

THE ROADS ORDINANCE, 1917.

TABLE SHEWING SOURCES OF BILL.

SECTIONS OF BILL.	CORRESPONDING SECTIONS OF REPEALED ORDINANCES, &c.
Section 1	... Section 1 of No. 200.
Section 2	... Section 2 of No. 200.—It is thought well, following the model in Section 1 (2) of Ordinance No. 27 of 1915 to define more specifically than is at present the case the exact surface covered by the term "Public Road."
Section 3	... Section 3 of No. 200.
Section 4	... Is new. A similar provision is to be found, as regards the streets of Port-of-Spain in Section 9 of No. 36 of 1915. This new section is intended to make clear, what is to a great extent the fact, though the fact may be difficult to prove, that both surface and sub-soil of public roads are vested in the Crown. (See also Section 1 of No. 27 of 1915 and Section 7 (1e) of the Bill).
Section 5	... Is new. There is no general statement as to management, repair, &c., of public roads being vested in or effected by the Director. In this connection see Section 74 of No. 200. The consent of the Road Authority before liability to repair is incurred, as required by English law, is provided for.
Section 6	... Section 8 of No. 200.
Section 7	... Sections 4 and 5 of No. 200.—Clause <i>p</i> is omitted as it is covered by Section 11 of the Bill. Sub-section 1 ( <i>q</i> ) of the Bill is new but is required. Sub-section 2 is also new. Under clause ( <i>r</i> ) of Section 4 of No. 200 provision is made for imposing penalties, but nothing is said as to the nature of the penalties. It is thought better to provide specifically what the penalties are to be.
Sections 8 to 11	... Sections 6, 7, 10 and 11 of No. 200. Section 9 of No. 200 is left out as obsolete.
Sections 12, 13	... Sections 12 and 13 of No. 200 and Section 3 of 14—1911. Power is also conferred on the Director to burn earth required for road making on private land, but the powers given by this section are limited by the right of the owner to appeal to a Magistrate for compensation.
Sections 14 to 17	... Sections 14 to 18 of No. 200.
Section 18	... Section 2 of No. 14 of 1911.
Section 19	... Section 19 of No. 200—( <i>j</i> and <i>k</i> ) of Sub-section 1 are new.
Section 20	... Section 20 of No. 200.
Sections 21, 22	... Section 21 of No. 200.
Section 23	... Section 22 of No. 200.
Section 24	... Section 24 of No. 200.
Section 25	... Section 23 of No. 200 has been omitted as unnecessary. Section 25 of No. 200—The work of the Central Road Board is of a technical character, and it is thought well to provide (see Section 26) that the Director shall be Chairman. Under this Section of the Bill, the Governor, Colonial Secretary and Attorney-General would cease to be members of the Board. On the other hand the two Divisional Engineers of the Public Works Department are added to the Board.



SECTIONS OF BILL.	CORRESPONDING SECTIONS OF REPEALED ORDINANCES, &c.
Sections 26, 27	... Section 26 of No. 200. In Section 27 of Bill, meetings are only to take place when called by the Chairman.
Section 28	... Section 27 of No. 200.
Section 29	... Section 18 of No. 288.
Sections 30, 31	... Sections 29, 30 of No. 200.
Section 32	... Section 31 of No. 200 as amended by Section 16 of No. 288. Power to make bye-laws prescribing the security to be given by officers, etc., is taken—(See Section 41 of No. 200 in this connection).
Section 33	... Sections 2 and 3 of No. 38 of 1908.
Sections 34 to 36	... Sections 32 to 35 of No. 200. Section 34 of No. 200 has been omitted.
Section 37	... Sections 36, 37 of No. 200.
Section 38	... Section 15 of No. 288, but amended so as to make it harmonise with subsequent provisions as to nomination of certain members.
Section 39	... Section 38 of No. 200.
Section 40	... Section 39 of No. 200; the proviso to Section 14 of No. 288 has been inserted.
Section 41	... Section 14 of No. 288. At present all members of a Local Road Board are elected, but in view of the fact that the whole of the money spent by these Boards is in nearly all cases provided out of the General Revenue of the Colony it is thought only right that the Central Government should be represented. This object is attained by authorising the Governor to appoint the Chairman of every Board and two of the Members. The number of members is also increased to nine, so as to make it easier to obtain a quorum.
Section 42	... Section 41 of No. 200. As the funds out of which salaries are paid are provided by the Central Government, it is thought that the approval of the Director to the appointment as well as to the amount of remuneration of officers of Boards should be obtained.
Section 43	... Sections 45 and 46 of No. 200.
Sections 44, 45	... Sections 47 and 48 of No. 200; but to Section 48 of No. 200 is added a further class of voters paying land taxes exceeding £50 per annum to which 8 votes are given.
Section 46	... Sections 2 and 3 of No. 288—Inability to speak English is introduced as a disqualification (Cf. Section 13 (4b) of No. 24 of 1914).
Section 47	... Section 3 of No. 288 and Section 65 of No. 200.
Section 48	... Section 2 of No. 30 of 1911.
Section 49	... Section 52 of No. 200 as amended by Section 4 of No. 288.
Section 50	... Section 53 of No. 200 as amended by Section 5 of No. 288.

SECTIONS OF BILL.	CORRESPONDING SECTIONS OF REPEALED ORDINANCES, &c.
Section 51	... See the last paragraph of Section 3 of No. 288.
Section 52	... See Section 54 (2) of No. 200.
Sections 53 to 82	... Sections 55 to 63 of No. 200 contain provisions relating to elections, but these sections are not satisfactory in form and it has been thought well to embody in the Bill the corresponding provisions—Sections 11 to 43—of the Municipal Corporations (Elections) Ordinance, 1915, (No. 16.)
Section 83	... See Section 60 of No. 200.
Section 84	... Section 45 of No. 16 of 1915.
Section 85	... Section 61 of No. 200—see also Section 100 of the Bill.
Sections 86, 87	... Section 47 and 49 of No. 16 of 1915.
Sections 88 to 91	... Sections 67, 69, 70 and 73 of No. 200, limited to elective members.
Section 92	... There are no similar provisions in the Roads Ordinances.
Sections 93, 94	... Sections 62 and 63 of No. 200.
Sections 95, 96	... Section 64 of No. 200. Sub-section 4 of Section 96 of the Bill is new and deals with existing Boards.
Sections 97 to 99	... Sections 42 to 44 and Section 66 of No. 200, but Sub-section 5 of Section 97 of the Bill is new.
Section 100	... Section 72 of No. 200.
Sections 101 to 103	... Section 74 of No. 200.
Section 104	... Sections 75 and 76 (1) of No. 200 as amended by Section 16 of No. 288. See also Section 32 of the Bill.
Section 105	... Section 76 (2) of No. 200. ... Section 77 of Ordinance 200 is unnecessary—See Section 104 (1) of the Bill.
Sections 106, 107	... Section 78 of No. 200.
Sections 108 to 111	... Section 79 to 82 of No. 200.
Section 112	... Section 83 of No. 200 as amended by Section 8 of No. 288.
Section 113	... Section 84 of No. 200 as amended by Section 4 of No. 30 of 1911.
Section 114	... Section 85 of No. 200 as amended by Section 5 of No. 30—1911.
Section 115	... Section 86 of No. 200.

TRINIDAD AND TOBAGO.

No. 28.—1917.

[L.S.]



I ASSENT,

J. R. CHANCELLOR,  
*Governor.*

29th November, 1917.

AN ORDINANCE to amend and consolidate the Law  
relating to Public Roads.

[On Proclamation.]

**B**E 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 Ordinance, Short Title.  
1917.

#### PART I.

##### GENERAL PROVISIONS.

2. In this Ordinance, unless the context otherwise Interpreta-  
tion. requires:—

“Director” means the Director of Public Works;

“Public Road” includes any highway by land, river  
or canal, dedicated whether by user or by grant express or  
implied or by Proclamation of the Governor to the public use,

and whether for wheeled, bridle, foot or boat traffic, up to and including the drains on either side thereof and also the surface of any land on the further side of such drains in so far as such land is kept brushed opened or cleared at the public expense, but does not include any highway or street within the limits of the City of Port-of-Spain or of any Borough, unless included by resolution of the Legislative Council;

“Main Road” means any public road declared to be a main road under regulations made under this Ordinance, and also any local road declared to be a main road by the Governor in Executive Council with the concurrence of a Local Road Board, and includes any main road existing at the commencement of this Ordinance;

“Local Road” means any public road other than a main road opened in pursuance of regulations made under this Ordinance, and includes any local road existing at the commencement of this Ordinance;

“Constable” means a member of the Constabulary Force;

“Animal” includes horses, mules, donkeys, swine, goats, sheep, bulls, cows, calves, oxen and cattle of every description;

“Summary Conviction” means conviction before a Magistrate;

“Vehicle” includes motor-cars, motor-cabs, motor-vans, motor-lorries, motor-omnibuses, motor-cycles, carriages, waggons, carts, bicycles, tricycles, vans, hand-carts, sledges, trucks, barrows, and any detached wheels of any carriages, waggons, carts and all other machines for the portage or haulage of goods or persons.

No claim of  
right of way  
by user, &c.

3.—(1.) No claim of public or private right of way over or through Crown or waste lands in this Colony shall be allowed by any Court of Justice by reason of the public or private user of such lands or any part thereof as a public

or private way, or by reason of such lands having been, or being now or hereafter to be brushed, cleared or maintained for the accommodation of the public or of adjacent land-holders at the public expense, it being hereby declared that each brushing, clearing and maintenance are and will be intended for temporary public and private accommodation until such time as the Crown or waste land over which such public or private way has been, is or shall have been dedicated to the public as a public road under the provisions of this Ordinance, any law rule or Ordinance in force in the Colony to the contrary of what is hereby enacted notwithstanding.

(2.) Nothing in this section contained shall be deemed to derogate from any express grant from the Crown of any public or private right of way over Crown or waste lands in the Colony.

(3.) Nothing in this section contained shall be construed to compel the Governor to dedicate any Crown or waste lands so brushed, cleared or maintained to the public use as a public road.

4. It is hereby declared that all public roads in the Colony and the bridges culverts and drains on or used in connection with any such roads which are in existence at the commencement of this Ordinance, and the whole sub-soil of such roads are vested absolutely in His Majesty.

Public roads  
vested in  
His Majesty.

5.—(1.) The care, control, management, construction and repair of all public roads in the Colony, other than such local roads as may be at any time within the district of any Local Road Board, and of all bridges, ferries, drains, culverts, boundary posts, fences and gates appertaining thereto, shall subject to the provisions of this Ordinance be vested in, exercised and effected by the Director.

General  
provisions as to  
management,  
repair, &c., of  
public roads.

(2.) No public road or any part thereof dedicated to the public use after the commencement of this Ordinance by the owner of the land over which such road or any part

thereof runs shall be deemed to be, or be, repairable by the Director or by a Local Road Board unless the Director, or any such Board in the case of a public road situated wholly or in part in the district of the Board, agrees with such owner to repair the same and publishes in the *Royal Gazette* a notice that such agreement has been come to and that for the future such road or part thereof is repairable by the Director, or such Board, as the case may be.

(3.) In the event of the care, control or management of any public road or part thereof to which the preceding Sub-section applies being transferred from the Director to a Local Road Board or from a Local Road Board to the Director, then as from the time of such transfer, the liability of the Director or of the Local Road Board, as the case may be, to repair such road or part thereof shall cease, and the Director or Local Road Board shall become liable to repair the same.

Tracks, traces,  
waterways,  
etc.

6. The provisions of this Ordinance with respect to public roads and the maintenance and good order thereof shall be applicable to any tracks, traces or bye-ways, and to any navigable river, water course or canal, which may under this Ordinance be directed to be maintained and kept in good order for the purposes of traffic, navigation or otherwise.

Regulations.

7.—(1.) It shall be lawful for the Governor in Executive Council to make regulations for all or any of the following purposes, that is to say:—

- (a.) For the reservation, survey, and opening of any new road and dedicating the same to the public use;
- (b.) For the alteration, discontinuance or stopping up of any road, bridge or ferry dedicated to the public use;
- (c.) For the building or construction of any bridge or ferry and dedicating the same to the public use;

- (d.) For the formation, construction, maintenance and repair of traces, tracks, and other bye-ways throughout the Colony ;
- (e.) For declaring the width of any road or bridge dedicated or proposed to be dedicated to the public use ;
- (f.) For declaring or limiting the use by the public of any road dedicated to the public use, or of any bridge or ferry constructed or maintained at the public expense, and both or either as to the time of such public use, or as to the character of the traffic on such road, bridge or ferry ;
- (g.) For empowering and regulating the fixing of mile posts or stones and sign posts on any public road ;
- (h.) For directing any river, watercourse or canal, or any part thereof to be maintained in good order for the purposes of navigation or otherwise ;
- (i.) For declaring what public roads shall be main roads, and how and under what conditions main roads may be changed into local roads ;
- (j.) For empowering and regulating the erection of telegraph, telephone or trolley posts and wires ;
- (k.) For laying down railways, tramways or crossings of the same respectively on any public road ;
- (l.) For securing the safety of the public in the use of public roads crossed by any railway or tramway on the level, and for directing the doing of any work or taking of any precautions necessary to effect that purpose ;
- (m.) For the general regulation of the traffic on public roads, and for the survey, control, use, management, construction and repair thereof, and of all bridges and ferries, and for the prevention and removal of obstruction thereon, for the prevention of the use thereof other than as a means of passage, and otherwise for the general good rule and government thereof ;

- (n.) For the prevention of any nuisance on any public road and for the removal of any thing obstructing or lying on such road ;
- (o.) For prohibiting the use upon any public road of any vehicle, and for regulating and declaring the manner in and the conditions under which the same may be used or driven over any public road ;
- (p.) For regulating and declaring the manner in which any animal shall be led, driven, yoked or harnessed upon any public road ;
- (q.) To prevent and prohibit animals suffering from any infectious or contagious disease straying or being driven or ridden on any public road, and for the slaughter or destruction of all animals found so suffering on any public road ;
- (r.) Generally for the purpose of carrying out the provisions of this Ordinance, and for authorising the persons named in such regulations to carry out, supervise or control the carrying out of such regulations, and for providing for the manner in which and the persons from whom the expenses of carrying out the provisions of such regulations are to be recovered.

(2.) There may be imposed in respect of any breach of any such regulation a penalty not exceeding £30, or in the case of a continuing offence a penalty not exceeding £1 for each day during which such offence continues.

Approval and  
publication of  
regulations.

(3.) Regulations made under this Section shall not have any force or effect until they have been approved by the Legislative Council, and when so approved by Resolution shall have the same force and effect as if they were contained in and formed part of this Ordinance.

(4.) All Regulations made under this Ordinance shall be published in the *Royal Gazette*.

8.—(1.) Every person who shall prevent or obstruct or attempt to prevent or obstruct the use of any public road, bridge or ferry dedicated to the public in manner sanctioned by this Ordinance or any regulation thereunder, and any person who shall use or attempt to use any public road, bridge or ferry which shall have been altered, discontinued or stopped up under the authority of this Ordinance, or in contravention of this Ordinance or of any Regulation thereunder is liable to a penalty not exceeding twenty pounds.

Unauthorized user of any road, bridge or ferry.

(2.) It shall be lawful for the Director or any District Officer of the Public Works Department or any person authorized by the Director, or any Constable, to seize and detain any animal and any vehicle which he may find being used upon any road, bridge or ferry in any manner inconsistent with the provisions of this Ordinance or of any Regulation hereunder.

Seizure of animals and vehicles.

9. It shall be lawful for the Governor on a written report from the Director, showing :—

Governor may order road to be closed.

(a.) that a public road or any part thereof is likely or about to become dangerous ; or

(b.) that it is desirable for the public safety, or for the execution of works or repairs on any public road ;

to order that the traffic on any public road or any part thereof shall immediately cease, and that such road or any part thereof shall be closed during such period of time as the Governor may deem requisite.

Provided that in any case where in the opinion of the Governor there is no necessity for any immediate cesser of traffic, notice of any order commanding the cesser of traffic or the closing up of any road shall be published in the *Royal Gazette*.

10.—(1.) Whenever it appears to the Director that extraordinary expenses have been incurred in repairing a public road by reason of the damage caused by excessive weight carried over or along the same or by extraordinary traffic thereon, such extra expenditure so incurred may be recovered by the Director or any person authorised by him

Recovery of damage expenses in cases of excessive traffic.

before a Magistrate, whose decision shall be final between the parties.

(2.) If the Director agrees with any person liable for damages in respect of the carriage of excessive weight or extraordinary traffic, to accept a fixed sum for and in respect of such damage, and such person shall pay such sum, then and in such case such person shall not be subject to any proceedings under this section.

Encroach-  
ment, etc.,  
upon public  
road.

11. Whenever any public road shall—

- (a.) be obstructed or encroached upon by any fence, gate, ditch, trench or enclosure, or overhung or bordered upon by any tree or brushwood; or
- (b.) be overhung by any tree or the branches thereof or any brushwood;

it shall be lawful for the Director, or the Warden, or any person authorised by them or either of them, to cause such fence, gate, ditch, trench, enclosure, tree or brushwood to be removed or filled in at the expense of the person who shall cause such obstruction or encroachment, or at the expense of the owner or tenant of any lands whereon any trees or brushwood obstructing or overhanging such road shall be growing and standing.

Recovery of  
obstruction  
and removal  
expenses.

12. The Director or the Warden or such authorised person, as the case may be, may recover all expenses incurred by him in the performance of such duties as in the last preceding section mentioned from the person who shall have caused such obstruction or encroachment, or from the owner or tenant of any lands whereon any such trees or brushwood shall be growing and standing.

D. P. W. may  
enter lands to  
dig, &c., for  
materials for  
repair of road.

13.—(1.) For the purpose of making or repairing any public road or preparing materials for use on a public road, it shall be lawful for the Director or any person authorised in writing by him, subject to the provisions hereinafter appearing:—

- (a.) To dig for, quarry, take and carry away stones, sand, earth, gravel or other material; or
- (b.) To cut down and carry away trees; or
- (c.) To burn earth; or

(d.) To deposit any such materials ;

in, upon or from the lands of any person whomsoever, in any place not being cultivated land or in the immediate neighbourhood of any dwelling house, agricultural buildings, works or factories.

(2.) The Director whenever he intends to use the authority hereby vested in him with respect to the lands of any person without consent first obtained, shall give such person or his attorney or agent notice in writing at least seven days before entry on such lands.

(3.) If the owner or person in possession of such lands objects to the exercise of such authority as aforesaid by the Director, he shall make complaint before a Magistrate stating his objections.

(4.) Such Magistrate shall thereupon issue his summons to the Director and the complainant to attend before him at a time and place to be therein named for hearing such objections.

(5.) The Magistrate shall at the time and place so named proceed to hear the parties and their witnesses, and if necessary, view such lands as aforesaid, and he shall thereupon, if in his opinion compensation should be made, order and adjudge that a proper and reasonable compensation shall be made to the owner or person in possession of such lands.

(6.) Any person who assaults, obstructs or in any manner impedes the Director, or such person authorised as aforesaid, or his servants or agents, in exercising any of the rights, powers and privileges conferred by this section, after such notice as aforesaid, unless he has made information as aforesaid and the same is still pending before the Magistrate, or unless the compensation ordered to be paid to him by such Magistrate has not been duly paid or tendered, is liable to a fine not exceeding £5.

14.—(1.) It shall not be lawful for any person to take away any materials which shall have been procured or provided or used for the repair or use of any public road, or to take any materials out of any quarry which shall have been opened by the Director or any Local Road Board for the purpose of getting materials for any public road.

Penalty on taking materials provided for repairing roads.

(2.) Every person so offending is liable to a fine not exceeding £5.

Power to make  
temporary  
road during  
repairs.

**15.**—(1.) It shall be lawful for the Director after notice to the owner or occupier to make a road through any land not being cultivated land which may adjoin any public road, as a temporary public road, whilst any works are in course of execution on such public road.

(2.) The owner or occupier of any land through which any temporary road shall be made under the provisions of this section shall be entitled to compensation for any damage he may sustain by reason thereof.

(3.) In case the Director and the owner or occupier of any such land shall disagree as to the amount of damage or the compensation payable in respect thereof, such owner or occupier may take proceedings as in this Ordinance provided to recover the same.

Power to drain  
through lands  
adjoining  
public road.

**16.**—(1.) It shall be lawful for the Director or other person authorised 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:

(2.) 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 the powers under this section, it shall be lawful for such owner to claim and recover damages in the same manner as is provided for the recovery of compensation in cases where lands are taken and appropriated under the Land Acquisition Ordinance, No. 42.

D. P. W. may  
seize things  
laid on road.

**17.**—(1.) It shall be lawful for the Director or other person authorised by him, his agents or servants, to seize and carry away any tree, timber, stone, manure, rubbish or other matter or thing whatsoever fallen, laid, thrown, deposited or left upon any public road or footpath, or on any side drain or ditch of such road, and to sell the same as a forfeiture, unless such matter or thing shall within seven days

of the seizure thereof be redeemed by the owner by payment of the expenses attendant upon such seizure and carrying away. The proceeds arising from any such sale shall be paid into the Colonial Treasury for the use of His Majesty.

(2.) Notwithstanding anything in this section contained, the owner or occupier of any lands or houses may lay upon a public road or footpath any material for building or repairing any house or wall:

Owner or occupier may lay materials on roadway when building etc.

Provided that such owner or occupier shall—

- (a.) first give notice to the Director of his intention to lay down such materials ;
- (b.) not place such materials on any public road in such manner as to occupy an area greater than one-fourth of the breadth of such road ;
- (c.) erect a fence around the place or spot on which such materials shall have been deposited ;
- (d.) fix, light and keep alight thereon such lamps in such manner as the Director may require.

18. All swine found straying on or damaging any Main Road may be destroyed by any person authorized in writing by any District Officer of the Public Works Department ; and all swine found straying on or damaging any Local Road may be destroyed by any person authorized in writing by the Road Officer of the Local Road Board of the District or by the District Officer of the Public Works Department in Districts where there is no Local Road Board ; and all swine so destroyed may be buried by the authorized person unless their carcasses are claimed by the owner of the swine within six hours of their destruction.

Power to destroy swine straying on or damaging roads.

19.—(1.) If any person impedes the free flow of water in, or dams or fills up or otherwise obstructs—

Offences with regard to roads, drains, etc.

- (a.) any ditch or drain adjoining any public road, or
- (b.) any ditch, drain or watercourse from any public road which shall be connected with any ditch, drain or watercourse being in or upon any land ; or

(c.) any ditch, drain or watercourse on any land into or through which the water of any ditch, drain or watercourse in the last preceding clause mentioned shall flow; or

(d.) any ditch, drain or watercourse under any public road;

And if any person encroaches upon any public road by—

(e.) Building thereon or any part thereof any house or other structure; or

(f.) Erecting planting or digging thereon any fence hedge, ditch or drain; or

(g.) In any other manner whatsoever;

And if any person

(h.) Makes or turns or conducts any drain, gutter, sink or watercourse across, under or upon any public road; or

(i.) Breaks up the surface or opens up the causeways and footpaths of any public road without the consent of the Director in writing first had and obtained; or

(j.) Cuts down any tree so that it falls upon or obstructs any public road; or

(k.) Having blocked or scotched the wheel of any vehicle allows the stone or other thing used for such purpose to remain on the roadway after such vehicle has moved away;

every such person is liable to a penalty not exceeding £20.

(2.) It shall be lawful for the Director to remove every such obstruction or to cause such building or other structure, fence, hedge, ditch or drain or other encroachment to be taken down or filled up or opened and to recover the expenses incurred in so doing from the offender.

20. It shall be lawful for the Director to cause the whole or any part of a public road to be watered, and for that purpose to take water from any pond, stream or source, with the consent of the owner thereof or other persons interested therein, and to dig and make ways and passages and erect pumps and engines for such purpose, and to make such compensation as may be agreed upon between the said Director and such owners or persons as aforesaid.

Power to  
water road.

21.—(1.) If the surface or the causeways and footpaths of any public road or any part thereof shall be opened up by any person, with leave of the Director, or otherwise having authority so to do, for the laying of pipes for oil, water or gas, or railroads, tramways, telegraphs or telephones or for the making of tunnels, or for any other purpose whatever, and the same shall not be immediately thereafter repaired, renewed and restored by the person opening up the same, to the satisfaction of the Director, then the Director shall have full power and is hereby authorised to execute the necessary repairs on such road or footpath or causeway so opened up, and to restore the same completely, and to recover the expenses incurred in so doing from the person opening up the same.

Repair by per-  
sons opening  
up road.

(2.) If any damage shall happen to the public from the operations of any person opening up the road as aforesaid, such person shall be solely liable for the same.

22. In all cases where any injury shall arise to any public road on account of any drain, conduit, pipe, water, matter or thing whatsoever being conveyed across, in, under or upon, or by any thing done upon any part of any such road by any person having leave, or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the Director, the Director is hereby authorised to repair the same and recover the expenses incurred in so doing from the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

Director may  
repair road  
and recover  
expenses in  
certain cases.

23. If the owner or occupier of any lands adjacent to any public road digs any pit or makes any cut upon or within twelve feet of the side of any such road, and leaves

Owner or  
occupier to  
fence pit made  
near road.

the same unfenced so as to be dangerous to travellers, and does not fence the same when notified so to do by the Director, such owner or occupier is liable to a fine not exceeding £5 for every day such pit or cut continues to be unfenced beyond three days after notice has been given as aforesaid, and it shall be lawful after such notice for the said Director to cause the same to be fenced and to recover the expenses incurred in so doing from such owner or occupier.

Right of  
pre-emption  
where local  
road discon-  
tinued.

24.—(1.) If any public road is discontinued and the land occupied by such road put up for sale, such land shall in the first instance be offered for sale to the owner of the adjoining land at a price to be settled in such manner as the Governor in Executive Council may think fit, and if such owner is willing to purchase the said land at such price, the same shall be sold to such owner.

(2.) The declaration of such owner as to his 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.

## PART II.

### CENTRAL ROAD BOARD.

Constitution  
of Board.

25. There shall be a Central Road Board consisting of the following persons, that is to say:—

(a.) The Director of Public Works, or the Assistant Director of Public Works acting for him at his request;

(b.) The two Divisional Engineers of the Public Works Department;

(c.) The Wardens of districts in any part of which there are local roads not under the control of Local Road Boards;

(d.) One delegate from each Local Road Board, who shall be appointed for one year only: Provided that the Chairman of a Local Road Board may be appointed by such Board to be the delegate from such Board, and in such case any member of such Board may, at the request of such Chairman attend any meeting of the Central Board in place of such Chairman;

(e.) Such persons not exceeding seven in number, five of whom shall not be members of the public service of the Colony, as may from time to time be selected by the Governor to serve for a period of not more than three years, with power to the Governor to re-appoint the same persons or substitute others in their places on retirement, and to appoint other persons to act in their places while on leave, or to replace them in the event of death, physical or mental incapacity or resignation during their respective terms of appointment.

26. The Director shall be the Chairman of the Central Road Board, and shall preside at all meetings at which he is present. In case of his absence the Assistant Director of Public Works shall act as Chairman, and in case of the absence of both, the members present and constituting a quorum shall elect a Chairman from among their number.

27.—(1.) The Board shall meet at such times as the Director shall by not less than seven days notice appoint.

(2.) At any meeting of the Board, six members shall form a quorum for the transaction of business.

(3.) All acts of the Board and all questions coming or arising before the Board may be done and decided by the majority of such members of the Board as are present and vote at a meeting, the whole number present at the meeting being not less than six.

(4.) In case of an equality of votes, the Chairman shall have a second or casting vote.

28. The Governor may appoint a Secretary to the Board at such salary as shall be sanctioned by the Governor and Legislative Council.

29.—(1.) The money to be annually voted by the Governor and Legislative Council from general revenue for the construction, maintenance and repair of local roads under Section 112 of this Ordinance shall be granted for the purposes of local roads in districts where there are Local Road Boards without any apportionment of the same to any particular Local Road Board District, and the money to be allotted for the purpose of local roads in districts

where there are no Local Road Boards shall be specifically apportioned by the Governor and Legislative Council for each such district.

(2.) Such sums of money as may be granted from general revenue for the purposes of local roads in districts where there are Local Road Boards shall be apportioned between the several Local Road Boards in such manner as the Central Road Board shall, subject to approval by the Governor, by resolution from time to time direct.

(3.) The Central Road Board may if it thinks fit, but with the like approval, grant to a Local Road Board any particular sum of money for a specific purpose, and the Local Road Board shall be bound to apply such money to such purpose in the same manner as if such proposed expenditure had been included in its approved estimates for the year.

Saving powers  
of Local Road  
Board.

**30.** Nothing in this Ordinance contained shall be construed to affect the power of any Local Road Board to make or levy any rate under the authority of this Ordinance, or to vest in the Central Road Board any moneys receivable by or payable to the Local Road Board under Sub-sections (3) and (4) of Section 112 of this Ordinance.

Receiver-  
General to pay  
out moneys.

**31.** The Receiver-General shall pay out of the moneys granted or apportioned from general revenue for local roads such sums, not exceeding the moneys appropriated for the purpose by the Governor and Legislative Council, as the Central Road Board shall by resolution from time to time direct, to any Local Road Board.

Powers of  
Central  
Board.

**32.** The Central Road Board shall have the following powers, that is to say:—

Bye-laws.

(a.) To make Bye-laws;—

- (i.) Prescribing the amount of, and manner of taking, security for the faithful performance of their duties by officers, clerks and servants of Local Road Boards;
- (ii.) For the conduct of the election of members of a Local Road Board so far as the same is not sufficiently provided for by this Ordinance;
- (iii.) To regulate the publication of notices by Local Road Boards;
- (iv.) For lighting local roads;

(b.) At its discretion in case of any dispute between two Local Road Boards or between a Local Road Board and the Director, as to the survey of or the direction to be taken by any new road, or any contention as to an existing road or as to the upkeep and repair of any existing road intended to be hereafter made part of or incorporated in any Main Road, to decide such dispute by resolution of the Board, and such resolution in such case shall be binding upon such Local Road Boards and on the Director accordingly;

Disputes  
between  
Boards.

(c.) As between different Wards in the district of the same Local Road Board, and at its discretion, to entertain any appeal by or on behalf of the inhabitants of any Ward against a decision of such Local Board in respect of the determination of such Board as to the apportionment and appropriation of any moneys which may from time to time be granted or appropriated to such Board, between the different Wards within the district of such Board.

Appeal against  
decision of  
Local Board.

**33.**—(1.) It shall be lawful for the Central Road Board whenever it shall deem it advisable, to investigate any complaint made against a Local Road Board and to enquire into the conduct and management of any such Board and the expenditure of the funds thereof and the conduct of any member or officer of such Board, and to report thereon and make recommendations with respect thereto to the Governor.

Central Board  
may enquire  
into com-  
plaints against  
and affairs of  
Local Board.

(2.) All such investigations and enquiries shall be deemed to be enquiries under the Commissions of Enquiry Ordinance (No. 119), and the Central Road Board shall in conducting the same have all the duties, powers and authorities of Commissioners appointed under the said Ordinance.

(3.) The provisions of the said Ordinance with respect to witnesses shall apply to all persons summoned to attend and give evidence or to produce books plans or documents at such investigations and enquiries.

(4.) The Central Road Board may delegate the powers conferred upon it by this section to such Committee or Committees of its members as it may by resolution appoint.

Map showing  
all Roads to  
be prepared.

34. The Director shall, as occasion requires, prepare and lay before the Central Road Board a plan or map of the Colony showing the existing Main Roads and Local Roads, and indicating the distinction between roads under the care of the Public Works Department and those under the care of Local Road Boards, and such map or plan shall also indicate and distinguish all roads in progress or sanctioned and all Main Roads surveyed, and such map or plan shall be amended or renewed from time to time as shall seem necessary to the Director or to the Central Road Board.

Alteration of  
roads shown  
on plan.

35. The Central Road Board may by resolution recommend to the Governor any alteration of or any extension of roads shown in such map or plan, or the abandonment of any of the same or the substitution of others or the acceleration or retardation of any work proposed to be done in respect of the same, and the Governor may take such action on such resolution as he may be advised.

Quarries.

36. The Central Road Board may also by resolution recommend such special provision for the establishment of quarries as sources of supply for road metal for Local Roads in the districts of Local Road Boards as they shall think desirable, to become effective only by a special appropriation of funds by the Governor and Legislative Council.

### PART III.

#### LOCAL ROAD BOARDS.

Establishment  
of Road  
Unions and  
Local Road  
Boards.

37.—(1.) It shall be lawful for the Governor in Executive Council, if he shall so think fit, on the petition of any twenty inhabitants who would be duly qualified to be electors under the succeeding provisions of this Ordinance of any Road Union hereinafter defined, to establish by proclamation a Local Road Board for such Road Union, excluding any municipality therein.

(2.) For the purposes of this part of this Ordinance there shall be such Road Unions as the Governor in Executive Council may hereafter by Proclamation to be published in the *Royal Gazette* decree.

(3.) Such Road Unions shall consist of such Districts as may be defined in such Proclamation.

(4.) It shall be lawful for the Governor in Executive Council likewise from time to time to alter or vary the limits of any Road Union by Proclamation in the *Royal Gazette*.

(5.) Nothing in this Ordinance contained shall affect the validity of any Proclamation made under any Ordinance hereby repealed dealing with the establishment of any Road Union until the same has been altered or varied by a Proclamation under this Ordinance.

38.—(1.) It shall be lawful for the Governor on a resolution of the Central Road Board to order by Proclamation in the *Royal Gazette*, the amalgamation of any two or more Road Unions and the establishment of a Local Road Board for such amalgamated Union by such name as the Governor shall direct.

Amalgamation  
of Road  
Unions.

(2.) Such amalgamation shall take effect at such time within six months after the passing of the resolution as the Governor shall in such Proclamation direct, and the funds in the hands of the Local Road Boards in the Road Unions so amalgamated shall on the day fixed for such amalgamation to take place be dealt with and paid over as the Governor shall direct, and the amount of the sums remaining payable to each Local Road Board in the Unions so amalgamated shall from such day be payable to the Local Road Board established for the amalgamated Union.

(3.) The existing members of the several amalgamated Boards shall be deemed to have resigned as and from such day, and the provisions of this Ordinance shall apply to the establishment of a Local Road Board for the amalgamated Union.

39. Notwithstanding anything contained in Section 7 of this Ordinance, it shall be lawful for the Governor in Executive Council, with the concurrence of a Local Road Board, to declare by Proclamation in the *Royal Gazette* any local road situated within the district of such Local Road Board to be a main road.

Governor in  
Executive  
Council may  
declare any  
Local Road  
to be a Main  
Road.

Governor to  
nominate a  
Board to act  
until election.

**40.**—(1.) From and after the publication of a Proclamation under Section 37 of this Ordinance, it shall be lawful for the Governor to nominate the Local Road Board for any Road Union and the Chairman thereof to sit until such time as the elections provided for under the succeeding provisions of this Ordinance have been held.

(2.) Until such elections have been held, all the powers given in this Ordinance to a Board as finally constituted under such Ordinance may be exercised by a Board nominated under this section.

Constitution  
of Board.

**41.**—(1.) A Local Road Board shall consist of a Chairman and eight other persons, or any other number that the Governor may from time to time by order in Executive Council direct.

(2.) The Chairman and two of the other members shall be appointed from time to time by the Governor by writing under his hand and the remaining members shall be elected as in this Ordinance provided.

(3.) The elective members of a 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.

(4.) In the case of a Board existing at the time of the commencement of this Ordinance, such Board as then constituted shall continue in office until after the first annual election after the commencement of this Ordinance, notwithstanding anything in this section contained.

Appointment  
and remunera-  
tion of officers,  
etc.

**42.**—(1.) A Local Road Board may appoint from time to time a Secretary and such other officers, clerks and servants as may be necessary and shall define their duties and may assign reasonable remuneration to such Secretary, officers, clerks and servants and may remove them and appoint others in their stead: Provided however that any resolution with respect to the appointment and remuneration of such Secretary, officers, clerks and servants shall only be effective subject to the approval of the Director.

(2.) Every person appointed to any office under this section may at any time, by letter in writing addressed to the Board, resign such office, and the resignation shall be held to be complete from the date of its receipt by the Secretary to the Board or person acting as such Secretary.

43.—(1.) In all cases where a Board shall not observe the provisions of this Ordinance or the decisions or directions of the Central Road Board, or in any other case where the Governor in Executive Council shall think fit in the interests of the public service, it shall be lawful for the Governor in Executive Council to supersede any such Board and to exercise or depute the Director to exercise all or any of the functions of such Board for such time as he shall think fit.

Governor in Council may supersede a Board.

(2.) Notice of such supersession shall be given in the *Royal Gazette*.

(3.) In the event of such supersession and until a Local Road Board is established, or re-constituted after such supersession, in a Road Union, the care, control and management of the local roads in such Road Union shall be vested in the Director, and all and every the powers by this Ordinance vested in the Director in respect of public roads shall apply and be applicable to the local roads of such Road Union, and the Director may during such period as aforesaid, exercise in respect of local roads in any such Road Union all or any of the powers conferred upon Local Road Boards with regard to local roads by this Ordinance, excepting the power to make and levy a rate.

Control of Local Roads when Board superseded.

(4.) The Governor may, at any time after any Local Road Board shall have been superseded under this Ordinance, re-constitute a Local Road Board in and for the area comprised in the Road Union of a superseded Board or any part thereof in accordance with the provisions of this Ordinance.

Governor may reconstitute a Board.

#### *Electors.*

44. Every person whose name shall be borne on any Assessment Roll for the time being as the owner or occupier of any rated house or lands within the Road Union, 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 the elective members of a Local Road Board.

Electors.

Voting power  
of electors.

45.—(1.) At every such election each such person shall have a vote or votes proportionate to the amount of public land charges payable by him in respect of property, whether lands or houses, comprised within a Road Union for which he shall be rated in any Assessment Roll for the time being according to the following scale, that is to say :—

- |  |              |
|--|--------------|
| (1.) Any Land Charge not exceeding £1 5 ... ..     | One Vote.    |
| (2.) Exceeding £1 5 and not exceeding £2 10 ... .. | Two Votes.   |
| (3.) Exceeding £2 10 and not exceeding £5 ... ..   | Three Votes. |
| (4.) Exceeding £5 and not exceeding £10 ... ..     | Four Votes.  |
| (5.) Exceeding £10 and not exceeding £20 ... ..    | Five Votes.  |
| (6.) Exceeding £20 and not exceeding £50 ... ..    | Six Votes.   |
| (7.) Exceeding £50 ... ..                          | Eight Votes. |

(2.) Where any property rated within a Road Union is jointly owned or occupied by more persons than one, each of such joint owners or occupants, if the sum at which such property is rated is of an amount which when divided by the number of such joint owners or occupants gives for each such owner or occupant a sum not less than the sum which would entitle such person to be an elector if he owned or occupied separately, shall subject to the conditions hereinbefore contained, be an elector and entitled to vote as such in respect of the property so owned or occupied, and if the amount at which such property is rated is not of such an amount as to be so divisible as aforesaid, then only one of such joint owners or occupants shall be an elector and entitled to vote as such in respect of the said property so jointly owned or occupied, as is for that purpose deputed in writing by the other or by the majority in number of such other joint owners or occupiers.

(3.) The expression, "Public Land Charges" shall have the same meaning as is assigned thereto by the Land Charges and Land Taxes Ordinance, No. 204.

*Qualification of Members of Boards.*

46.—(1.) A person shall not be qualified to be nominated <sup>Qualifications.</sup> or to be elected or to be a member of a Local Road Board unless he is:—

- (a.) Possessed of the qualifications specified in (a) (b) and (c) of Sub-section 6 of Section 4 of the Jury Ordinance, (No. 33) in respect of property situate within the Road Union, whether he be resident in the Road Union or not; or
- (b.) Resident in the Road Union, and enjoying for his own use and benefit a net annual income of not less than £150, the proof of which shall rest with such person.

(2.) A person shall be disqualified for being elected and <sup>Disqualifica-</sup> for being a member nominated or elective of a Local Road <sup>tions.</sup> Board—

- (a.) If and while he holds any office or place of profit in the gift or disposal of such Board;
- (b.) If he does not speak the English language;
- (c.) If and while he is an undischarged bankrupt;
- (d.) If he has been convicted of treason or felony or of any offence involving dishonesty;
- (e.) If he is of unsound mind;
- (f.) If and while he has directly or indirectly by himself or his partner (except as a shareholder in an incorporated company) any share or interest in any contract or employment with by or on behalf of such Board.

47. A member of a Local Road Board shall cease to be <sup>Resignation or</sup> a member— <sup>ceasing to</sup> attend.

- (a.) If he gives written notice of resignation addressed to the Board; and

- (b.) If he fails to attend, except with the permission of the Board, three consecutive meetings of the Board, and the Board passes a Resolution that his office is vacant, provided always that the Board may, but are not bound to pass such resolution at the next meeting of the Board after such member has failed to attend for the third of such consecutive meetings.

Penalty on unqualified person acting as member of Board.

48.—(1.) If any person acts as a member of a Board without being qualified at the time of his nomination or election, or after ceasing to be qualified, or after becoming disqualified, he shall for each offence be liable to a fine not exceeding £50, recoverable by action in the Supreme Court.

(2.) Such action may not be brought except by an elector of the Road Union, and shall not lie unless the plaintiff has, within fourteen days after the cause of action arose, served a notice in writing personally on the person liable to the fine of his intention to bring the action, nor unless the action is commenced within three months after the cause of action arose.

(3.) A Judge of the Supreme Court shall, on the application of the defendant within fourteen days after he has been served with the writ of summons in the action, require the plaintiff to give security for costs.

(4.) Unless judgment is given for the plaintiff, the defendant shall be entitled to costs, to be taxed as between solicitor and client.

(5.) Where any such action is brought against a person on the ground of his not being qualified in respect of estate, it shall lie on him to prove he was so qualified.

#### *Election of Members.*

Election of Members.

49.—(1.) The election of elective members of a Local Road Board shall take place on the third Thursday in July in each year, at such place or places within the Road Union as the Returning Officer shall appoint: Provided that in any Road Union that may be established by the Governor

after the commencement of this Ordinance, such election shall be had on such day and at such place or places as the Governor may appoint.

(2.) The Returning Officer shall be appointed by the Governor.

(3.) It shall be lawful for any Returning Officer to appoint one or more Deputy Returning Officers.

(4.) In case in any Road Union the electors shall fail duly to elect the full number of elective members, the Returning Officer may, by notice in the *Royal Gazette*, appoint another day or days for the holding or completing of such election.

50.—(1.) Any person desirous of being a candidate for election as member of a Local Road Board shall by himself or his agent give notice in writing of his desire to the then Chairman at least seven days before the day of such election. <sup>Candidates ;  
notice by.</sup>

(2.) The Chairman shall forthwith forward such notice or a copy thereof to the Returning Officer. Such notice shall be in the form in the first schedule to this Ordinance.

(3.) The said Chairman shall give notice of the intention of such person to become a candidate by affixing a notice to that effect on the door of the accustomed place of meeting for the Board, and keeping the same there affixed until the day of election.

(4.) At the first election of members of a Local Road Board established after the commencement of this Ordinance such notice shall be given to the returning officer, who shall, as soon as practicable after the receipt thereof, post a copy of such notice on the outer door of the Warden's or Constabulary Office of the district or of the premises where such election is to be held, or in some other conspicuous place therein.

(5.) At an election no one shall be deemed a candidate for the office of member of a Board except those who have given such notice as aforesaid.

Examination  
of qualifica-  
tions of  
Candidates.

51. The Returning Officer at every election shall examine into the qualification of every candidate for election, and if he shall be of opinion that any candidate has not the necessary qualification for membership, he shall declare the candidate disqualified and shall reject all votes tendered for him, making a return of all votes rejected on this ground.

Relation of  
number of  
candidates to  
the election.

52.—(1.) If the number of candidates exceeds that of the vacancies, members of the Board shall be elected from among the candidates.

(2.) If the number of candidates is the same as or less than that of the vacancies, the candidates shall be deemed to be elected.

Votes to be  
given by  
ballot.

53.—(1.) If an election of members of a Local Road Board is contested, there shall be a poll and the votes shall be given by ballot.

(2.) An elector may give the number of votes to which he is entitled under Section 45 of this Ordinance to one candidate for each vacant seat, but may not give more than such number of votes to any one candidate.

(3.) The ballot of each voter shall consist of a paper (in this Ordinance called a ballot paper) showing the names of the candidates.

Period of  
election.

54. The voting at every election shall take place between the hours of 9 o'clock in the forenoon, and 12 noon, and between 2 o'clock and 5 o'clock in the afternoon of the same day.

Size and  
construction  
of ballot box.

55.—(1.) The ballot box shall be of convenient size, and shall be so constructed that the ballot paper can be introduced therein, but cannot be withdrawn without the box being unlocked. It shall be provided with a lock and key.

(2.) It shall be exhibited empty to such persons as may be in the polling-station immediately before the taking of the poll, and shall then be securely locked, and not be again unlocked except by the Returning Officer at the close of the poll in the manner hereinafter mentioned.

56. The Returning Officer shall appoint such number of polling stations as he thinks necessary and shall at least three clear days before the day of election, affix in a conspicuous place on each such polling station a notice stating the ward or part of a ward for which such polling station has been appointed and naming the day of election.

Returning  
Officer to  
appoint polling  
stations.

57. The Returning Officer shall take care beforehand that each polling station is provided with proper conveniences for taking the poll, and that the same are properly arranged for carrying out the provisions of this Ordinance, and he shall also provide a proper ballot box for each polling station and a sufficient number of ballot papers.

Preparing  
polling  
stations.

58. For the guidance of electors in voting, notices shall be printed in conspicuous characters and placarded in various places, outside and inside of each polling station, in the following form:—

Placarding  
directions to  
voters.

*Directions.*

- (1.) To mark your vote, you must place the number of votes to which you are entitled opposite the name of the candidate or each of the candidates for whom you wish to vote.
- (2.) You can vote for one candidate only for each vacant seat.
- (3.) When you have marked your vote, fold your ballot paper in two so as to conceal your vote, but so as to show the official mark on the back, show the Returning Officer or the Deputy Returning Officer the official mark, and then put your ballot paper in the ballot box and leave the room.

59. The Returning Officer or a deputy Returning Officer shall preside at every polling station during the whole time that the poll is being taken.

Returning  
Officer to  
preside

60. The Returning Officer or a deputy Returning Officer shall keep order at his station, shall regulate the number of voters to be admitted at a time and shall exclude all persons except his interpreters, assistants and clerks, the candidates, and the constables on duty.

and to keep  
order.

- Clerks.** **61.** The Returning Officer may appoint fit and proper persons to be clerks at each polling station for attendance at such station on the day fixed for the taking of the poll, and, in the case of a contested election, may appoint competent persons to assist in counting the votes.
- Duty of voter on coming to vote.** **62.** Each person on coming to vote shall address himself to the Returning Officer or deputy Returning Officer, and shall state his name and address in an audible voice.
- Duties of Returning Officer and voter at time of voting.** **63.** The Returning Officer or deputy Returning Officer shall proceed to write on the counterfoil of a ballot paper the name of such elector, mark the ballot paper with an official mark and, calling out the name of the voter in an audible voice, deliver such paper to the voter within the polling station. The voter shall then retire to a screened table apart, but within the polling station, and having secretly marked his vote on the paper, and folded it in two so as to conceal his vote, but so as to show the official mark at the back, shall place it in the ballot box in the presence of the Returning Officer or deputy Returning Officer after having shown to him the official mark at the back. The voter having voted, shall forthwith leave the polling station.
- Method of marking vote.** **64.** The voter shall mark his vote on the ballot paper by placing the number of votes to which he is entitled under the provisions of this Ordinance opposite the name of the candidate or each of the candidates for whom he wishes to vote.
- Returning Officer to instruct voter.** **65.** The Returning Officer or deputy Returning Officer shall, on request, give such instructions as may appear to be necessary to any voter as to the manner in which he should record his vote, and for that purpose may appoint fit and proper persons to interpret such instructions.
- Voter to leave station after voting.** **66.** The voter shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into the ballot box.
- Who are to be admitted within polling station.** **67.** No person shall be admitted within any polling station during the hours appointed for taking the poll, except the Returning Officer or deputy Returning Officer and his interpreters, assistants and clerks and the constables on duty, the candidates and such number of voters as are admitted by the Returning Officer under Section 60 of this Ordinance.

68. Any candidate present as aforesaid shall be posted in such a position that he can see each person who presents himself as a voter and hear his name as given by him, but so that he cannot see how any voter votes or otherwise interfere.

Candidates  
how to be  
placed.

69. If any candidate persists, after being warned, in contravening the provisions of the last preceding section, it shall be lawful for the Returning Officer or deputy Returning Officer to have him turned out of the polling station; and such officer may at any time summon constables within the polling station for the purpose of preserving order.

Preservation  
of order.

70. The non-attendance of any candidate shall not in any wise invalidate any act or thing done under this Ordinance, if such act or thing is otherwise duly done, notwithstanding such act or thing is required or authorised to be done in the presence of such candidate.

Non-  
attendance of  
candidate not  
to invalidate  
any act.

71.—(1.) No enquiry shall be permitted at any election as to the right of any person to vote, except only as follows: that is to say, that the Returning Officer or a deputy Returning Officer may, if he think fit, or shall, if required by any two persons entitled to vote at the election, put to any person tendering a voting paper, at the time of his delivering in his voting paper and not afterwards, the following questions, and no other:—

Enquiry as to  
right to vote.

Are you the person whose name appears as (*here specify the name contained in the Assessment Roll*) in the Assessment Roll now in force for this Road Union, being registered therein for property described to be situated in (*here specify the property described in the electoral list*)?

Have you already voted at the present election?

(2.) The vote of a person required to answer any of these questions shall not be received until he has answered them.

(3.) If any person makes a false answer to any such questions, he shall be guilty of a misdemeanour, and liable to imprisonment for any term not exceeding one year with or without hard labour.

(4.) Save as by this Ordinance authorised, no enquiry shall be permitted at any election as to the right of any person to vote.

Where person claims to vote as an elector after another has voted as such elector.

72. If a person representing himself to be a particular elector named on the Assessment Roll applies for a ballot paper after another person has voted as such elector, the applicant shall, upon duly answering the questions set forth in the last preceding section, be entitled to mark a ballot paper in the same manner as any other voter; but the ballot paper (hereinafter called a tendered ballot paper) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box, shall be given to the Returning Officer or deputy Returning Officer and endorsed by him with the name of the voter, and set aside in a separate packet, and shall not be counted by the Returning Officer or deputy Returning Officer. And the name of the voter shall be entered on a list to be called "the tendered votes list."

Spoilt ballot paper.

73. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the Returning Officer or deputy Returning Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of such Officer, obtain another ballot paper in the place of the ballot paper so delivered up (hereinafter called a spoilt ballot paper) and the spoilt ballot paper shall be immediately cancelled by such Officer writing the word "cancelled" across the face of the same and across the face of the corresponding counterfoil.

Where voter is physically incapacitated from voting in manner prescribed.

74. If any voter is incapacitated by inability to read English or by blindness or other physical cause from voting in the manner prescribed by this Ordinance, a Returning Officer or deputy Returning Officer shall, at the request of

such voter, cause his vote to be marked on a ballot paper in the manner directed by such voter, and the ballot paper so marked to be placed in the ballot box ; and the name of every voter whose vote is so marked for him, and the reason why it is so marked, shall be entered on a list (in this Ordinance referred to as "the list of votes marked by the Returning Officer" or "deputy Returning Officer" as the case may be,) which shall be kept by such Officer.

75. In any case where the proceedings at an election are interrupted or obstructed by any riot or open violence at the polling station, the Returning Officer or deputy Returning Officer may adjourn the further holding of the election at such polling station until the next working day, and so on as often as may be necessary.

Procedure in case of obstruction of election.

76. Each deputy Returning Officer, as soon as practicable after the close of the poll shall make up into separate sealed packets :

Delivery of ballot papers to Returning Officer.

- (1.) Each ballot box in use at his station unopened but with the key attached ;
- (2.) The unused and spoilt ballot papers, placed together ;
- (3.) The tendered ballot papers :
- (4.) The counterfoils of the ballot papers ; and
- (5.) The tendered votes list and the list of votes marked by the deputy returning officer and a statement of the number of the voters whose votes are so marked by him under the heads "physical incapacity" and "unable to read English" ;

and shall deliver such packets to the Returning Officer.

77. The Returning Officer shall at the close of the poll, make arrangements for counting the votes in the presence of the candidates as soon as practicable after the close of the poll, and shall give to the candidates notice of the day, time and place on and at which he will begin to count the votes.

Notice of time and place when and where the votes will be counted.

Counting of votes and other duties of Returning Officer at close of poll.

78.—(1.) The Returning Officer, his assistants (if any) and clerks, and the candidates and no other person, except with the sanction of the Returning Officer, may be present at the counting of the votes.

Idem.

(2.) On the day fixed by him for the counting of the votes, the Returning Officer shall proceed in the presence of the candidates to count the votes contained in the ballot box. He shall, after ascertaining the result of the poll by counting the votes given to each candidate, make up into separate packets, (a) the ballot papers taken from the ballot box, (b) the tendered ballot papers, (c) the spoilt ballot papers, and (d) the unused ballot papers with the counterfoils of the used ballot papers; and shall wrap together into one parcel the packets and seal such parcel in such a manner that it cannot be opened without breaking the seal. The Returning Officer shall not himself refer, and shall take all proper precautions to prevent any other person from referring to the counterfoils of the used ballot papers.

Counting of votes to be continuous.

79. The Returning Officer shall, as far as practicable, proceed continuously with the counting of the votes, allowing only time for refreshment, and excluding the hours between 7 p.m. and 8 a.m. During the excluded period, the Returning officer shall place the ballot papers and other documents relating to the election under his own seal, and shall otherwise take proper precautions for the security of such papers and documents.

What ballot papers not to be counted.

80. Any ballot paper which has not on its back the official mark, or on which votes are given to more candidates than the voter is entitled to vote for, or on which anything is written or marked by which the voter can be identified, shall be void and not counted.

Rejected ballot papers.

81. The Returning Officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection be in fact made by any candidate to his decision.

The Returning Officer shall report to the Colonial Secretary the number of ballot papers rejected, and not counted by him, under the several heads of—

1. Want of official mark,
2. Voting for more candidates than entitled to;
3. Writing or mark by which voter could be identified;
4. Unmarked or void for uncertainty;

and shall, on request, allow any of the candidates, before such report is sent in, to copy it.

**82.** The decision of the Returning Officer as to any question arising in respect of any ballot paper shall be final, subject to reversal on petition questioning the election or return. How far decision of Returning Officer final.

**83.**—(1.) In case of an equality in the number of votes given for any two or more persons voted for, the Returning Officer shall select which of such persons shall be a member of the particular Board; and the person so selected by the Returning Officer shall be deemed to have been duly elected. Case of equality of votes.

(2.) A Returning Officer shall not vote at an election except in the case of an equality of votes, but nothing in this section contained shall interfere with the right of a deputy Returning Officer to vote. Voting by Returning Officer and deputy.

**84.**—(1.) The Returning Officer shall, as soon as he shall have ascertained the result of the poll, forthwith declare to be elected the candidate or candidates for whom the majority of votes have been given, or, in the case of an equality in the votes, the candidate who has been selected by such Returning Officer under the provisions of the last preceding section, and shall immediately thereafter make a return to the Colonial Secretary shewing the names of each of the candidates, their respective addresses, the number of votes polled for each, and the name or names of the candidate or candidates whom he has declared to be elected. Return of election of Candidates.

(2.) The Returning Officer shall also, as soon as may be after any election, forward to the Colonial Secretary a statement showing:—

- (a.) The number of persons who, from the counter-foils, appear to have been supplied with ballot papers;
- (b.) The number of persons who voted;
- (c.) The number of rejected votes;
- (d.) The number of spoilt ballot papers;
- (e.) The number of unused ballot papers, and
- (f.) The number of ballot papers marked by the Returning Officer.

(3.) The Returning Officer shall, at the same time send the parcel made up by him in accordance with Section 78 (2) of this Ordinance to the Colonial Secretary, who shall keep the same in safe custody and shall allow no person to have access to the same.

(4.) When proceedings are taken under Section 93 of this Ordinance before any Magistrate, the Colonial Secretary shall on the order of such Magistrate deliver to him the parcel of papers relating to the election that is in dispute.

(5.) The Colonial Secretary shall retain for one year from the date of the election all documents relating to an election forwarded to him by the Returning Officer under Sub-section (3) hereof, and at the expiration of such year, unless there are pending any legal proceedings calling in question such election, shall cause such documents to be destroyed.

(6.) No person shall be allowed to inspect any rejected ballot papers in the custody of the Colonial Secretary except under the order of the Magistrate having under the provisions of this Ordinance jurisdiction to hear any complaint as to the validity of the election, to be granted by him on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence

relating to ballot papers or for the purpose of a complaint questioning a return or election; and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the Magistrate making the same may think expedient, and shall be obeyed by the Colonial Secretary.

(7.) No person shall, except by order of any such Magistrate, open the sealed packet of counterfoils after the same has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the Colonial Secretary; such order may be made subject to such conditions as to persons, time, place and mode of opening or inspection as the Magistrate may think expedient; provided that on making and carrying into effect any such order, care shall be taken that the mode in which any elector has voted shall not be discovered until he has been proved to have voted and his vote has been declared by the Magistrate to be invalid.

(8.) Nothing in this section contained shall be held to prevent a Magistrate from inspecting any paper delivered to him as provided in Sub-section (4) of this section.

85. The Colonial Secretary shall cause the name or names of the person or persons returned as having been elected to be published in the *Royal Gazette*. Names of elected persons to be published in *Royal Gazette*.

86. No voter who has voted at any election shall in any proceeding to question the election be required to state for whom he has voted. Protection to voter.

87. No election shall be declared invalid by reason of any non-compliance with the directions of this Ordinance as to the procedure at an election, or any mistake in the use of any of the prescribed forms, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in the Ordinance, and that such non-compliance or mistake did not affect the result of the election. Saving validity of elections.

Bye-vacancy  
in office of  
member.

**88.** If any bye-vacancy occurs in the office of an elective member of a Local Road Board, the electors shall, upon a day to be fixed by the Chairman of such Board, and of which the Chairman shall give due public notice, elect another member to supply such vacancy.

Proceedings at  
bye-elections.

**89.** At all bye-elections of an elective member of a Board, the course of proceeding shall be the same, as near as may be, as is herein directed to be followed at the annual election.

Re-election.

**90.** Subject to the provisions of this Ordinance, any elective member of the Board going out of office shall be eligible for re-election.

Irregularity  
at elections.

**91.** In case no election is had of any elective member or members of a Board, upon the day or within the time provided for such election, or if in case of any such election being had, the same is or afterwards becomes void, the electors shall not thereby be disabled from electing such member or members for the future; but in any case the election shall be had as in case of a bye-vacancy; and every act necessary to be done in order to and for the completing such election shall and may be done, and shall be as valid and effectual for all purposes as if the election had been upon the day or within the time appointed for that purpose.

Offences  
relating to  
elections.

**92.** Sections 50 to 61 (both inclusive) of the Municipal Corporations (Elections) Ordinance, 1915 (which relate to offences at municipal elections) shall, subject as in this section mentioned, apply to elections held under this Ordinance: Provided always that—

- (1.) For the reference to the holding or vacating of a corporate office in section 55 of the Municipal Corporations (Elections) Ordinance 1915 there shall be substituted a reference to the holding or vacating of a seat on any Local Road Board;
- (2.) For the reference to the Mayor in section 56 of the said Ordinance, there shall be a reference to the Chairman of the particular Local Road Board.

*Invalid Elections.*

93. Whenever complaint shall be made to a Magistrate by any person who was a candidate at any election held under this Ordinance, or by any six persons entitled to vote at any such election, that any such election for any Road Board within such Magistrate's district was invalid, either by reason of the Returning officer having erroneously declared that a candidate for election was disqualified, or for any other reason, or that any other person ought to have been returned thereat as a member of such Road Board in preference to the person actually returned as elected, the procedure thereafter shall be regulated in the following manner :—

Invalid  
election how  
remedied.

- (1.) It shall be lawful for such Magistrate to issue a summons, summoning the returning officer at such election, and also the person or persons returned at such election in preference to the party or parties complaining as aforesaid, to appear before himself on a day to be named in such summons ;
- (2.) (a.) On the said parties appearing, or, in default of their appearance, on its being shown that such summons was duly served, it shall be lawful for such Magistrate to investigate the matter of such complaint. And if on such investigation it shall appear to him that such election was invalid, or that any other person ought to have been returned thereat in preference to the person returned as elected, it shall be lawful for the said Magistrate to declare accordingly. If he shall declare the said election to have been invalid, the same shall be deemed to have been null and void, and a fresh election shall be held as upon a vacancy ;
- (b.) If the said Magistrate shall declare that any person ought to have been returned in preference to any other person, the latter person shall at once cease to be a member of the said Board, and the person so declared as aforesaid to have been duly elected shall be deemed to all intents and purposes to have been duly elected.

- (3.) No such proceedings shall be taken except within three weeks of the day of the election out of which the complaint arises.
- (4.) It shall be lawful for the said Magistrate to make such order as to costs as may seem to him right.

Complainant  
to deposit £10.

94.—(1.) The Magistrate to whom complaint is made under the provisions of the last preceding section of the invalidity of any election shall require the person or persons making complaint to deposit with him by way of security, preliminary to the issuing of the summons in sub-section (1) of such section provided, the sum of £10.

(2.) In the event of such Magistrate making an order for costs against the person or persons so complaining, then the sum so deposited shall to the extent to which the same may suffice be applied in discharge of the costs so awarded, and the balance thereof (if any) shall be returned to the complainant: Provided however that if it shall appear to such Magistrate on investigating such complaint that the same is frivolous and vexatious, such Magistrate shall so certify; and in such event the balance (if any) of the sum so deposited, after providing for the payment thereof of any costs so awarded as aforesaid, shall be paid to the Local Road Board as part of their funds.

*Proceedings of Board.*

Assumption  
of office.

95. The Chairman and the nominated members of the Board shall enter upon their offices on a day to be named in their letter of appointment and the elective members on the day following their election.

Vacation  
of office.

96.—(1.) On the third Thursday in July in every year two elective members shall go out of office by rotation, and an election shall be held to supply their places, and the persons elected shall assume office on their predecessors going out of office.

(2.) If the first election of members of a Local Road Board take place between the months of January and July inclusive in any year, then the next election shall not take place before the third Thursday in July in the year next after the year of such first election.

(3.) The elective members of each Board shall, in the case of a Board established after the commencement of this Ordinance, go out of office in the following order: that is to say, the two members who had the least number of votes at such first election shall be the first two to go out of office; the two members who had the next smallest number of votes at such first election shall be the next two to go out of office; and afterwards the members to go out of office shall always be the two who have been longest in office without re-election; and in cases where two or more members are elected on the same day, as between themselves, those having the smallest number of votes at such election shall be deemed the longest in office for the purpose of retiring by rotation.

(4.) In the case of a Board established under any Ordinance or Ordinances repealed by this Ordinance, the elective members shall go out of office in the order in which they would have done if this Ordinance had not been passed: Provided that if the number of members forming any such Board when added to the Chairman and the nominated members shall exceed the number of members lawfully constituting such Board, then, notwithstanding anything in this Ordinance contained, such a number of the elective members shall go out of office at the first election after the commencement of this Ordinance as is necessary to reduce the membership of the Board to its lawful proportions, and in the place of such retiring members there shall at such first election only be elected such number of members as will make up the authorised membership of such Board.

(5.) In case at any election of members two or more are elected by an equality of votes, it shall be determined by lot in what rotation, as between themselves, such members shall retire by two as aforesaid, and in such case the members shall retire according to the rotation so determined.

97.—(1.) A Board shall meet within the Road Union <sup>Board</sup> at whatever place they may decide upon, for the transaction <sup>meetings.</sup> of their ordinary business, at least once in every month, or oftener if so determined, on such day or days as may be agreed upon.

## Quorum.

(2.) No business shall be transacted at any meeting unless at least four of the members of the Board, inclusive of the Chairman or member of the Board chosen to preside in his absence, shall be present.

(3.) All questions at any meeting shall be decided by a majority of the members present and qualified to vote.

(4.) The Chairman may call a meeting of the Board as often as he shall think proper, or after receiving a requisition for that purpose signed by three members of the Board; and if he shall refuse or delay to call any such meeting, such three members may call a meeting of the Board, by serving on each of the other members of the Board notification in writing of such meeting at least seven days before the date thereof, and such notification shall be signed by such three members, and shall state therein the business proposed to be transacted.

(5.) No paid Secretary, officer, clerk or servant shall attend any meeting of the Board during such time as the remuneration of any one or more of them is under discussion.

Chairman to  
preside.

**98.**—(1.) The Chairman, if present, shall preside at all meetings of the Board, and in his absence or during any vacancy in the office, the Board shall choose one of the members present to preside in his place.

Chairman—  
vote of.

(2.) The Chairman of the Board shall have a vote and a casting vote.

## Minute book.

**99.** A Board shall keep a book or books in which shall be entered minutes of all proceedings and transactions, and the Chairman or presiding member shall see that such proceedings are duly entered, and shall subscribe the same with his own hand, and the names of the members present at every meeting shall be entered in such minutes.

Validity of  
acts of Board.

**100.** All acts and proceedings of the Board or of the Chairman or any member thereof, and acting as such, shall notwithstanding it is afterwards discovered that there was some defect in the election of any elective members of the said Board, or that any such Chairman or any member of

the Board was under any disability, be as valid and effectual as if the members of such Board had been duly elected or the Chairman and nominated members had been appointed in accordance with the provisions of this Ordinance.

*Powers, Duties and Liabilities of Local Road Boards.*

**101.** The care, control, management, construction and repair of all local roads within a Road Union, and of all bridges, ferries, drains, culverts, boundary posts, sign posts, fences and gates appertaining thereto, shall be vested in, exercised and effected by the Local Road Board of such Road Union. Powers of Road Board.

**102.** No Board shall incur the expenditure of a sum exceeding £100 in respect of the construction, reconstruction or repair of any bridge or culvert except with the approval and under the control of the Director from an engineering point of view. Expenditure on bridges or culverts.

**103.** Nothing in this Ordinance contained shall be held to empower a Local Road Board to open a new or close an old local road except in accordance with such regulations as may be made under the authority of Section 7 of this Ordinance. Opening or closing of Local roads.

**104.**—(1.) The Board may, subject to the approval of the Central Road Board as hereinafter provided, make bye-laws for regulating their own proceedings and the duties of their secretary, officers, clerks and servants, and for the custody of deeds, records, books and writings, and may attach a penalty not exceeding £10 for the breach of any such bye-law. Power of Board to make bye-laws.

(2.) Every such bye-law shall be entered on the minutes of the Board and a copy of such minute shall forthwith be forwarded by the Secretary of the Local Road Board to the Secretary of the Central Road Board for approval and shall be referred to the Central Road Board at their next meeting, and shall not become effective or binding except on approval thereof by resolution of the Central Road Board.

Bye-laws to  
have force of  
law.

(3.) Such bye-laws as aforesaid shall not be inconsistent with or repugnant to any of the provisions of this Ordinance or to any Ordinance in force, and when confirmed by the Central Road Board and published in the *Royal Gazette* shall have the force of law. Copies thereof shall be laid before the Legislative Council.

Particulars of  
bye-laws to  
be exhibited.

**105.**—(1.) Short particulars of all bye-laws, whether made under the provisions of section 32 or of section 104 of this Ordinance, shall be painted on a wooden frame or printed and fastened thereon.

(2.) Such frame and particulars shall be set up in some conspicuous part of the principal office of the Board.

(3.) Where any such bye-laws are of local application, such frames and particulars shall be set up in some conspicuous place in the immediate neighbourhood to which such bye-laws are applicable.

(4.) Such frame and particulars shall be renewed as often as they shall be obliterated or destroyed.

(5.) No penalty shall be recoverable under a bye-law unless such particulars shall continue to be so set up.

Enforcement  
of claims of  
Board to  
money, &c.,  
in hands of an  
Officer.

**106.**—(1.) All claims by or on the part of a Board to any money due from any member, secretary, officer, clerk or servant of a Board, or to any documents, letters, books, papers and writings, property, chattels and effects, not duly accounted for or retained by such member, secretary, officer, clerk or servant, may be heard and determined by a Magistrate in a summary way.

(2.) Such Magistrate may order the delivery of any account and the payment to a Board of any money appearing thereby to be due from such member, secretary, officer, clerk or servant, whether he shall be then or have ceased to be a member of or in the employ of such Board, and also the delivery of all such documents, letters, books, papers and writings, chattels and effects by such member, officer, clerk or servant.

(3.) Such order may be enforced by such Magistrate ordering the member, officer, clerk or servant not complying therewith to be imprisoned in the Royal Gaol, with or without hard labour, for any term not exceeding six months, or until such order shall be complied with.

(4.) Such order shall be in addition to any other remedy a Board may have with reference to the subject matter in respect of which the order shall be made.

**107.** A Board may obtain from a Magistrate a search warrant in respect of any of its property, on oath being made that such property is believed (on grounds to be stated) to be in any house or place. Search warrant.

**108.** The Board shall have power, subject to the provisions of this Ordinance, to macadamise, light, water and cleanse, or otherwise improve, repair and keep in good order and condition all local roads, paths, ways, drains, watercourses, thoroughfares, ferries and ferry boats within their Road Union, and to plant and maintain such trees on such roads and thoroughfares as may seem to them proper; and to make all proper gutters, drains and watercourses along or under the said roads, paths, ways and thoroughfares for carrying off the water, mud or other filth, and to remove or alter the same as occasion shall or may require, and to place bars and other fences across or along the said roads, paths, ways or thoroughfares when under or preparatory to their alteration or repair, or to erect posts or railings, and suspend chains for guarding ways, gutters, or the like, and generally to do and make, or cause to be made and done, all acts and things whatsoever that may be necessary and proper for accomplishing the several purposes aforesaid. Power of Board as to roads, drains, &c.

**109.—(1.)** In the execution and performance by any Local Road Board of the powers and duties conferred upon it by this Ordinance, a member of the Board shall not be personally liable in respect of the execution or non-execution of the said powers, or the performance or non-performance of the said duties, unless it shall be proved that such member has been guilty of wilful misconduct or negligence. Liability of Board.

(2.) A Board shall be liable for any act done or omitted to be done if it be proved that such Board has been guilty of negligence.

Certain  
offences.

**110.** If any person—

- (a.) Assaults or wilfully obstructs any member, secretary, officer, clerk or servant of the Board or any other person duly employed by the Board while in the execution of his duty; or
- (b.) Incites any other person to do or commit any of the acts in the last preceding sub-section mentioned; or
- (c.) Removes, destroys, pulls down, injures or defaces any boundary post, signpost, board, placard or notice made, put up or published under this Ordinance;

And if any occupier of any premises or other person whomsoever—

- (d.) Wilfully prevents or attempts to prevent the owner thereof or his agent from obeying or carrying into effect such provisions of this Ordinance as may concern such owner or his agent, and by virtue whereof it may be incumbent on such owner to do or to refrain from doing such acts and things as may be by this Ordinance prescribed;

every such person is liable to a penalty not exceeding £20, and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

Powers of  
Local Board.

**111.—(1.)** 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 or regulations made thereunder, the like powers and authority as are hereinbefore given to the Director with respect to public

roads by sections 8, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23 and 126 of this Ordinance. And thereupon so long as the Board shall continue, the powers and authorities of the Director 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.

(2.) The Board may by resolution depute to any person or persons the exercise on its behalf of such powers and authorities.

*Financial.*

**112.** The ordinary income of a Board shall be made <sup>Income</sup> up of:— <sub>Board.</sub>

(1.) All sums of money which may from time to time be granted or apportioned from the General Revenue for the purposes of constructing, maintaining or repairing local roads within the Road Union and for the purposes of the Board incidental thereto ;

(2.) Any rate made or levied by the Board under the authority of this Ordinance ;

(3.) Any fines and penalties sued for and recovered by the Board and payable in respect of any breach of the provisions of this Ordinance or of any regulations or bye-laws made thereunder relating to or connected with the local roads within the Road Union ;

(4.) All dues and fees received in respect of any building, ferry, erection or work under the control or management of the Board.

**113.**—(1.) The Board is hereby authorised to make and levy within the limits of the Road Union the following <sup>Power of</sup> yearly rates, that is to say :— <sub>Board to levy</sub> <sub>rate.</sub>

(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 £5, a rate not exceeding one shilling ;

(c.) On every house the assessed rent or annual value of which exceeds £5, a rate not exceeding one shilling and six pence in the pound;

(2.) 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.

(3.) No such rate shall be made and levied without the consent of the Governor in Executive Council first had and obtained.

(4.) The Board may at any time before the same has begun to be collected, alter or revoke any resolution to make and levy a rate, provided always such resolution to alter or revoke shall not be valid or of any effect whatever unless the consent of the Governor in Executive Council is given thereto.

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

Duties of  
Chairman and  
Warden as to  
rate.

114.—(1.) Whenever any such road rate has been made by the Board as aforesaid, the Chairman shall forthwith notify the Warden of the Wards wholly or partly within the Road Union, whose duty it shall then be to insert and include the same in the Assessment Roll of lands and houses within the Ward or Wards liable to the payment of land and house tax, and to pay the said rate when collected into the Treasury, when the Receiver-General shall pay the same to the Board.

(2.) The cost of inserting and including a road rate in the assessment roll shall be borne by the Board, and shall be paid to the Warden by the Receiver-General out of the rate paid into the Treasury as in this section directed: provided always that where a resolution to rescind a rate

becomes valid under the provisions of the last preceding section, any expenses incurred by a Warden in altering or correcting the assessment roll may by direction of the Governor be deducted from any sums due or to become due to the Board in respect of any allocation, past or future, made by the Central Road Board, and the amount of such expenses shall be paid to the Warden by the Receiver-General out of the sums so allocated.

**115.** A Board pending the collection of any rates or subsidies in aid of rates or grants which may be payable by the Government, may for the purpose of carrying on or completing public works then in progress, obtain advances from any Bank by over-draft of the current account, but no such over-draft shall at any time and under any circumstances exceed one-fourth of the previous year's income. Bank over-draft.

**116.** The expenses incurred by members of a Local Road Board in travelling to inspect roads in their Road Union in accordance with the provisions of any regulations made under this Ordinance or under unforeseen and extraordinary circumstances may be allowed to such members from the funds of such Local Road Board. Ordinary travelling expenses incurred in attending meetings of the Local Road Board or in the inspection of roads shall not be so allowed. Travelling expenses.

**117.—(1.)** The whole of the income of a Local Road Board from whatever source accruing shall be applicable solely to doing or carrying out those things which by this Ordinance the Board is empowered to do or carry out. Application of income and grant.

(2.) The amount of any sum of money which from time to time may be granted or appropriated from the General Revenue of the Colony for the purpose of constructing, maintaining or repairing Local Roads within any Road Union shall, in the absence of any direction to the contrary contained in any Resolution of the Legislative Council granting or appropriating such sum, be expended by the Board in each Ward of the Road Union according to the proportionate value of the assessment of the land and house tax in the said Ward, unless it shall be

otherwise determined by an unanimous vote at a meeting of the Board held after due notice of the proposed different appropriation and expenditure.

Estimates.

**118.**—(1.) (a.) It shall be the duty of the Chairman of every Local Road Board to forward to the Director on or before the thirty-first day of August in each and every year an estimate of the proposed and probable expenditure of the Board on the local roads in the Road Union during the next ensuing financial year.

At the same time each Local Road Board shall submit an estimate of the cost of any new works for the improvement of existing local roads, and the opening and construction of new local roads which in the opinion of the Board it is desirable to carry out during the year.

- (b.) Estimates of expenditure on local roads shall be submitted to the Legislative Council apart and separately from the estimates of expenditure on the main roads of the Colony.
- (c.) Each Local Road Board shall on or before the first day of February in each year, or any other day appointed by the Governor, prepare and submit to the Governor a true estimate of the income estimated to be receivable and the expenditure to be incurred during such year, and the Governor shall, if not satisfied that in any such estimate either the income or expenditure is properly stated estimated or provided for, or if it appears to him that any such expenditure is illegal or improper, return such estimate to the Board making the same, who shall thereupon amend it according to the directions which the Governor may be pleased to give in respect thereof.
- (d.) In all such estimates the sums proposed to be expended on each road shall be separately shown.

(2.) Any sum may lawfully be expended in any year for any other proper purpose than as provided in such estimate, if the same has been included and provided for in a supplementary estimate to be from time to time similarly submitted and approved before the expenditure of the same.

(3.) Any such supplementary estimate may with the approval of the Governor from time to time provide for the payment of any costs, claims or other unforeseen expenses and charges out of moneys unexpended by appropriating for the purpose of the payment thereof any funds previously otherwise appropriated.

(4.) Any Local Road Board may by resolution from time to time for good cause transfer to work to be done on any road any sum not exceeding £15 of the unexpended balance to the credit of any other road, and expenditure in accordance with such resolution shall not be deemed unauthorized expenditure.

(5.) In respect of such portion of any year as may have elapsed before the sanction of the estimate for such year, it shall be lawful for a Local Road Board provisionally to expend in each week on any road or for any service or salary any sum not exceeding such proportionate part of the estimate of recurrent expenditure for similar work services or salaries for the previous year as the Governor may approve, and such further sum as the Governor may sanction.

(6.) Such estimates when finally approved by the Governor shall be laid before the Legislative Council as approved.

**119.** The accounts of the income and expenditure of every Local Road Board shall be audited by the Auditor-General of the Colony under such regulations as may be sanctioned by the Governor in Executive Council.

**120.**—(1.) (a.) Every Local Road Board shall cause books to be provided and kept in such form (if any), as may from time to time be prescribed by the Governor, and true and regular accounts to be entered therein of all sums of money received

Inspection of  
books of  
account by  
interested  
persons.

and paid on account of and for the Board, and the several purposes for which such sums of money have been received and paid.

- (b.) Such books and the chest or safe in which the moneys of the Board are kept shall between the hours of 10 a.m. and 4 p.m. on every day, all Saturdays, Sundays and Public Holidays excluded, be open to the inspection of the Auditor-General or any person appointed by him.
- (c.) Such books shall between the hours of 10 a.m. and 4 p.m. on every day, all Saturdays, Sundays and Public Holidays excluded, be open to the inspection of any member of the Board, ratepayer, or creditor of the Board who may make any objection in writing to the Auditor-General to any entry in such books.
- (d.) No fee or reward shall be payable for any such inspection by the persons mentioned in (b) and (c) hereof, and any such person may take copies of or extracts from the said books without paying anything for the same.
- (2.) Any person having the custody of such books chest or safe who refuses to allow or prevents any such inspection or taking of copies or extracts as provided for in Sub-section (1) hereof is liable on summary conviction to a penalty not exceeding £5 for every such offence.
- (3.) All moneys of the Board amounting to £20 and upwards shall, within seven days or such shorter period as the Board may direct, after they have come into the hands of the Board, be paid into such Bank and in such manner as the Board shall from time to time direct.
- (4.) No money shall be drawn out of such Bank excepting by a cheque signed by the Chairman and countersigned either by another member of the Board, or by the Secretary.

121. An Annual Statement or Summary (showing the receipts and payments of the Board compared with the Board's approved estimate for the preceding year) shall be prepared by the Board and rendered to the Auditor-General not later than the thirty-first day of January in each year, and such statement shall be audited by the Auditor-General, and if found correct, shall be certified as correct under the hand of the Auditor-General; and when so certified shall within thirty days be published by the Board in the *Royal Gazette*.

Annual financial statement.

122. The individual members of a Board who have sanctioned any expenditure which has not been duly authorised by an estimate approved by the Governor shall be personally liable, jointly and severally, to make good to the Board such expenditure.

Liability for unauthorised expenditure.

123. The Auditor-General shall, if he finds that any expenditure by a Board is unauthorised, unless such unauthorised expenditure is on demand at once refunded to the Board by the person or persons responsible therefor, forthwith publish in the *Royal Gazette* a statement certifying the amount of such unauthorised expenditure, and shall at the same time notify the Board accordingly.

Duty of Auditor-General.

124.—(1.) In case the amount of such unauthorised expenditure is not made good to the Board to the satisfaction of the Auditor-General within fourteen days after the Board has been notified as in the last preceding section, the Attorney-General shall in the name and on behalf of the Board, sue for the same in the manner laid down in the Crown Suits Ordinance, 1913, and shall if it appear to the 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.

Suit by Attorney-General.

(2.) The amount so recovered by the Attorney-General in any such action shall be forthwith paid over to the Board.

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

(4.) 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 public funds of the Colony.

(5.) The supersession of a Board under the provisions of Section 43 of this Ordinance shall not affect the joint and several liability, in respect of expenditure certified either before or after such supersession to be unauthorised in the manner provided in this section, of any person who but for such supersession would have been liable, but every such person shall be and continue liable to make good all sums due in respect of such unauthorized expenditure in all respects and to the same extent as if the Board of which he was a member had not been superseded, and shall pay the amount of such sums into the Colonial Treasury.

(6.) In case such sums are not paid into the Colonial Treasury within fourteen days after such certificate is given, the Attorney-General may sue for the same, and the provisions of this section with regard to a suit by the Attorney-General in the name and on behalf of a Board shall apply to such first mentioned suit, except that any sums recovered in any such suit shall be paid into the Colonial Treasury.

#### PART IV.

##### MISCELLANEOUS.

Penalties for offences not specified.

**125.** Where any act is by this Ordinance or by any regulation or bye-law made under the authority thereof, directed to be done or forbidden to be done, or where any authority is given to a Local Road Board or any member or officer of a Board, to direct any act to be done or to forbid any act to be done, and such act having been duly directed to be done shall remain undone, or such act having been duly forbidden to be done shall be done, and where no penalties for and in

respect thereof shall have been prescribed, then and in every such case the person making wilful default as to such direction or prohibition respectively, as the case may be, is liable to a penalty not exceeding £20 in addition to all costs and expenses, and in default of payment, to imprisonment for any term not exceeding six months.

126. All penalties under this Ordinance or under any Regulations or bye-laws made under this Ordinance may be recovered by the Director or by any person authorised by him thereunto in writing, or by the Warden of the Ward in which the offence shall be committed, or by any Local Road Board, or by any person who will sue for the same before a Magistrate :

Suing for penalties, &c.

Provided that where such penalties shall be recovered on the information of any Local Road Board, or for or on behalf of any Local Road Board, in every such case such penalty shall be paid to such Board, and in all other cases into the Colonial Treasury for the use of His Majesty the King.

127. All informations, actions or suits brought by or against any Local Road Board in any Court of Justice whatsoever may be brought or defended in the name of the Chairman of such Road Board.

Actions by or against Local Road Board.

128. No property of a Local Road Board shall be liable to be taken in execution or attached by process of law, but it shall be lawful for any creditor or for the Attorney-General to apply to the Supreme Court for a *mandamus* to compel the payment by a Local Road Board of any legal liability of the Board, and to compel the Board, if necessary, to levy and raise a Road rate under the provisions of this Ordinance for the purpose of providing funds for the discharge of any such legal liability of such Board.

Exemption of property of Board from execution.

129. Unless otherwise provided for by this Ordinance, all fines, penalties and forfeitures, and all expenses and sums of money made payable or recoverable, and all claims for compensation or in respect of damage under this Ordinance or any Regulation or Bye-law made under this Ordinance,

Recovery of penalties, &c.

may be sued for, recovered or enforced summarily on complaint before any Magistrate, and the procedure in all such cases shall be according to the Summary Conviction Offences (Procedure) Ordinance, No. 1.

Procedure where no mode of enforcing penalty is prescribed.

**130.** Wherever under the provisions of this Ordinance the conviction adjudges payment of a pecuniary penalty or the order directs the payment of a sum of money by any person liable to pay the same, whether imposed by this Ordinance or by any Regulation or bye-law made under its authority, and by the law in that behalf no mode of enforcing payment thereof is provided in default of payment thereof, the defendant or person liable to pay any sum of money shall in default of payment be imprisoned with or without hard labour, as the Magistrate may direct, for any period not exceeding six months.

Limitation.

**131.** Any action by the Attorney-General under the provisions of Section 124 of this Ordinance may be commenced as soon as possible after such unauthorized expenditure has been disclosed by the examination of the vouchers relating thereto, and any prosecution under the provisions of Section 125 of this Ordinance may be commenced at any time within one year from the commission of the act in respect of which such prosecution has been commenced.

Notices.

**132.**—(1.) Except where otherwise provided by this Ordinance or by regulation or bye-law thereunder, "Public Notice" shall be given by one insertion in the *Royal Gazette* and by posting the notice in some conspicuous part of the Local Road Board's office, or the office of the Magistrate of the district.

(2.) Production of the *Royal Gazette* shall be sufficient proof of the matters contained in such public notice.

(3.) All other notices shall be in writing, signed by the Director or the Chairman or some person on behalf of the Local Road Board, as the case may be, and shall be given or sent through the post to the usual or last known place of abode in the Colony of the person for whom it shall be intended, or his agent.

133. A copy of the *Royal Gazette* containing a copy of Evidence. any Proclamation purporting to be made under this Ordinance shall be *prima facie* evidence for all purposes of the due making and tenor of such Proclamation.

134. The enactments specified in the Second Schedule Repeal. to this Ordinance are hereby repealed to the extent specified in the third column of the said Schedule.

135. This Ordinance shall commence on a day to be fixed Commence- by the Governor by proclamation in the *Royal Gazette*. ment.

Passed in Council, this Sixteenth day of November in the year of Our Lord One thousand nine hundred and seventeen.

HARRY L. KNAGGS,  
*Clerk of the Council.*

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Section 50.

## FIRST SCHEDULE.

## FORM OF NOTICE.

I the undersigned [A. B.] am desirous of being a Candidate for election as member of the Local Road Board.

My qualification is.—

Set out one of these qualifications.

- (a.) I am possessed of a freehold interest in land of the clear annual value of Thirty Pounds, or
- (b.) I am possessed of a leasehold interest in land of the clear annual value of Forty Pounds, or
- (c.) I am in the occupation of a house of the clear annual value of Fifty Pounds, [or which is rated or assessed to some general or local tax on an annual value of not less than Thirty Pounds], or
- (d.) I enjoy for my own use and benefit a net annual income of not less than £150. and I reside within the Road Union.

The property in respect of which I hold the aforesaid qualification is situated at within the Road Union.

## SECOND SCHEDULE.

## ENACTMENTS REPEALED.

No. of Ordinance.	Short Title.	Extent of Repeal.
No. 200 ...	The Roads Ordinance ...	The whole.
No. 288 ...	The Roads (Amending) Ordinance ...	"
No. 25 of 1905 ...	The Roads (Amendment) Ordinance, 1905 ...	"
No. 21 of 1906 ...	The Streets and Roads Regulation Amending Ordinance, 1906 ...	Section 4.
No. 38 of 1908 ...	The Roads Ordinance, 1908 ...	The whole.
No. 14 of 1911 ...	The Roads Ordinance, 1911 ...	"
No. 30 of 1911 ...	The Roads (Amendment) Ordinance, 1911 ...	"
No. 40 of 1912 ...	The Roads (Amendment) Ordinance, 1912 ...	"
No. 6 of 1913 ...	The Roads (Amendment) Ordinance, 1913 ...	"

SECTIONS OF BILL.	CORRESPONDING SECTIONS OF REPEALED ORDINANCES, &C.
Section 116	... Section 17 of No. 288.
Section 117	... Sections 87, 88 of No. 200.
Section 118	... Section 9 of No. 288.
Section 119	... Section 90 of No. 200.
Section 120	... Section 91 of No. 200 as amended by Section 10 of No. 288.
Section 121	... <i>See</i> Sections 92 and 94 of No. 200 as amended by Section 11 of No. 288. The procedure in Section 92 of the Bill has been adopted at the suggestion of the Auditor-General.
Section 122	... Section 96 (2) of No. 200.
Section 123	... Section 12 of No. 288.
Section 124	... Section 96 of No. 200, as amended by Sections 13 (c) and 19 of No. 288 and Section 7 of No. 30 of 1911.
Sections 125 to 130	... Sections 97 to 102 of No. 200. Section 103 of No. 200 was repealed by Ordinance 49—1912.
Section 131	... Section 18 (b) of No. 288.
Section 132	... Section 104 of No. 200.
Section 133	... Is new.
Section 134	... Repeal Section.
Section 135	... Commencement.