

land may be polluted and rendered unfit for use, shall be guilty of an offence under this Ordinance, and shall, on conviction thereof, forfeit for every such offence such sum, not exceeding twenty pounds nor less than one pound, as to the convicting Justice shall seem meet.

3. Any penalty under this Ordinance may be recovered in a summary manner, before any Justice of the Peace, on the information of any warden, or of the owner of the property upon, or in respect of which such offence shall have been committed, and every such penalty, if recovered on the information of any warden, shall be paid to such warden for the uses of his ward, and if recovered on the information of the owner, shall be paid to such owner.

As to the recovery and appropriation of penalties.

4. Throughout this Ordinance the word "owner" shall extend to and include any person having the immediate possession, or the management or charge of any land.

Interpretation of term "owner."

Passed in Council this twenty-third day of February, in the year of our Lord one thousand eight hundred and sixty-nine.

A. C. ROSS,

Acting Clerk of the Council.

No. 11.—1869.

20th April.

AN ORDINANCE with regard to Roads.

(L. S.) ARTHUR GORDON.

28th April, 1869.

BE it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

1 It shall be lawful for Her Majesty to cause to be Roads to be laid out under

this Ordinance.

set out and made the several roads hereinafter mentioned, that is to say:—

First.—A road to extend the road running from the town of Port of Spain, through the wards of Arima and Guanapo, unto the sea shore in the ward of Manzanilla.

Second.—A road to connect the road leading from the town of Port of Spain to Arima with the town of San Fernando.

Third.—A road to extend the road leading from the town of San Fernando, through the ward of Savana Grande, unto the sea shore in the ward of Mayaro.

Fourth.—A road to extend the road leading from the town of San Fernando, through the ward of Oropouche, unto the sea shore in the ward of Erin.

Fifth.—A road from Valencia, in the ward of Turure, unto the sea shore in the ward of Toco.

Power to Superintendent of Public Works, &c., to enter upon, survey, and set out any lands for the purpose of making such roads.

Lands so set out to be vested in the Queen.

As to the purchase of lands required for the formation of any road.

When no offer is made within three months for

2. It shall be lawful for the Superintendent of Public Works, or any other person appointed by the Governor to execute any works under this Ordinance, and all workmen and servants from time to time employed under such superintendent or other person so appointed, from time to time to enter upon and survey any lands for the purpose of setting out any such road, as hereinbefore mentioned, and to cut down any wood or underwood growing upon any lands so entered upon, and to set out any such lands, not exceeding sixty feet in breadth, as a public road; and the soil of all lands so set out shall be vested in Her Majesty the Queen.

3. It shall be lawful for the Governor, on behalf of Her Majesty, to contract and agree with the owner for the purchase of any land not exceeding sixty feet in width, which may be required for the formation of any road under this Ordinance; and the purchase moneys of such lands shall be paid to such owner from the Colonial Treasury on the warrant of the Governor.

4. If no offer to purchase any such lands shall be made by the Governor within three calendar months from the day on which such lands shall have been

entered upon under this Ordinance, or if the owner of any lands shall refuse to accept such sum of money as may be offered by the Governor for the purchase thereof, the compensation for such lands to be paid to such owner shall be settled by the verdict of a jury; and for such purpose it shall be lawful for the Supreme Civil Court, on the application of any such owner, and on notice being first given by such owner to the Superintendent of Public Works, in which notice such owner shall state the sum which he is willing to accept as such compensation, to make order that the value of such lands be assessed by a jury before a Judge of the Supreme Civil Court at the sitting for the trial of issues, next after the expiration of fourteen days from the time of such order being made; and thereupon a writ shall issue to the Marshal requiring him to summon a jury for that purpose.

the purchase of such lands, or where owner may refuse to accept any offer that is made, the amount of compensation to be allowed to be assessed by a jury.

5. The Marshal shall summon a jury of not less than twenty-four indifferent persons duly qualified to act as jurors, and out of the jurors appearing on such summons, a jury of twelve persons shall be drawn by the Registrar in such manner as juries for the trial of issues are by law required to be drawn; and if a sufficient number of jurymen do not appear in obedience to such summons, the Marshal shall return other indifferent men duly qualified as aforesaid, of the bystanders or others that can speedily be procured to make up the jury, and all parties may have their lawful challenge against any of the jurymen.

As to the summoning of juries.

6. On such inquiry the owner of the lands shall be deemed the plaintiff, and the Superintendent of Public Works shall be deemed the defendant, and either party shall have power to subpoena any person as a witness, and to enforce the attendance of such witness, and any witness failing to attend without sufficient cause, or who shall appear but refuse to be examined, or to give evidence touching the subject matter in question, shall be proceeded against in the same manner as any other person failing to attend or refusing to be examined or to give evidence as a witness on the trial of any issue before a judge of the Supreme Civil Court.

As to the attendance and examination of witnesses.

7. The jurors on every such jury shall make oath or

Nature of oath

to be taken
by jurors.

affirmation in those cases where an affirmation is admitted in lieu of an oath, that they will truly and faithfully assess the compensation for the lands in respect of which their verdict is to be given.

Costs to be
allowed to
plaintiff in
certain cases.

8. Where the verdict of the jury shall be given for a sum not exceeding the sum, if any, previously offered by the Governor as such compensation, all the costs of such inquiry shall be borne by such owner, and shall be deducted from and out of the amount assessed by the jury; but if the verdict of the jury be given for a greater sum than the sum previously offered, or if no offer shall have been previously made to the owner, the costs of such inquiry shall be allowed to the owner.

How costs are
to be taxed.

9. The costs of any inquiry under this Ordinance shall be taxed by a judge of the Supreme Civil Court on the application of either party, and such costs shall include all reasonable costs, charges and expenses incurred in obtaining the order for inquiry, the summoning, empanelling and returning of the jury, the attendance of the witnesses, the employment of counsel and solicitors, and recording the verdict and judgment thereon or otherwise incidental to such inquiry.

Judgment to
be signed and
recorded by
Registrar of
the Supreme
Civil Court.

10. The Registrar of the Supreme Civil Court shall sign judgment, which judgment shall be for the amount assessed by the jury, together with the costs, if any, allowed to the owner of the land, or for the amount so assessed, after deducting the costs, if any, payable by the owner, and shall keep such judgment among the records of the Supreme Civil Court.

How amount
for which
judgment
shall have
been signed is
to be paid.

11. On the production of a copy of such judgment, certified by the Registrar, the amount for which judgment shall have been signed, shall be paid to the owner by the Receiver General on the warrant of the Governor.

Costs, &c.,
incurred by
Superinten-
dent of Pub-
lic Works to
be paid from
the Treasury.

12. All costs and expenses incurred by the Superintendent of Public Works incident to such inquiry shall be paid by the Receiver General on the warrant of the Governor.

Claim for com-
pensation to
be made

13. No claim for compensation in respect of any lands which may be entered upon under the authority

of this Ordinance, shall be admitted or entertained, unless the same shall be made within twelve months after the day on which such lands shall have been so entered upon. within a limited time.

14. It shall be lawful for the Superintendent of Public Works, or any other person employed by the Governor in the execution of this Ordinance, to enter upon any lands and dig for, quarry, and take and carry away for the purpose of making any road under this Ordinance all stones, sand, or gravel or other like materials for the purpose, in and upon, and from the lands of any person 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: Power to Superintendent of Public Works, &c., to enter upon lands for the purpose of obtaining materials for road making. Provided Provido. always, that such Superintendent of Public Works, or such other person so employed as aforesaid, 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 to 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 land shall think fit to oppose the digging for, quarrying, or taking or carrying away such materials by such Superintendent of Public Works, or other person so employed as aforesaid, he may apply to any Stipendiary Justice of the Peace, who may thereupon issue a summons to the Superintendent of Public Works or other person so employed as aforesaid, to attend before him at a time and place to be therein named, for hearing such application, and such Justice 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 he shall thereupon order and adjudge a proper and reasonable compensation to be made to the owner or person in possession of such lands, previously to the Superintendent of Public Works, or other person so employed 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 Superintendent of Public Works, or other person so employed as aforesaid, or his servants, in entering upon such lands, or in digging for, quarrying, taking, or carrying 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 Justice, or unless the compensation ordered to be paid to him by such Justice shall not have been paid or tendered, shall, on conviction thereof before any Justice of the Peace, forfeit and pay for every such offence any sum not exceeding five pounds.

Roads laid out under this Ordinance when completed to be declared

Royal roads, and to be kept in repair by and under the direction of the Superintendent of Public Works.

15. When and so soon as any road hereinbefore authorized to be made, shall be completed and opened for public traffic, it shall be lawful for the Governor by proclamation, to be published in the *Royal Gazette*, to declare the entire road, including as well such part thereof as is now already made and used as a public road, as any extension thereof made under this Ordinance, to be a royal road; and every road so declared to be a royal road shall, from the day of the publication of such proclamation, be under the charge and management of, and shall be kept in repair by and under the directions of the Superintendent of Public Works.

How expenses incurred under this Ordinance are to be defrayed.

16. The expenses attending the carrying of this Ordinance into effect shall be charged on the public funds of the Island, and shall be defrayed from such portions of the moneys to be raised by duties of wharfage on goods imported into this Island, and such other public moneys as the Governor, with the consent of the Legislative Council may, by resolution, from time to time appropriate to the purpose.

Wards to contribute towards the expense of keeping roads in repair.

17. The expenses of repairing and keeping in repair the several roads, which may be declared to be royal roads under this Ordinance shall be charged on the public funds of the Island; and in aid of such expenses the several wards of the Island comprised in the several road unions through which or any part of which any such royal road shall run, shall contribute from year to year a sum equal to one-fifth part of the annual rates on houses, mines, quarries, and lands lying within each of such wards, levied at a percentage of seven and a half

per centum of the rent or annual value of houses, mines and quarries, and of sixpence in the pound of the value of lands taken and estimated on the rent or annual value mentioned in the Clause marked 24 of the Ordinance, entitled "An Ordinance for Amending and Consolidating the Law with regard to the appointment of Wardens and the duties of such Wardens."

18. It shall be lawful for the Governor and Legislative Council by resolution from time to time to authorize the establishment of toll gates at such places as the Governor and Council may see fit, and to fix the tolls to be taken at any such toll gate; and all moneys to be received as tolls, after deducting the expenses of the collection thereof, shall be applied from year to year in aid of the moneys to be expended by the Government on the repairs of roads.

As to the establishment of toll gates, &c.

19. The Superintendent of Public Works or other person appointed by the Governor for the execution of any work under this Ordinance shall, in the month of January in each year, make a report in writing to the Governor, of such roads or portions of road as may have been set out or completed under this Ordinance; and the Colonial Secretary shall, in the month of February in each year, lay before the Legislative Council a copy of such report, together with a return in writing under the hand of the Receiver General of all moneys expended under this Ordinance during the twelve months ending on the thirty-first day of December next preceding the day of the date of such return.

Report of roads set out under this Ordinance to be laid before Council.

Passed in Council this twentieth day of April, in the year of our Lord one thousand eight hundred and sixty-nine.

A. C. ROSS,

Acting Clerk of the Council.