



ANNO DUODECIMO

VICTORIÆ REGINÆ,

No. 5.

*Repealed by No. 13
H. 3. V.*



*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land and
its Dependencies, with the Advice of the Legislative Council.*

*AN ACT to amend and extend the Act of Council of
this Island intituled An Act for the better Regulation
and Maintenance of the Main Road from the City of
Hobart Town to Launceston and to ensure the more
effectual Collection of the Tolls thereon.*

WHEREAS an Act of Council or Ordinance of this Island was PREAMBLE.
passed in the tenth year of the reign of Her present Majesty intituled 10 Vict. No. 12.
*An Act for the better Regulation and Maintenance of the Main Road
from the City of Hobart Town to Launceston* whereby it was amongst
other things provided that for the purpose of defraying the expence of
making and keeping in repair the said road it should be lawful for His
Excellency the Lieutenant-Governor of this Island with the advice of
the Executive Council thereof to cause from time to time such and so
many toll-bars toll-gates and toll-houses not exceeding ten at any one
and the same time to be erected and built in and upon the said Road
at such places as to the said Lieutenant-Governor with the advice of the
Executive Council should from time to time seem fit and to direct Tolls
to be taken thereat at and after such rates as in the said Act specified—
AND WHEREAS by the said Act provisions are also respectively
made for the appointment of Collectors the collection recovering and
enforcement of such tolls the evasion of the same and the destroying
injuring or damaging the toll-bars toll-gates or toll-houses erected
thereunder—AND WHEREAS toll-bars toll-gates and toll-houses
have been and others may hereafter be erected under and by virtue of
the authority in that behalf in the said recited Act contained and it is
expedient to ensure the due collection of the several tolls thereat and
more fully to prevent the evasion of the same in manner hereinafter
provided and otherwise to alter and amend the said Act—**BE**

Lieutenant-Governor empowered to erect toll-bars on roads leading into or adjacent to Main Road in order to prevent evasion of tolls on Main Road.

IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that from and after the time when this Act shall come into operation it shall be lawful for His Excellency the Lieutenant-Governor of this Island and he is hereby empowered with the advice of the Executive Council to cause from time to time such and so many toll-bars toll-gates and toll-houses to be erected and built at such place or places upon any public road or roads or any road or roads used as such which shall lead into communicate with or be adjacent to such Main Road as aforesaid as to such Lieutenant-Governor with the advice of the Executive Council shall from time to time seem necessary to prevent the evasion of the tolls at the several toll-bars toll-gates or toll-houses which now are or hereafter may be erected on the said Main Road pursuant to the said recited Act and it shall also be lawful for such Lieutenant-Governor with such advice as aforesaid from time to time to cause any toll-bar toll-gate or toll-house erected under the authority of this Act to be removed and to be built or placed on any other part of any such road or roads leading into communicating with or being adjacent to the said Main Road.

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Lieutenant-Governor empowered to direct tolls to be taken thereat not exceeding rates specified in Schedule A to Main Road Act annexed.

II. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor and he is hereby empowered with the advice of the Executive Council to direct tolls to be paid at the several toll-bars toll-gates and toll-houses erected under the authority of this Act for all animals and vehicles whatsoever passing or re-passing through such toll-bars or toll-gates at and after a rate not exceeding the rates in the first Schedule to the said recited Act annexed as the same are hereinafter specified and set forth and the same from time to time to reduce or raise to any amount not exceeding the rates specified in the said Schedule—PROVIDED that no toll shall be taken at any toll-bar toll-gate or toll-house erected under the authority of this Act until the same shall have been publicly notified in the *Hobart Town Gazette* at least one week before the same shall be demanded and that no toll shall be taken or demanded at any toll-bar toll-gate or toll-house erected under the authority of this Act until there shall be affixed to such toll-bar toll-gate or toll-house a board on which shall be painted or written in legible characters the tolls payable at the same respectively together with the name of the toll-bar toll-gate or toll-house at which such tolls shall be demanded and the name of the Collector for the time being of the same—PROVIDED ALSO that no toll shall be demanded or taken at any such toll-bar toll-gate or toll-house in respect of any animal or vehicle for once returning through the same toll-bar or toll-gate during one and the same day and that payment of toll at any such toll-bar toll-gate or toll-house shall exempt the animal or vehicle in respect of which the same shall have been paid from the payment of toll at the toll-bar or toll-gate through which such animal or vehicle shall first pass after coming upon the said Main Road.

Tolls to be notified in *Gazette* one week before demanding them.

And to exempt animal or vehicle once returning through same gate.

Tolls to be paid to Collectors who are to be appointed in like manner invested with the same powers and subject to the same provisions as Collectors

III. AND BE IT ENACTED that the several tolls so directed to be paid as aforesaid at such toll-bars toll-gates or toll-houses as shall be erected under the authority of this Act shall be paid to Collectors who shall be appointed in like manner as the Collectors under the said recited Act and such Collectors under this Act shall have the same powers and authorities and ways and means of collecting receiving recovering and enforcing any such tolls to all intents and purposes as

Collectors appointed under or by virtue of the said recited Act have for collecting receiving recovering or enforcing tolls payable thereunder and such Collectors so appointed under the authority of this Act shall have and they are hereby invested with all and singular the powers and authorities and shall do and exercise all such matters and things and shall be liable and subject to all such and the same provisions conditions fines penalties forfeitures ejections matters and things as the Collectors appointed under the said recited Act and as though such ways means powers authorities provisions conditions fines penalties ejections matters and things were severally here repeated.

under the Main Road Act.

IV. AND BE IT ENACTED that all provisions in the said recited Act contained in any wise relating or appertaining to the vesting of all right interest and property of and in all toll-gates toll-houses toll-bars lamps toll-boards or other works erected thereunder and all provisions in the said recited Act in any wise relating or appertaining to the damaging injuring or destroying of any such toll-gates toll-houses toll-bars lamps toll-boards or other works and all provisions in the said recited Act contained in any wise relating or appertaining to the evasion of any toll payable under the said recited Act or relating or appertaining to the rescuing of any animal or thing distrained for any such toll shall to all intents and purposes extend and be applied to the toll-bars toll-gates toll-houses and tolls erected and payable under the authority of this Act as though all such provisions of the said recited Act were severally here repeated.

Provisions in Main Road Act relating to destroying toll-gates &c. vesting the property in the toll-gates &c. evading tolls and rescuing animals distrained for toll extended to toll-gates &c. erected and tolls directed to be paid under this Act.

V. AND BE IT ENACTED that all tolls received under the authority of this Act shall go and be applied in and towards the defraying the expences thereby occasioned the payment of Collectors the repair and maintenance of the toll-bars toll-gates and toll-houses erected thereunder and the surplus towards the repair and maintenance of the said Main Road in like manner as by the said recited Act directed with reference to the tolls received under and by virtue of the same and all fines penalties and forfeitures incurred under the authority of this Act for the enforcement or recovery whereof no other remedy is hereinbefore provided shall be imposed awarded levied raised recovered and enforced by the same ways and means to all intents and purposes as by the said recited Act is provided in respect of any fines penalties or forfeitures thereby imposed and all such fines penalties and forfeitures as shall be recovered under the authority of this Act shall go and be applied in and towards the repair and maintenance of the said Main Road.

Appropriation clause.

Fines and penalties to be imposed and levied in a summary way.

VI. AND WHEREAS by a certain Act of Council of this Island passed in the fifth year of the reign of Her present Majesty intituled *An Act for constructing and maintaining a Bridge across the River Derwent from Restdown to Derwent Park and the Roads Approaches Jetties and Wharfs of such Bridge* it was amongst other things provided that a then and now existing line of road as the same was then and now is laid out which leads from the Main Road through New Town to the water's edge at Derwent Park on the south-west side of the River Derwent should be placed under the control and management of the Director-General of Roads by whom until further provision in that behalf the same should be made and kept in repair—AND WHEREAS by another Act of Council passed in the tenth year of the reign of Her present Majesty intituled *An Act for regulating Cross and Bye Roads*

5 Vict. No. 16.

10 Vict. No. 18.

further provision was made for the making and keeping in repair of the said road by placing the same for such purposes under the control and management of the Court of Quarter Sessions for the District in which the same was and is situate and it would be expedient that the said line of road as the same is herein-before defined should be included within the provisions of the said Act intituled *An Act for the better Regulation and Maintenance of the Main Road from the City of Hobart Town to Launceston*—BE IT THEREFORE ENACTED that the said line of road so leading from the Main Road through New Town to the water's edge at Derwent Park on the south-west side of the River Derwent as the same is herein-before defined shall be wholly exempted from the operation of the said several recited Acts so respectively intituled *An Act for constructing and maintaining a Bridge across the River Derwent from Restdown to Derwent Park and the Roads Approaches Jetties and Wharfs of such Bridge* and *An Act for regulating Cross and Bye Roads* and the said line of road so defined as aforesaid shall henceforth be deemed and taken to be and shall be part and parcel of the said Main Road and shall be liable and subject to all and singular the provisions contained in the said recited Act intituled *An Act for the better Regulation and Maintenance of the Main Road from the City of Hobart Town to Launceston* as the same thereby in any wise relate apply or appertain to the said Main Road any thing in the said recited Acts or any or either of them to the contrary in any wise notwithstanding.

10 Vict. No. 12.

Makes the Rest-down Road part and parcel of the Main Road and subject to all the provisions of the Main Road Act.

Repeals the first proviso to sect. 18, 10 Vict. No. 12.

VII. AND BE IT FURTHER ENACTED that so much of the eighteenth Section of the said firstly recited Act as enacts that the provision therein contained that no toll shall be taken from any person or persons in respect of any horse or other beast or vehicle in or on which he or they may be going to or returning from his or their usual place of religious worship shall not extend so as to exempt any such person or persons from the payment of toll at any toll-bar toll-gate or toll-house situate within the distance of five miles from the boundary of the City of Hobart Town or within the distance of five miles from the boundary of the Town of Launceston shall be and the same is hereby repealed.

Repeals Schedule annexed to 10 Vict. No. 12 and substitutes another.

VIII. AND WHEREAS the rate of tolls fixed in and by the said first Schedule to the said firstly recited Act annexed is in some respects insufficient and unequal in its operation and it is expedient that the said Schedule be repealed and another substituted in lieu thereof in manner hereinafter provided—BE IT THEREFORE ENACTED that the said first Schedule shall be and the same is hereby repealed and in lieu thereof there shall be and hereby is substituted the Schedule hereinafter following which shall thenceforth be deemed and taken to be the first Schedule to the said recited Act annexed in the place and stead of said first Schedule and all provisions in that behalf in the said recited Act contained shall be deemed and taken to apply and shall apply to the said herein substituted Schedule as though the same were severally here repeated—

	s.	d.
For every Horse Mare Gelding Colt or Filly	0	4
For every Mule Ass Cow Bull Ox Heifer Steer or Calf	0	2
For each score of Pigs Sheep or Lambs	0	4
For each of any number of Pigs Sheep or Lambs under a score	0	0 $\frac{1}{4}$
For each wheel of every Cart Wain Waggon Dray Carriage or other vehicle of any description exclusive of the toll on the animal or animals drawing the same	0	2

IX. AND BE IT ENACTED that the term Lieutenant-Governor used in this Act shall be deemed and taken to intend and mean the person for the time being lawfully administering the Government of this Colony and that every word importing the singular number or masculine gender shall be deemed and taken to mean and include the plural number and feminine gender and *vice versâ* except where the nature of the provision or the context of this Act shall exclude such construction and that the term Director-General of Roads shall be taken to mean the person for the time being filling that or any other office under the control and management of which the Main Road shall from time to time be placed by His Excellency the Lieutenant-Governor.

Interpretation
clause.

X. AND BE IT ENACTED that the said recited Act intituled *An Act for the better Regulation and Maintenance of the Main Road from the City of Hobart Town to Launceston* saving so far as the same is repealed by this Act and this Act shall be read and construed together as one and the same Act.

10 Vict. No. 12
and this Act to be
read as one Act.

W. T. DENISON.

Passed the Legislative Council, this twenty-eighth day of September, one thousand eight hundred and forty-eight,

J. W. KIRWAN, *Clerk of the Council.*

