



## BRIDGE ORDINANCE, 1864.

IN THE TWENTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA.

SESSION XIX., No. 164.

### ANALYSIS :

#### Title.

#### Preamble.

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Schedule.

AN ORDINANCE to authorise the Collection of Tolls on and for the Title  
*Maintenance of Public Bridges within the Province of Otago :*  
[12TH NOVEMBER, 1864.]

**W**HEREAS large sums of money have been expended out of Preamble.  
the Revenues of the Province of Otago in the building main-  
taining and repairing Public Bridges within the Province : And  
whereas it is intended to build other Bridges within the said Pro-  
vince : And whereas in order to make provision for the expenditure  
already incurred and to be incurred in that behalf it is expedient  
that Tolls should be levied collected and applied with other funds  
for those purposes :

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof as follows :—

Short Title.

I. This Ordinance shall be termed and may be cited and referred to as the “*Bridge Ordinance 1864.*”

Superintendent authorised to impose tolls, and build toll-houses, &c., on Public Bridges.

II. The Superintendent of the said Province shall from time to time as occasion may require subject nevertheless to the restrictions in this Ordinance contained with respect to the imposing and collecting of Tolls resolve and determine upon which of the Public Bridges or the approaches thereto within the Province Toll-gates Toll-bars Toll-houses and such other erections and buildings for the collection of Tolls as may be thought necessary shall be erected : And the said Superintendent is hereby further empowered from time to time to repair renew or rebuild as occasion may require such Toll-gates Toll-bars Toll-houses erections and buildings and also when and so often as shall be thought proper to cause the same to be removed from one part of any Public Bridge to any other part of such Bridge or to sell or dispose of such Toll-gates and buildings or of the materials of which they have been built and all moneys arising from any such sale shall be applied to the purposes of this Ordinance.

Application of tolls.

III. The Tolls by this Ordinance authorised to be collected and the rents payable in respect of such Tolls by the Lessees thereof shall be respectively accounted for and paid to the Provincial Treasurer of the said Province for the time being and shall together with such moneys as shall be from time to time appropriated by the Superintendent and Provincial Council out of the public revenue of the Province for the making and maintaining and repairing of any Public Bridges or other works connected therewith be applicable to the aforesaid purposes and to the necessary expenses incurred in and about the management of the said Bridges the collection of the said Tolls and to such other purposes as are authorised by this Ordinance.

Rates of tolls.

IV. It shall be lawful for the Superintendent or the Lessees or Collectors of the said Tolls and they are hereby authorised to demand receive and take on or at the side of any Public Bridge or the approaches thereto before any passenger on foot subject to Toll by this Ordinance and before the horse or other animal carriage or other vehicle in respect of which any Toll shall be payable shall be allowed to pass through any gate or bar erected or to be erected upon across or on the side of such Bridge or any approach thereto the several Tolls specified in the Schedule hereunto annexed subject to the restrictions and exemptions in this Ordinance mentioned.

Superintendent empowered to reduce tolls.

V. It shall be lawful for the Superintendent from time to time to lessen and reduce the Tolls specified in the said Schedule and again at any time to advance the same so that the Tolls payable do not at any time exceed the rates specified in the said Schedule : Provided always that no alteration in the said Tolls either by reducing

or advancing the same shall be made to take effect until one calendar month at the least after notice of the same shall have been given in the *Provincial Government Gazette* or otherwise in the Province as the said Superintendent shall direct: Provided also that it shall be lawful for the Superintendent at any time by a notice published as aforesaid to declare any Public Bridge to be open free of Toll to foot passengers and by like notice afterwards to declare foot passengers to be subject to Toll.

VI. In case any horse or other animal carriage or other vehicle shall be subject to a higher rate of Toll on returning through the same gate or bar by reason of a different use made of the same horse or other animal or of the carriage or other vehicle drawn by the same then and in every such case the difference only between the Toll first paid and such larger Toll shall be paid on such subsequent passing or returning.

Provision as to stage coaches and stage waggons.

VII. When any Toll shall have been once taken in respect of any horse or other animal not drawing or of any horse or other animal drawing any carriage or vehicle at any Toll-gate or any Public Bridge no Toll shall be taken in respect of the same horse or other animal or in respect of other horses or animals drawing the same carriage or other vehicle on the same day (which shall in all cases relating to Tolls under this Ordinance be computed from twelve of the o'clock of the night till twelve of the clock in the next succeeding night) for returning once through the same Toll-gate.

Tolls once paid to clear one return journey.

VIII. If any coach chariot chaise cart or other carriage shall pass through any Toll-gate affixed tied or secured to any waggon or cart the same Toll and no more shall and may be demanded and taken for and in respect of such coach chariot chaise or other carriage as if the same had passed through drawn by two horses and the same Toll and no more shall and may be demanded and taken for and in respect of any such carriage with two wheels only as if the same had passed through drawn by one horse only and where any horse shall be fastened to but not used in drawing any waggon cart or other carriage such horse shall not be liable to higher Toll than a single horse: Provided that if any coach chariot chaise cart or other carriage so affixed tied or secured to any waggon or cart shall have any goods conveyed therein other than the harness there to belonging and such articles of package as may be necessary for the protection of such carriages the same shall be liable to double the Toll hereby imposed.

Tolls to be paid upon carriages affixed to others.

IX. In all carriages wherein oxen or neat cattle shall be used two oxen or neat cattle shall be considered for the purposes of this Ordinance so far as relates to Tolls as one horse.

Two oxen to be charged as one horse.

X. No Toll shall be taken by virtue of this Ordinance of or from any of the persons hereinafter mentioned or for any horses coaches waggons carts or other carriages employed in manner respectively hereinafter mentioned that is to say:—

Exemption from tolls.

1. In attending or going to attend or in returning after having attended His Excellency the Governor : or
2. In carrying or conveying or going empty to fetch carry or convey or returning from carrying or conveying having been employed only in carrying and conveying on the same day any stones bricks wood or other materials for making or repairing any Public Road whether the same be a Main Road or a Branch Road or for building rebuilding or repairing any present or future Public Bridge or Bridges : or
3. Of or from any Inspector Surveyor or other officer or workman in the employment of any District Road Board or of or from any officer of the General Government of the Colony of New Zealand or of the Provincial Government of Otago while engaged in executing the duties of his office : or
4. For any horse beast or cattle or carriage employed in carrying or conveying having been employed only in carrying and conveying on the same day any dung soil lime compost or manure for improving land and the necessary implements or articles used for filling or holding the manure or any ploughs harrows or implements of husbandry (unless laden also with some other thing not hereby exempted from Toll) or for any hay straw fodder for cattle potatoes or corn in the straw which has grown or arisen on land in the occupation of the owner of any such hay straw fodder potatoes or corn in the straw and which has not been bought sold or disposed of nor is going to be immediately sold or disposed of : or
5. For any horses or other beasts employed in husbandry going to or returning from plough or harrow or to or from pasture or watering-place or going to or returning from being shod or farried such horses or other beasts mentioned in this and the fourth or immediately preceding subsection not going on those occasions to a greater distance than one mile from the Public Bridge at which the exemption shall be claimed : or
6. Of or from any person going to or returning from his usual place of religious worship on Sundays : or
7. Of or from any person going to or returning from attending the funeral of any person : or
8. From any ordained clergyman going to or returning from visiting any sick person belonging to his congregation or on other clerical duty : or

9. From members of the Police Force being on actual duty and in proper dress or undress as such or prisoners under their charge or for carriages and horses *exclusively* employed in carrying or conveying such persons or their prisoners or baggage forage or Government stores or returning therefrom and not otherwise engaged and employed : or
  
10. For any horses or carriages of whatever description employed or to be employed in conveying any mails or expresses under the authority of the Postmaster-General or the Provincial Postmaster when exclusively employed in conveying fetching or guarding such mails or expresses or in returning back from conveying or guarding the same having been exclusively employed in conveying fetching or guarding such mails or expresses : or
  
11. For the horse or horses of any officers or soldiers on their parade or on duty or for any horse or horses or other beast or for any cart carriage or waggon employed in carrying or conveying or returning empty from carrying or conveying having been employed *only in carrying* or conveying the arms or baggage of any such officers or soldiers or employed in carrying or conveying or returning empty from having been employed *only in carrying* or conveying any sick wounded or disabled officers and soldiers or for any waggon wain cart or other carriage whatsoever or the horse or horses or other cattle drawing the same employed in conveying any ordnance or barrack or commissariat or other public stores of or belonging to her Majesty or for the use of her Majesty's forces or returning empty from having been so employed or for any carriage conveying Militia or Volunteer Infantry or for any horse furnished by or for any person belonging to any corps of Yeomanry or Volunteer Cavalry or Infantry and ridden by him in going to or returning from any place appointed for and on the days of exercise inspection or review or on other public duty provided that such person shall be dressed in the uniform of his corps and shall have his arms furniture and accoutrements according to the regulations of such corps at the time of claiming the exemption : or
  
12. For any horses or carriages conveying any Judge of the Supreme Court Resident Magistrate Justice of Peace or Jurymen going to perform or returning from performing his duty in such capacity or any person or persons going to or returning from any election of a Member of the House of Representatives or of the Provincial Council for the District in which such Public Bridge shall be situated.

Tolls payable on waggons going empty for road materials, &c, to be repaid when returning laden.

XI. For the preventing of frauds on Toll Collectors by waggons carts or other carriages passing through Toll-gates empty or loaded only with implements necessary for the more convenient carriage of or for loading or unloading manure or materials for the repair of any Public Bridge or Road under pretence of going for such manure or materials the owner or driver of every such waggon cart or carriage claiming exemption from Toll shall in all cases pay the Toll in respect of such waggon cart or carriage before the same shall be permitted to pass through such Toll-gate and the Collector of such Toll shall thereupon deliver to such owner or driver a ticket to be marked "Manure Exemption" or "Road Materials Exemption" (as the case may be) with the name of the gate and the date when delivered and the amount of Toll so paid all which sum or sums so paid shall be repaid to the owner or driver of such waggon cart or other carriage upon his returning with such waggon cart or other carriage so laden as aforesaid and producing such ticket and every Collector of such Toll refusing to give such ticket on receiving the Toll or refusing or neglecting to return the said Toll upon the return of such waggon cart or other carriage so laden, and re-delivery of the "Manure Exemption" or "Road Materials Exemption" ticket (as the case may be) shall for every such offence forfeit and pay to the owner of such waggon cart or other carriage a penalty of not more than five pounds.

Penalty on fraudulently taking the benefit of exemption.

XII. If any Person or Persons shall by any fraudulent or collusive means whatsoever claim or take the benefit of any exemption from Toll or of any other exemption in this Ordinance contained every such person shall forfeit and pay any sum not exceeding five pounds and in all cases the proof of exemption shall be upon the person claiming the same.

Toll-tables to be affixed at all gates.

XIII. For regulating the collection of Tolls and preventing the evasion and enforcing the payment thereof the Superintendent shall put up or cause to be put up and afterwards to be continued at every Toll-gate within the Province a table painted in distinct and legible black letters on a board with a white ground or in white letters on a board with a black ground containing at the top thereof the name of the Toll-gate at which the same shall be put up and also a list of all the Tolls payable at such Toll-gate under the authority of this Ordinance and any lessee of Tolls who shall collect or receive any Tolls at any Toll-gate at which such Table of Tolls shall not be affixed as aforesaid shall be liable to forfeit and pay a sum not less than two pounds for every day during which he shall continue to collect Tolls without such Table being affixed unless it shall appear to the Justice or Justices before whom information and complaint in such case shall be made that such Table has been by some other person without the privity of such lessee unlawfully removed or destroyed and that sufficient time has not elapsed for restoring or supplying the same or that the Superintendent has omitted to provide a proper Table of Tolls according to the requirements of this Ordinance.

XIV. The Superintendent or the lessee of the Tolls or other person authorised to collect Tolls at any Toll-gate shall provide tickets denoting the payment of Tolls except Tolls payable by foot-passengers and on such several tickets shall be specified the name of the Toll-gate at which the same shall be delivered one of which tickets shall be delivered gratis to the person paying the Toll and on the production of such ticket at the Toll-gate where such ticket was delivered the person producing the same shall pass through the Toll-gate therein mentioned without paying any further or additional Toll.

Tickets denoting payment of Tolls.

XV. Every Toll Collector shall place or cause to be placed on some conspicuous part of the front of the Toll-house or Toll-gate at which he shall be stationed and so as that the same shall appear to public view his Christian and Surname painted in black on a board with a white ground each of the letters of such name to be at least two inches in length and of breadth in proportion and such board shall be and remain at such Toll-house or Toll-gate during the whole time that the person whose name shall be expressed thereon shall be on duty thereat and if any Collector of the said Tolls shall not place such board and keep the same there clearly legible during the time he shall be such Collector as aforesaid he shall forfeit and pay any sum not exceeding five pounds.

Toll Collectors to put up their names.

XVI. The Superintendent may order and direct one or more lamps to be lighted on or against or on front of each and every Toll-house and also order and direct at what times of the year and during what hours such lamps or any of them shall be kept lighted and every Collector of the Tolls at any such Toll-house and the lessee thereof who shall neglect or omit to observe and fulfil the order of the said Superintendent in respect to the keeping and lighting of such lamp or lamps shall forfeit and pay any sum not exceeding two pounds for every such neglect or omission and in case any person shall wilfully damage or injure any lamp to be placed and set up as aforesaid or extinguish the light therein such person shall forfeit and pay any sum not exceeding three pounds for every such offence.

Superintendent may order lamps to be lighted at Toll-houses

XVII. If any person shall give or receive from any person other than the Collector of the Tolls or forge counterfeit or alter any note or ticket with intent to evade the payment of the Tolls or any part thereof or if any person shall fraudulently or forcibly pass through any such Toll-gate on foot or pass or drive through any such Toll-gate with any horse beast or cattle or if any person shall do any other act whatever in order or with intent to evade the payment of all or any of the Tolls and whereby the same shall be evaded every such person shall for every such offence forfeit and pay any sum not exceeding five pounds.

Penalty for evading Tolls.

XVIII. If any person liable to the payment of the Tolls payable under this Ordinance shall after demand thereof neglect or refuse to pay any such Toll the Collector thereof may seize and detain any horse

Horses, carriages, &c. may be detained for non-payment of Tolls.

beast cattle carriage or other vehicle in respect of which any such Toll is payable or the goods and chattels of such persons so neglecting or refusing to pay and if such Toll together with reasonable charges for such seizure and distress shall not be paid within five days the animals goods or chattels seized may be sold and the proceeds applied in payment of such Tolls and the charges occasioned by such seizure distress and sale and the surplus (if any) of such proceeds shall be paid on demand to the owner thereof or such Toll may in lieu of such distress be recovered before any Resident Magistrate or two or more Justices of the Peace by an order of such Magistrate or Justices he or they are hereby empowered to make on complaint of the Toll-gatekeeper or Toll Collector and such complaint shall be heard and determined in the manner directed by the Act of the Imperial Legislature intituled "The Summary Convictions Act 1848."

Penalty for taking  
greater or less Toll, &c

XIX. If any Collector of the said Tolls shall demand or take a greater or less Toll from any person than he shall be authorised to do by virtue of this Ordinance or of the orders of the Superintendent made in pursuance hereof or shall demand and take a Toll from any person who shall be exempt from the payment thereof and who shall claim such exemption or shall refuse to permit or suffer any person to read or hinder any person from reading the inscriptions on any board hereby authorised to be put up at any Toll-gate or shall refuse to tell his Christian and Surname to any person who shall demand the same after payment of the said Tolls or any of them or shall in answer to such a demand give a false name or names or shall refuse or omit to give to the person paying the Toll a Ticket denoting the payment thereof and naming and specifying the Toll-gate at which such ticket has been delivered or upon the legal Toll or payment being tendered shall unnecessarily detain or wilfully obstruct hinder or prevent any passenger from passing through any Toll-gate or shall make use of any scurrilous or abusive language to any traveller or passenger or shall allow any horse or other animal or any coach waggon cart or other carriage to pass through any toll-gate at which such Collector or other person shall be stationed without paying the Toll payable or shall be guilty of any other misconduct in his office then and in every such case every such Toll Collector shall forfeit and pay any sum not exceeding five pounds for every such offence.

Superintendent em-  
powered to let Tolls  
by auction.

XX. It shall be lawful for the Superintendent at a public meeting to let to farm the Tolls of all or any of the several Toll-gates erected under the provisions of this Ordinance in the manner hereinafter mentioned that is to say the Superintendent shall cause notice to be given of the time and place for letting the same at least one calendar month before the day to be appointed for that purpose in such manner as he shall think fit specifying in every such notice when practicable the sum which the said Tolls produced in the preceding year clear of the salary for collecting the same in case any hired Collector was appointed and stating that such Tolls will be let by auction to the highest bidder on his producing sufficient sureties



for payment of the money monthly or otherwise as in such notice shall be specified.

XXI. To prevent any undue preference in the letting thereof the Superintendent shall direct all such auctions to be conducted according to rules fitted to secure that end to be made by him and the last bidder shall be the farmer or renter of the said Tolls and shall forthwith enter into a proper agreement for the taking thereof and paying the money at the time stipulated and with such surety or sureties for the payment thereof and under such conditions and in such manner as the Superintendent shall think fit and if the person being the last bidder shall not forthwith enter into such agreement it shall be lawful to put up the said Tolls again immediately for another bidder and in like manner to continue to put up the same until a bidder shall be found who shall enter into such agreement.

To be conducted according to rules made by the Superintendent.

XXII. In case the said Tolls shall not be let by auction it shall be lawful for the Superintendent to accept a private tender for the same and to demise or let to farm all or any of such Tolls at any sum which the Superintendent may deem reasonable or the Superintendent may appoint a Collector of such Tolls as he shall judge most proper upon giving notice in all such cases as aforesaid.

If Tolls not let by auction, a private tender may be accepted.

XXIII. At all such lettings the Superintendent shall be entitled by an agent appointed by him for that purpose to make one bid for the Tolls to be let to the intent that such Tolls may not be let for less than their adequate value and the auctioneer at the commencement of the auction shall declare whether the Superintendent has appointed any person to make such bid and no such Tolls shall be demised or leased for any longer period than one year at one time.

Reserving biddings and limiting leases

XXIV. During such times as the Tolls shall be leased demised or let to any person whomsoever it shall and may be lawful to and for the lessee or farmer thereof or such other person or persons as he shall authorise or appoint to occupy and enjoy the Toll-house at which the Tolls so let are to be collected with all the appurtenances and conveniences thereunto belonging for the purpose of collecting such Tolls during so long a time only as such lessee or farmer shall duly and regularly pay his rent and perform the covenants conditions and agreements of such lease demise or letting but no longer.

Lessees or persons appointed by them may occupy Toll-houses.

XXV. During such times as the Tolls or any part thereof shall be leased to any person it shall be lawful for the lessee or farmer thereof or such other person as he shall by writing under his hand authorise or appoint to demand or take such Tolls so leased or farmed and to use all such means and methods for the recovery thereof in case of non-payment or evasion as any Collector of such Tolls by this Ordinance is authorised and empowered to use and such lessee or other person as aforesaid so demanding and taking such Tolls shall be subject to the like pains penalties and forfeitures and shall be liable to the like actions and prosecutions as any Collector of such Tolls appointed by the Superintendent.

Lessees of Tolls may appoint persons to receive the same, who shall be subject to the like penalties as Collectors appointed by the Superintendent.

If their Toll Collectors abscond penalties to be levied on Lessees.

XXVI. In case any Toll-collector or person acting as such and employed by any lessee or farmer of Tolls shall offend against any of the provisions of this Ordinance whereby any penalty shall have been incurred and shall abscond or absent himself so as not to be found then it shall and may be lawful for any Resident Magistrate or two Justices of the Peace before whom such Toll-collector or person shall have been convicted of any such offence in case of such Collector or other person absconding after conviction or in case of his absconding previous to conviction then for any Justice of the Peace on an examination of the circumstances and ascertaining by the examination of witnesses that such offence has been committed by the person absconding to order and adjudge that the penalty incurred as aforesaid shall be paid by the lessee or farmer of the Tolls under whom such Collector or other person shall act.

Penalties, &c. recoverable in a summary way.

XXVII. In no case shall any forfeiture penalty or fine imposed in pursuance of this Ordinance exceed for any one offence the sum of one hundred pounds and all such forfeitures penalties and fines shall be recoverable in a summary way in the manner directed by the Act of the Imperial Legislature intituled "The Summary Convictions Act 1848" and by the "Justices of the Peace Act 1858."

Superintendent's powers.

XXVIII. The Superintendent in carrying out the provisions of this Ordinance and in exercising any of the powers or authorities hereby conferred upon him shall act by and with the advice and consent of his Executive Council.

Interpretation Clause.

XXIX. In construing this Ordinance the word "Toll-Gate" shall include Toll-Bars Chains and all stations or places at which Toll is authorised to be taken upon any Public Bridge or the approaches thereto and the word "Toll-Bar" shall also have the same meaning: The term "Public Bridge" shall be taken to mean any bridge built purchased maintained improved or repaired at the public expense out of the revenue of the said Province and proclaimed in the *Provincial Government Gazette* by the Superintendent to be a "Public Bridge" within the meaning of this Ordinance.

This Ordinance not to affect "Turnpikes Ordinance 1862" or the "Turnpikes Ordinance Amendment Ordinance 1864."

XXX. Nothing in this Ordinance contained shall be taken or construed to affect in any way the "Turnpikes Ordinance, 1862" and notwithstanding anything contained in the said "Turnpikes Ordinance 1862" or the "Turnpikes Ordinance Amendment Ordinance 1864" the Tolls hereby authorised to be received and collected and made payable at any Public Bridge shall be payable at such Bridge notwithstanding that there may be a "Toll-Gate" or "Bar" erected or placed on any other Public Bridge or on any Road and Tolls collected thereat however near thereto.

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S C H E D U L E .

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*Maximum Rate of Toll to be taken on Public Bridges.*

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- (1.) For every foot passenger—each time of passing—threepence
- (2.) For every horse or other beast drawing any coach chariot landau barouche chaise phaeton curricule car gig or any such like carriage—one shilling.
- (3.) For every horse or other beast (but two oxen or neat cattle to count as one horse) drawing any waggon wain or any such like carriage—one shilling. When the tire of each wheel is four inches broad or upwards—ninepence.
- (4.) For every horse or other beast drawing any cart or dray on two wheels—sixpence.
- (5.) For every horse mule or ass laden or unladen and not drawing—sixpence
- (6.) For every drove of horses mules or asses unladen and not drawing—for every head—threepence.
- (7.) For every drove of oxen cows or neat cattle the sum of—twopence per head.
- (8.) For every drove of calves swine goats sheep or lambs the sum of—one half-penny per head.