

TRINIDAD AND TOBAGO.

No. 41.—1895.

18th November.

AN ORDINANCE to amend the Roads Ordinance, 1894.

[L.S.]

F. NAPIER BROOME,

GOVERNOR.

10th December, 1895.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Roads Amendment Ordinance, 1895. Short title.

It shall be read as one with the Roads Ordinance, 1894, hereinafter called the Principal Ordinance.

The Principal Ordinance and this Ordinance may together be cited as the Roads Ordinances, 1894-5.

2. Section 24 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following : Power to Director of Public Works to enter lands to dig, etc., for materials for repair of road.

24. It shall be lawful for the Director of Public Works or any person authorized by him or his servants and agents to dig for,

quarry and take and carry away for the purpose of making or repairing any public road, all stones, sand or gravel, or other materials for the purpose, in and upon and from the lands of any person or persons whomsoever in any place not being cultivated land, or in the immediate neighbourhood of any dwelling-house or works, or other agricultural buildings or manufactories.

Provided always that the Director of Public Works 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 consent first obtained, he shall give such person or his attorney or agent notice in writing at least three days before entry on such lands.

If the owner or person in possession of such lands shall object to the digging for, quarrying, taking or carrying away any such materials by the Director of Public Works, he shall make information before a Justice stating his objections.

Such Justice shall thereupon issue his summons to the Director of Public Works to attend before him at a time and place to be therein named for hearing such objections.

The 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, if in his opinion compensation should be made, order and adjudge that a proper and a reasonable compensation shall be made to the owner or person in possession of such lands.

Any person who shall assault, obstruct or in any manner impede the Director of Public Works, or such person authorised as aforesaid, or his servants or agents, in entering upon such lands, or in digging for, quarrying or taking away such materials, after such notice as aforesaid, unless he shall have made information as aforesaid 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 duly paid or tendered, shall on conviction thereof before any Justice forfeit and pay for every such offence any sum not exceeding Five Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.

3. Section 27 of the Principal Ordinance is hereby repealed and in lieu thereof shall be read the following:

Power to drain
through lands
adjoining
public road.

27. It shall be lawful for the Director of Public Works or other person authorized by him, his agents or servants, to make

sufficient side drains on any public road, with power to conduct the water therefrom into any adjoining land or ditch, drain or watercourse, being in or upon any land.

Provided that if any damage by reason of such drainage into any adjoining land shall result to the owner or occupier of such land at any time within five years computed from the date of the first exercise by the Director of Public Works of the powers under this Section—it shall be lawful for such owner to claim and recover damages in the same manner as is by this Ordinance provided for the recovery of compensation in cases where lands are taken and appropriated for the construction of roads under this Ordinance.

Constitution of
Road Board.

4. Section 39 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :

39. A Local Road Board shall consist of persons not more and not less than six in number, to be elected for the Road Union as hereinafter provided. Any three members of such Board shall be a quorum for the transaction of business, and every such Board shall be elected by a majority of votes of the persons for the time being on the Assessment Rolls of any Ward or part of any Ward comprised in the Road Union.

Provided always that until a Road Board shall have been duly elected and constituted

under this and the preceding Sections of this Ordinance, all the powers hereinafter given to elected Road Boards may lawfully be exercised by the Road Boards nominated by the Governor under the provisions of section 38 of this Ordinance.

5. If at any time after the commencement of this Ordinance a Local Road shall be discontinued and the land occupied by such Road shall be put up for sale, such land shall, in the first instance, be offered for sale to the owner or owners of the adjoining land at such price to be settled in such manner as the Governor in Executive Council may think fit, and if such owner or owners shall be willing to purchase the said land at the price so settled as aforesaid the same shall be sold to such owner or owners who shall be entitled to purchase the same in preference to any other person or persons.

Right of pre-emption.

Provided that the declaration of such owner or owners as to their willingness to purchase at the price so settled as aforesaid shall be given within a time to be appointed by the Governor in Executive Council, and not later.

6. Section 73 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following:

Power of Board to make Bye-laws.

73. The Board may make, publish, alter, modify, amend, or repeal such Bye-laws as to them shall seem meet:

- (1.) For regulating their own proceedings and the appointment of officers, clerks and servants, and their duties, and for the custody of deeds, records, books, and writings.

- (2.) For the conduct of the election of members of a Board so far as the same is not sufficiently provided for by this Ordinance.
- (3.) To regulate the publication of notices.
- (4.) For the general control, use, management, survey, construction and repair of all lands, roads, bridges and ferries under their control or management, and the prevention of obstruction thereto, and for all or any of such purposes to impose and exact such dues and fees as the Board may from time to time deem necessary.
- (5.) To prevent and prohibit animals suffering from any infectious or contagious disease straying or being driven or ridden on any road, and for the slaughter and destruction of all animals found so suffering on any local road.
- (6.) For lighting roads.
- (7.) For directing the manner in which oxen or horses in teams shall be driven, yoked or harnessed upon a local road.
- (8.) For the general regulation of traffic upon local roads and the general good rule and government thereof.
- (9.) To declare offences against such Bye-laws and to impose penalties and provide the mode of enforcing the same for the breach of all or any such Bye-laws.

7. Section 80 of the Principal Ordinance is hereby ^{Powers of} repealed, and instead thereof shall be read the following : ^{Local Board.}

80. From and after the appointed day and so long as the Local Road Board shall continue there shall be exclusively vested in the Board with respect to the Local Roads situate in the Road Union and to the control and regulation thereof and to the prosecution of offences against this Ordinance or any Bye-laws made thereunder, the following further powers and authority, that is to say :—

The like powers and authority as are given to the Director of Public Works with respect to public roads by Sections 6, 7, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, and 96 of this Ordinance. And thereupon so long as the Board shall continue, the powers and authorities of the Director of Public Works by this Section transferred shall for the time being cease and be determined as to such Local Roads as shall be situate in the Road Union and under the control of the Board.

8. Section 82 of the Principal Ordinance is hereby ^{Power of} repealed, and instead thereof shall be read the following : ^{Board} ^{to levy rate.}

82. The Board is hereby authorised to make and levy within the limits of the Road Union the following yearly rates, that is to say :—

- (a.) On every acre of land within the Road Union assessed for the payment of the Land Tax, a rate not exceeding one shilling.

- (b.) On every house the assessed rent or annual value of which does not exceed five pounds, a rate not exceeding one shilling.
- (c.) On every house the assessed rent or annual value of which exceeds five pounds, a rate not exceeding one shilling and sixpence in the pound.

Provided that any rate made and levied under the authority of this Section shall be a uniform rate so made and levied as to extend and apply over the whole Road Union, and shall be made and levied simultaneously on all lands and houses within such Union.

Provided also that no such rate shall be made and levied without the consent of the Governor in Executive Council first had and obtained.

In order to determine the assessed rates and the assessed rents or values as hereinbefore mentioned, the Assessment Roll for the time being of the Ward Union within which any Road Union or part thereof may be comprised shall be adopted and followed.

Further duties
of Auditor-
General.

9. Section 94 of the Principal Ordinance is hereby repealed and instead thereof shall be read the following :

94.—(I.) In auditing the accounts of any Board, the Auditor-General shall disallow any expenditure which is not authorised by or which contravenes any provision of this

Ordinance, and shall refer to the minutes of proceedings kept by such Board to ascertain by whom such expenditure was authorised.

(II.) The individual members of the Board who have sanctioned any such expenditure as may have been disallowed shall be personally liable, jointly and severally, to make good to the Board the amount or amounts so spent.

(III.) The Auditor-General shall certify to the Board the amount of any such unauthorised expenditure, and the names of the members who are liable to make good the same as aforesaid.

In case the said sums are not made good to such Board to the satisfaction of the Auditor-General within fourteen days after such certificate is given, the Auditor-General shall, in the name and on behalf of the Board, sue for the same in any Court of Civil Jurisdiction, and shall, if it appear to such Court that such expenditure was not authorised, or was in contravention of any provisions of this Ordinance as aforesaid, be entitled to judgment for the sum or sums so spent by any person or persons sued who may appear to have concurred in such expenditure, together with costs in the case as between Solicitor and Client.

The amount so recovered by the Auditor-General in any such action shall be forthwith paid over by him to the Board.

(IV.) In any such action as aforesaid, the minutes of proceedings kept by the Board shall be *prima facie* evidence of any facts therein stated.

(V.) In case in any such action judgment shall be given for the defendant, the costs of suit recovered by such defendant shall be paid out of the funds of the Road Board.

Repeal.

10. The Ordinances mentioned in the Schedule hereto are repealed to the extent specified in the third column of such Schedule.

Provided that the repeals by this Ordinance shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before the commencement of this Ordinance, or any proceeding pending at the commencement of this Ordinance.

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

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

SCHEDULE.

No. OF ORDINANCE.	TITLE.	EXTENT OF REPEAL.
13 of 1852	An Ordinance for amending and consolidating the Law with regard to the appointment of Wardens, and the powers and duties of such Wardens.	Sections 56, 57, 58, 59 and 60.
10 of 1894	"The Roads Ordce., 1894."	In Section 5 from the words "upon conviction" to the words "use of Her Majesty" being the last paragraph of such section. In Section 69 the words "and is nominated for re-election."
23 of 1894	An Ordinance to declare the number of members necessary to constitute a Local Road Board.	The whole.