
Acting Clerk of Council.

SCHEDULE.

Tolls to be taken at the toll gates on the royal roads.

	£	s.	d.
For every cart, gig, or other carriage, not having more than two wheels	0	0	6½
For every waggon or other carriage with more than two wheels	0	1	0½
For every horse, mare, gelding, mule, ass, or other cattle carrying riders or burdens	0	0	2½