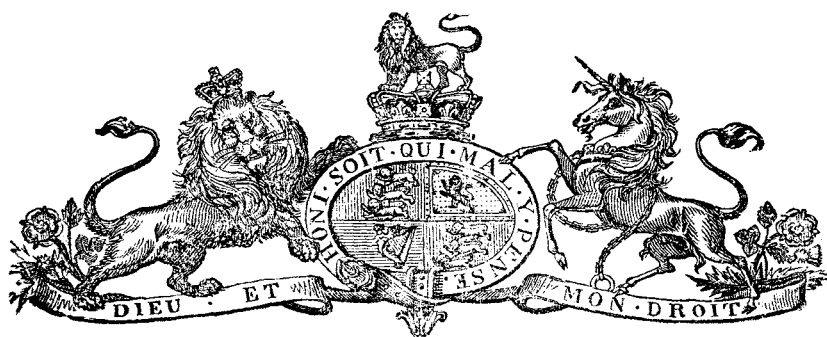


T A S M A N I A.



1 8 6 0.

ANNO VICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 7.



AN ACT to consolidate and amend the Laws  
relating to Cross and Bye Roads.

[4 October, 1860.]

**B**E it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

*Interpretation.*

**1** In the construction and for the purposes of this Act, and of all Interpretation. proceedings under this Act, the following terms shall have the respective meanings hereafter assigned to them, unless there is something in the context of the Act repugnant to such construction ; that is to say,

“ Trustees” shall mean the Trustees for the time being of the Road “ Trustees.”  
District for which they have been elected :

“ Road” shall mean a Cross Road, and shall extend to and include “ Road.”  
all Bridges and Culverts along the Line of Road, and the  
Footpaths at the side of the Road :

“ Toll-gate” shall extend to and include Toll-bars, Toll-houses, and “ Toll-gate.”  
all other erections, buildings, and things built, set up, or made  
for any purpose connected with the collection of Tolls :

“ Town” shall include any Township proclaimed as such by the “ Town,”  
Governor :

- “Landholder.” “Landholder” shall extend to and include as well the Owner as the Occupier of any property situate within the Road District of the Annual Value of not less than Fifteen Pounds :
- “Property.” “Property” shall mean Lands and Buildings :
- “Valuation Roll.” “Valuation Roll” shall mean and include every Valuation Roll in force for the time being, made under the authority of *The Property Valuation Act*, in which any property situate within the Road District is comprised.

*Application of Act.*

- Application of Act. **2** The provisions of this Act shall be construed to be applicable in respect of each Road District.

*Road Districts.*

- Governor empowered to divide Colony into Road Districts. **3** The Governor is hereby empowered, by and with the advice of the Executive Council, from time to time, by Proclamation—
- (1.) To declare any such portion of the Colony as to him seems meet as and to be a Road District for the purposes of this Act :
  - (2.) To define the boundaries of any Road District :
  - (3.) To assign a specific name to any Road District :
  - (4.) To alter and re-define the boundaries of any Road District :
  - (5.) To assign to any Road District a new name in the place of the name theretofore assigned to such Road District :
  - (6.) To abolish any Road District.
- District as re-defined to be substituted for former District. **4** When the boundaries of any Road District are altered as aforesaid, the Road District as altered shall be deemed to be substituted for the Road District so altered, and the Trustees of the Road District before it was altered shall be the Trustees of the Road District as altered.
- Assigning new name not to affect District. **5** The assigning of a new name to any Road District shall not affect the powers of the Trustees, or any other matter relating to the Road District.

*Cross Roads.*

- Cross Roads. **6** The following Roads within each Road District shall be Cross Roads, and shall be the Roads to be constructed, maintained, and regulated by the Trustees under the authority of this Act ;
- (1.) Any Road leading from one Town to another :
  - (2.) Any Road leading from a Town or public Bridge to the Main Road :
  - (3.) Any Road leading from a Town to a navigable River or the Sea-shore :
  - (4.) Any Road or intended Line of Road proclaimed by the Governor as a Cross Road or intended Cross Road before the commencement of this Act by virtue of any Act hereby repealed :

(5.) Any Road or intended Line of Road proclaimed by the Governor as a Cross Road in manner hereinafter provided :

(6.) All Streets within a Town.

**7** If at any Meeting of Landholders it is decided that it is expedient so to do, the Governor is hereby empowered by Proclamation to declare that any Road or intended Line of Road previously surveyed and marked out shall be a Cross Road. Governor empowered to proclaim any Road a Cross Road.

*Meetings of Landholders.*

**8** Every Meeting of the Landholders of any Road District for the purposes of this Act shall be convened in manner following, and not otherwise, excepting as hereinafter expressly provided : Any number not less than Ten Landholders shall have power to convene a Meeting of Landholders for any of the purposes of this Act, by Notice signed by the Landholders convening the Meeting, specifying the purpose for which, and the day, hour, and place at which the Meeting is to be held, published in the *Gazette*, and at least twice consecutively in a public Newspaper published nearest to the place in which the Meeting is to be held, Ten clear days at least before the day of holding the Meeting. Meetings of Landholders how to be convened.

**9** Every such Meeting of Landholders shall be held within the Road District. Meetings to be held within District.

**10** At any such Meeting of Landholders, the Landholders present shall appoint from amongst themselves a Chairman to preside thereat, who shall have a casting vote in addition to his vote or votes as a Landholder. Chairman at Meetings.

**11** Any vote tendered at any such Meeting may be objected to at the Meeting and not afterwards, by any Landholder present, on the ground that the person tendering the same is not a Landholder within the meaning of this Act, or not entitled to the number of votes tendered, and not otherwise ; and every such objection shall be decided by the Chairman presiding at the Meeting, whose decision shall be final. Votes tendered to be objected to at Meetings.

**12** All matters by virtue of this Act to be done and decided by the Landholders of any Road District at a Meeting of such Landholders shall be done and decided by the majority of the votes of such Landholders present at the Meeting ; and every such Landholder shall have a number of votes proportioned to the annual value, as ascertained by the Valuation Roll, of the property within the Road District owned or occupied by him according to the following scale :— Matters to be decided by majority of votes of Landholders present at Meetings.

<i>Annual Value of Property.</i>	<i>Number of Votes.</i>	<i>Scale of votes.</i>
£15 and under £50 .....	1	
£50 and under £100 .....	2	
£100 and under £150 .....	3	
£150 and under £200 .....	4	
£200 and under £250 .....	5	
£250 and under £300 .....	6	
£300 and under £350 .....	7	
£350 and under £400 .....	8	
£400 and under £450 .....	9	
£450 and upwards .....	10	

Mode of calculating votes of Landholders.

**13** Any Landholder, being the Owner or Occupier of several properties within the Road District, shall be entitled to a number of votes, according to the scale aforesaid, in proportion to the aggregate annual value of such properties as ascertained as aforesaid.

Provides for joint ownership or occupation.

**14** Where any property is jointly owned or occupied by more persons than One, each of such joint Owners or Occupiers, if the annual value of such property is of an amount which, when divided by the number of such joint Owners or Occupiers, gives for each Owner or Occupier a sum not less than the sum which would entitle such person to vote at any such Meeting if he owned or occupied separately, shall be entitled to vote at any such Meeting in respect of the property so jointly owned or occupied; and if the value of such property is not of such an amount as to be so divisible as aforesaid, then only such One of such joint Owners or Occupiers shall be entitled to vote at any such Meeting in respect of the property so jointly owned or occupied as is for that purpose deputed in writing by the other or others of such joint Owners or Occupiers; and where any building is occupied in apartments or portions by more persons than One, each of such Occupiers, if the annual value of the apartment or portion of such building occupied by him is of an amount which would entitle such Occupier to vote at any such Meeting if such apartment or portion were a separate building, shall be entitled to vote at any such Meeting in respect of such apartment or portion of such building so occupied by him.

Landholders may determine at Meetings questions arising in carrying out Act.

**15** The decision of the Landholders at any Meeting duly convened for the purpose upon any question which may arise in the carrying out of any of the objects of this Act shall be binding upon the Trustees: Provided, that nothing contained in this Section shall affect the powers vested in the Trustees of making and levying Rates under this Act as hereinafter provided.

#### *Election of Trustees.*

Election of Trustees.

**16** At a Meeting duly convened for the purpose, it shall be lawful for the Landholders present to elect from amongst the Landholders of the Road District any unequal number, not being less than Three nor more than Seven, as and to be Trustees of such Road District for the purposes of this Act; and every Landholder present at any such Meeting is hereby empowered to give, and shall if he votes give, the number of votes to which he is entitled to any number of persons not exceeding the number of Trustees then to be elected; and every such election of Trustees shall be finished in One day without any adjournment whatsoever.

Duration of office.

**17** The Trustees elected at any election of Trustees shall continue in office until the Fifteenth day of the month of *January* next ensuing the day of their election, and until the election of new Trustees.

Election to be annual.

**18** Between the Fifteenth day of *January* and the Fifteenth day of *February* inclusively in every year an election of new Trustees, in the place of the Trustees theretofore in office, may be had in manner aforesaid; and in case no election of new Trustees is had in any year during the annual period of election aforesaid, the Trustees in office for the preceding year shall continue in office until the annual period of election

in the succeeding year, and until the election of new Trustees, and so from time to time.

**19** Immediately after every election of Trustees, the Chairman presiding at the Meeting shall cause to be published in Two consecutive numbers of the *Gazette* the names and places of residence of the Trustees elected.

Election of Trustees to be published.

**20** Every Trustee going out of office shall be eligible for re-election.

Retiring Trustees eligible.

**21** Every person duly qualified, and duly elected to the office of Trustee, shall accept such office by making and subscribing before a Justice of the Peace a Declaration in the form in the Schedule (1.) within Fourteen days after notice of his election has been served on him personally, or left at his usual place of abode, or shall in lieu thereof pay to the Trustees a penalty of Twenty Pounds.

Persons elected Trustees to accept office or pay a fine. Schedule (1.)

**22** Provided that no Member of the Parliament of *Tasmania*, and no person disabled by deafness, blindness, or other permanent infirmity of body, or who is above the age of Sixty years, or who has already served the office of Trustee for the period of One year, or paid the penalty for not accepting such office or for resigning such office within Three years next before the day on which he is re-elected, nor any person whose usual place of abode is not situate within the Road District for which he is elected, or who is absent from the Colony at the time of the election, shall be liable to any penalty for refusing or neglecting to accept the office of Trustee.

Certain persons exempted from fine for refusal to accept office.

**23** If any person elected a Trustee under this Act refuses or fails to accept such office, the same shall thereupon be deemed vacant, and shall be filled up by a fresh election.

In case of refusal to accept office fresh election to be had.

**24** Every person elected a Trustee under this Act who, after acceptance of such office, resigns or refuses to act during his year of office, shall be liable to the same penalty as he would be liable to pay for non-acceptance of such office, unless he becomes entitled to claim exemption from payment of such penalty.

Trustee resigning during year of office to pay a fine.

**25** If any person holding the office of Trustee, having had notice of the intention to hold such Meetings, is absent from the Meetings of the Trustees, without leave of absence granted by the Trustees, for a period of Three months, unless in case of illness, such person shall cease to hold such office, and shall be liable to the same penalty as if he had refused to accept such office; and the Trustees shall in any such case declare such office to be vacant, and the same shall be vacant accordingly; and such vacancy shall be supplied by the appointment of the remaining Trustees, in the manner provided by Section 26.

Trustee absent from Three consecutive Meetings to vacate office.

**26** If at any time during his continuance in office any Trustee dies, departs from the Colony and remains absent therefrom for the space of Two months, or resigns, or refuses, or from any cause whatsoever becomes incapable or unfit to act as a Trustee, it shall be lawful for the surviving or continuing Trustees, and they are hereby required, to appoint some fit and proper person, being a Landholder of the Road District, to act in conjunction with such surviving or continuing Trustees until a new election of Trustees is had; and whenever any such appointment is made

Provides for death, &c. of Trustees during period of office.

the same shall immediately be published in Two consecutive numbers of the *Gazette*; and upon the first publication of any such appointment the person so appointed shall become a Trustee in the place of the Trustee in whose stead he is appointed.

*Meetings of Trustees.*

Quorum of Trustees.

**27** All acts and proceedings relating to this Act which are directed to be had or done by the Trustees, and all the powers and authorities vested in them generally, shall and may be had, done, and exercised by the major part of the Trustees present at any Meeting of the Trustees, the whole number present not being less than Three; and any such Three Trustees shall form a Quorum.

Orders and proceedings of Trustees to be recorded.

**28** All orders and proceedings of the Trustees, together with the names of the Trustees present at every Meeting, shall be entered in a Book to be kept by the Trustees for that purpose, and be signed by the Chairman of the Meetings at which such orders or proceedings are, from time to time, made or had; and such orders and proceedings so entered and signed by the Chairman of such Meetings shall be deemed to be original orders and proceedings; and such Book may be read in evidence in all Courts whatsoever in all suits and proceedings whatsoever.

*Purchase and taking of Land.*

Purchase and taking of Land.

**29** The Trustees are hereby empowered to purchase and take, in the mode prescribed by *The Lands Clauses Act*, such Land within the Road District as they deem necessary for the purpose of erecting Toll-gates, or widening, diverting, altering, or improving any Road, or making any new Line of Road, or of obtaining any Materials for any such purpose, or as they may deem necessary for any other of the purposes of this Act; and, subject to the provisions of this Act, *The Lands Clauses Act* shall be incorporated with this Act, and for the purposes of such incorporation the Trustees shall be deemed to be the promoters of the undertaking.

Entry upon Land.

**30** Whenever it is intended to take any Land for any of the purposes of this Act, it shall be lawful for the Trustees, after Seven days notice served upon the Occupier, to enter upon any Land and to stake out the same in such manner as the Trustees think necessary or expedient; and if any person wilfully pulls up, removes, or destroys the stakes or other marks used for the purpose aforesaid, every person so offending shall, for every such offence, incur a penalty not exceeding Fifty Pounds.

Renting Land.

**31** It shall also be lawful for the Trustees to contract and agree with the persons interested in any Land for the demise of such Land for the purpose of obtaining Materials from such Land for the repair or construction of any Road or new Line of Road, or for any other of the purposes of this Act.

Uncultivated Land may be used for temporary Road.

**32** The Trustees are hereby empowered to make use of any uncultivated Land within the Road District for the purpose of constructing a temporary Road whilst any Road is being made, diverted, altered, or repaired without making Compensation for the same: Provided, that the temporary Road shall be fenced in or otherwise so secured as

to afford to the person through whose Land such temporary Road may pass an equal protection against trespass as was possessed by such person previously to the construction of such temporary Road: Provided also, that on the completion of such repairs any damage done to the Lands through which such temporary Road may pass shall in all respects, as far as practicable, be made good by the Trustees.

**33** It shall be lawful for the Trustees to take and use any Crown Land for any of the purposes of this Act which the Governor may authorise to be taken and used for such purpose.

Crown Land may be taken for purposes of the Act by consent of the Governor.

*Taking Materials.*

**34** It shall be lawful for the Trustees, after Twenty-one days notice to the Owner and Occupier, to enter upon any uncultivated Land within the Road District, and to cut down and carry away all such indigenous Timber as may be required for making, repairing, or fencing any Road or new Line of Road, or any other of the purposes of this Act, making full Compensation for such Timber to the Owner of the Land: Provided, that it shall not be lawful for the Trustees to cut down any such indigenous Timber where it is made to appear to their satisfaction that the same has been, and is intended to be, reserved and used by the Owner or Occupier of the Land for the purpose of ornament or shelter.

Timber may be taken from uncultivated Land upon making Compensation.

**35** Where it is deemed necessary to obtain Materials for the repair or construction of any Road or new Line of Road, or any other of the purposes of this Act, from any Land within the Road District, it shall be lawful for the Trustees, after Twenty-one days notice to the Owner and Occupier, to enter upon such Land, and to dig, quarry, and carry away all such Materials as may be required for any such purpose, making full Compensation to all parties interested for the damage thereby sustained.

Materials may be taken from Land upon making Compensation.

**36** The Compensation for taking indigenous Timber from uncultivated Land, or Materials from any Land, for the purposes of this Act, shall be settled by Arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed Compensation.

Compensation for Timber and Materials how to be ascertained.

*Gardens, &c., not to be taken or injured.*

**37** Nothing in this Act contained shall, without the consent of the Owner, authorise the purchase or taking by the Trustees of any Land which is a garden, yard, lawn, orchard, or planted walk or avenue to a house, or enclosed ground planted as an ornament or shelter to a house, or planted as a nursery for trees, or the taking of any Materials from, or the cutting down of any Timber growing on, any such Land, or the taking of any such Land for the purpose of a Bye Road, or the opening of any drain or watercourse on, to, or through such Land.

Gardens, &c., not to be taken without consent of Owner.

*Sale of superfluous Land.*

**38** It shall be lawful for the Trustees to sell and dispose of any Land purchased or taken by them for the purposes of this Act, and which is not required for any such purpose, and the purchase money arising from any such sale shall be applied by the Trustees to the purposes of this Act; and in the application of the provisions of *The Lands Clauses Act* to the purposes of this Act the enactment contained in this Section shall be substituted for Section 78 of that Act.

Lands not required may be sold.

*Construction of Roads.*

Roads to be made and maintained as directed by the Trustees.

**39** The Trustees shall have the control and management of all Cross Roads within the Road District, and are hereby empowered to define, repair, maintain, improve, widen, divert, alter, make, construct, and fence in such Roads, in such manner as the Trustees, from time to time determine, in accordance with their view of the wants and necessities of the Road District: Provided, that no Road shall be made under the authority of this Act of a greater width than Sixty-six Feet unless with the consent of the Owners of the Land on each side thereof.

Entry upon adjoining Lands for executing Works.

**40** It shall be lawful for the Trustees to enter upon any Land adjoining any Road or new Line of Road for the purpose of constructing or repairing such Road.

Power to make Drains on adjoining Lands.

**41** The Trustees shall have power to make, cleanse, and keep open all Drains or Watercourses which they may deem necessary in and through any Land adjoining or near to any Road or new Line of Road.

When new Road is constructed old Road may be stopped up.

**42** When any new Line of Road is constructed and completed, or any existing Road or any part thereof diverted or altered, the Trustees are hereby empowered to stop up any old Line of Road, or any part thereof which appears to them to be thereby rendered useless, unless such old Line of Road or such part thereof leads to any lands, house, or place which cannot be conveniently approached by such new Line of Road or any other then existing Road, in which case such old Line of Road, or so much thereof as may be necessary for the access or approach to such lands, house, or place, shall remain as, and be, a Bye Road to the same: Provided always, that in case any dispute or difference arises as to the propriety of stopping up any such Line of Road, or any part thereof as aforesaid, the same shall be heard and determined in a summary manner, upon the application of any parties interested therein to the Justices assembled at the next Court of General Sessions which is holden for the District within which such Line of Road or such part thereof is situate, and such Justices are hereby authorised to hear and determine the same, and such determination shall be final and conclusive upon all parties interested in such Line of Road or such part thereof, and all claiming under them.

Timber growing near Roads may be cut down.

**43** The Trustees are hereby empowered to cut down and remove all indigenous Timber growing or standing within Seventy-five Feet of the centre of any Road, doing nevertheless no unnecessary damage or injury to the fences, hedges, ditches, walls, or any other thing upon the Land of the person on which such Timber may be growing or standing.

Quarries to be fenced in or otherwise secured.

**44** The Trustees shall cause to be filled up, or in other respects rendered secure, all pits or quarries that may have been opened or used by them for any of the purposes of this Act, and shall, so soon as any work is completed, cause all fences taken down in the prosecution of the same to be well and sufficiently restored.

*Preservation of Roads.*

Injuring Roads.

**45** Every person who is guilty of any of the following offences shall, for every such offence, incur a penalty not exceeding Five Pounds;



- (1.) Riding upon any Footpath made or set apart for the use or accommodation of foot passengers by the side of any Road :
- (2.) Wilfully leading or driving any Animal or Vehicle, or any single wheel of any Vehicle, or wheeling or drawing any wheelbarrow, truck, or sledge upon any such Footpath :
- (3.) Hauling or drawing, or causing to be hauled or drawn, upon any part of any Road any timber, stone, or other thing otherwise than upon a wheeled Vehicle :
- (4.) Suffering any timber, stone, or other thing which is carried principally or in part upon a wheeled Vehicle to drag or trail upon any Road to the injury thereof :
- (5.) Suffering pigs to root up or damage any Road, or the hedges or banks on the sides thereof :
- (6.) Using any instrument for the purpose of retarding the descent of any Vehicle down hill in such manner as to destroy, injure, or disturb the surface of any Road :
- (7.) Making a fire upon any Road :
- (8.) Not placing any Vehicle during the time of loading or unloading the same, or of taking refreshment or of halting, as near to one side of the Road as conveniently may be, either with or without any Animal harnessed or yoked thereto :
- (9.) Laying or causing to be laid any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other like matter or thing upon any Road :
- (10.) After having blocked or stopped any Vehicle in going up or down hill, causing or suffering to be or remain on the Road the stone or other thing with which such Vehicle has been blocked or stopped.

**46** Every person who is guilty of any of the following offences shall, for every such offence, incur a penalty not exceeding Twenty Pounds over and above the damages occasioned thereby ; Further penalty for certain injuries.

- (1.) Pulling down, damaging, or destroying any Lamp or Lamp-post put up, erected, or placed in or near the side of any Road, or on or near to any Toll-gate, or extinguishing the light of any such Lamp :
- (2.) Pulling down, defacing, damaging, or destroying any Table of Tolls, direction board, mile-stone, wall, fence, post, or rail made, erected, or set up by the Trustees :
- (3.) Injuring or damaging any Road or Toll-gate.

**47** If any person unlawfully and maliciously throws down, damages, or destroys any Bridge or Toll-gate, such person shall be guilty of a misdemeanor, and for such offence shall be punished by fine or imprisonment, with or without hard labour, or both, at the discretion of the Court before which he is convicted. Maliciously injuring Bridges or Toll-gates.

**48** Every person who is guilty of any of the following offences shall, for every such offence, incur a penalty not exceeding Twenty Pounds ; Encroachments on Roads.

- (1.) Making or causing to be made any building, or any hedge or other fence, on or at the side of any Road, in such manner as to reduce the breadth or confine the limits thereof :

- (2.) Filling up or obstructing any ditch at the side of any Road :
- (3.) Making any drain, gutter, sink, or watercourse across any Road :
- (4.) In any manner whatsoever wilfully obstructing the free passage, use, or enjoyment of any Road :

And it shall be lawful for the Trustees to cause any such building, hedge, ditch or fence, drain, watercourse, gutter, or other encroachment or obstruction to be taken down or filled up, or where any ditch is filled up or obstructed to be opened and cleansed; and it shall be lawful for any Two Justices, upon proof thereof upon oath to them made, to levy the expenses of taking down, filling up, or cleansing, as the case may be, such building, hedge, ditch, drain, or other encroachment or obstruction as aforesaid, by distress and sale of the offender's goods and chattels, rendering the overplus, if any, to such offender on demand: Provided, that nothing herein contained shall prevent the making or constructing across or under any Road of any covered drain or culvert for the making and constructing of which the sanction of the Trustees has been first obtained.

*Impounding.*

Cattle straying on enclosed parts of Roads may be impounded.

**49** It shall be lawful for any person to seize and impound, in the Pound nearest to where it is found, any horse, ass, sheep, pig, or other beast or cattle of any kind found wandering, straying, or lying on any Road, or by the side thereof, except on such part of any Road as passes through unenclosed ground; and every such animal so impounded shall be there detained till the costs and charges of impounding and keeping the same are paid by the owner; and in case such costs and charges are not paid within the time allowed by Law in other cases of impounding cattle, the Poundkeeper may sell the animal so impounded, after giving such notice as by such Law is in that behalf required; and after deducting the costs and charges of impounding, keeping, and selling such animal out of the proceeds of sale, shall pay the overplus, if any, to the owner on demand; and if not demanded within Sixty days after sale, such overplus shall be paid to the Trustees of the Road District within which the animal impounded was seized, and be applicable by them to the purposes of this Act.

*Tolls.*

Erection of Toll-gates.

**50** The Trustees may continue all or any of the Toll-gates erected by virtue of any Act hereby repealed, and may erect such other Toll-gates in, upon, or across, or at the sides of such parts of any Road as the Trustees, from time to time, think proper and expedient; and, from time to time, may repair, renew, and rebuild such Toll-gates as occasion requires.

Removal and discontinuance of Toll-gates.

**51** It shall be lawful for the Trustees, when and so often as they think proper, to cause any of the Toll-gates already erected or to be hereafter erected to be removed or discontinued.

No Toll-gate within One Mile from Towns.

**52** No Toll-gate shall be erected, after the commencement of this Act, within the distance of One Mile along the Road on which it is erected from any part of the boundary of any City or Town.

Trustees may fix Tolls to be taken.

**53** The Trustees may cause such Tolls to be demanded and taken at any Toll-gate as to them seems necessary and proper; and, from time to time, may increase or reduce the rates of Toll to be demanded and

taken at any Toll-gate, so that the said Tolls be always increased or reduced according to one uniform scale and proportion as to the several descriptions of Animals and Vehicles chargeable therewith: Provided, that where the whole money borrowed on the credit of the Tolls has not been paid off, or during the continuance of any demise of the Tolls, no such Tolls shall be reduced without the consent of the person or persons entitled to Five-sixths of the money remaining due upon such Tolls, or of the Lessee of such Tolls, as the case may be: Provided also, that the Tolls to be demanded and taken at any Toll-gate shall not at any time exceed the rates mentioned in the Schedule (2.).

Schedule (2.).

**54** No Toll shall be demanded or taken at any Toll-gate until the situation of such Toll-gate, and the rates of Toll for the time being payable thereat, have been notified in the *Gazette* at least One week before the same are demanded.

Rates of Toll and situation of Toll-gates to be published.

**55** The Trustees are hereby required to put up, and to continue on some conspicuous part of the front of every Toll-gate so that the same appears to public view, 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 a List of all the Tolls payable at such Toll-gate, and also a List of all the Toll-gates, if any, which are cleared by the payment of Toll at such Toll-gate; and any person who collects or receives any Tolls at any Toll-gate at which such Table of Tolls is not affixed as aforesaid shall incur a penalty of Forty Shillings for every day during which he continues to collect Tolls without such Table being affixed.

Tables of Tolls.

**56** After such notification in the *Gazette* as aforesaid, the Tolls, according to the rates specified in and by any such Table of Tolls, shall be payable and paid to the respective Collectors thereof at the respective rates for the respective Animals or Vehicles as the same are specified in and by any such Table of Tolls; and if any person liable to the payment of any Toll fails to pay such Toll when demanded by any Collector of Tolls, it shall be lawful for such Collector by himself, or taking such assistance as he thinks necessary, to seize and distrain any Animal or Vehicle in respect of which such Toll is payable, and its harness, or any of the goods or chattels of the person failing to pay; and if the Toll, or any part thereof so unpaid, and the reasonable charges of such seizure and distress, are not paid within the space of Four days next after such seizure and distress made, the Collector so seizing and distraining may sell the Animal, Vehicle, or things so seized and distrained, or a sufficient part thereof, returning the overplus of the money to arise by such sale, if any, and what remains unsold, upon demand, to the owner thereof, after such Toll, and the reasonable charges occasioned by such seizure, distress, and sale, have been deducted.

Recovery of Tolls.

**57** When any Toll has been once taken in respect of any Animal or Vehicle at any Toll-gate, no Toll shall be taken in respect of the same Animal or Vehicle on the same day (to be computed from Twelve o'clock at night to Twelve o'clock in the next succeeding night) for once repassing through the same Toll-gate, or for once passing or repassing through any other Toll-gate in the same Road District and on the same Road, within the distance of Fifteen Miles from the Toll-gate at which such Toll has been taken, such distance measured along Roads only, nor for once passing or repassing through any Toll-gate in any adjoining Road District within the distance of Two Miles from the

Tolls paid at certain Toll-gates to clear others.

Toll-gate at which such Toll has been taken, to be measured as aforesaid: Provided, that nothing in this Section contained shall exempt any Animal drawing a Vehicle from Toll unless the Vehicle is the same as that which was being drawn by such Animal when the Toll was taken in respect of which the exemption would otherwise arise; and the enactment contained in this proviso shall extend to Tolls payable at the time of the commencement of this Act.

## Toll Tickets.

**58** Wherever any Toll-gate is so situated that payment of Toll at such Toll-gate will free any other Toll-gate, the Trustees shall provide Tickets denoting the payment of Toll, and on such several Tickets shall be specified the name of the Toll-gate and date at which the same respectively are delivered, and also the names of the several Toll-gates freed by such payment, one of which Tickets shall be delivered *gratis* to the person paying the Toll; and, on the production of such Toll Ticket at any Toll-gate therein mentioned as being cleared as aforesaid by the payment of the Toll 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.

## Collectors of Toll taking greater or less Toll, &amp;c.

**59** If any Collector of Tolls demands or takes a greater or less Toll from any person than he is authorised to do by virtue of this Act, or refuses to permit or suffer any person to read, or in any wise hinders any person from reading, the inscriptions on any such Table of Tolls as aforesaid, or refuses to tell his Christian and Surname to any person who inquires the same on payment of the Toll demanded by such Collector, or in answer to such demand gives a false name, or refuses to give to the person paying the Toll a Toll Ticket where the same is required by this Act to be delivered, or upon the legal Toll being paid or tendered, or where no Toll is legally due unnecessarily detains or wilfully obstructs, hinders, or prevents any person, or his Animal or Vehicle, from passing through any Toll-gate, or makes use of any scurrilous or abusive language to any passenger, any such Collector of Tolls shall, for every such offence, incur a penalty not exceeding Five Pounds.

## Exemptions from Tolls.

**60** No Toll shall be demanded or taken at any Toll-gate—

- (1.) Of or from any Minister of Religion going to, or returning from, visiting any sick person or prisoner in gaol, or on any other charitable or religious mission:
- (2.) Of or from any person going to, or returning from, his usual place of religious worship on *Sundays*:
- (3.) Of or from any Constable or other Police Officer going on or returning from duty:
- (4.) Of or from any person going to, or returning from, any funeral:
- (5.) For any Animal or Vehicle passing from one part of any farm to any other part of the same farm, provided such Animal or Vehicle is then actually engaged or employed in farming work upon such farm:
- (6.) For any Animal going only to water, or returning after watering:
- (7.) For any Animal or Vehicle employed for the purpose of the construction or repair of any Road within the Road District in which the Toll-gate is situated:

- (8.) Of or from any person exempted by any Law, other than the Acts hereby repealed, from the payment of the Tolls imposed by any Act hereby repealed.

**61** If any person claims or takes the benefit of any exemption from Toll payable under this Act, not being entitled to the same, every such person shall, for every such offence, incur a penalty not exceeding Five Pounds; and in all cases the proof of exemption shall be upon the person claiming the same. Illegally claiming exemption from Toll.

**62** Every person who is guilty of any of the following offences shall, for every such offence, incur a penalty not exceeding Five Pounds; Evading Tolls.

- (1.) Any person with any Animal or Vehicle who goes off or passes from any Road, or passes through or over any Land near or adjoining to any Road not being a public highway, and such person not being the Owner or Occupier or servant or one of the family of the Owner or Occupier of such Land, with intent to evade the payment of any Toll authorised to be demanded and taken under this Act:
- (2.) Any person, being the Owner or Occupier of any such Land, who knowingly or wilfully permits or suffers any person, except as aforesaid, with any Animal or Vehicle to go or pass through or over such Land with intent to evade the payment of any such Toll:
- (3.) Any person who gives to, or receives from, any person other than a Collector of Tolls, or forges, counterfeits, or alters, any Toll Ticket with intent to evade the payment of any such Toll:
- (4.) Any person who fraudulently or forcibly passes through or by any Toll-gate with any Animal or Vehicle by reason whereof the payment of any such Toll is evaded:
- (5.) Any person who does any other act whatsoever in order or with intent to evade the payment of any such Toll, and whereby the same is evaded.

**63** It shall be lawful for the Trustees, from time to time, to compound and agree for any term, not exceeding One Year at any one time, with any person for the Tolls payable for his Animals and Vehicles passing through all or any of the Toll-gates within the Road District; and all such composition money shall, for the period agreed upon, be paid in advance, and shall be applied in like manner as the Tolls received by virtue of this Act are directed to be applied. Compounding for Tolls.

**64** It shall be lawful for the Trustees, from time to time, to let for any term not exceeding Twelve Months all or any of the Tolls authorised to be collected under the provisions of this Act, together with any Toll-gate, such letting to be either by tender to be advertised for in Two consecutive numbers of the *Gazette* Seven days at least before the day appointed for the opening of such tenders, or otherwise by public auction duly advertised in like manner; and such security shall be taken by the Trustees as they may deem necessary for the due payment of the rent or sum stipulated to be paid for such Tolls; and during the continuance of any such demise the Lessee of the Tolls, or any Collector or person by him appointed, is hereby empowered to demand and take the Tolls so let, and to use the same means for the recovery thereof in case of non-payment or evasion as any Collector of Tolls appointed by the Trustees is empowered to use. Letting Tolls.

*Road Rate.*

Trustees may make and levy a Road Rate.

**65** It shall be lawful for the Trustees at yearly, half-yearly, or such other periods as to them may seem necessary, to make and levy a Rate, to be called the Road Rate, upon the annual value of the property within the Road District for the purpose of raising the necessary funds for carrying out in the Road District the several objects of this Act; and every such Road Rate, when received, shall form part of the moneys at the disposal of the Trustees for the purposes of this Act: Provided, that such Road Rate so to be made and levied shall not in any case exceed, in any One Year, the sum of One Shilling in the Pound upon the annual value of the property within the Road District.

Upon making a Road Rate notice of same to be given.

**66** Upon the making of any Road Rate, a Notice signed by not less than Three Trustees, specifying the amount in the Pound of the Rate, the period for which the same is made, and at what times the same is payable, shall be published in the *Gazette*; and upon any such Notice being so published, the Rate therein mentioned shall be payable and paid at the times specified in such Notice by the persons liable to pay the same, according to the annual value of the property within the Road District as shown by the Valuation Roll; and it shall not be necessary in any such Notice to set forth the names of the persons liable to the payment of the Rate, or the sums which according to such Rate such persons are liable to pay, or any other particulars than hereinbefore in that behalf mentioned.

Occupiers liable for Road Rate in first instance.

**67** Every such Road Rate shall be payable in the first instance by the Occupier of the property at the time when the same is made payable by such Notice as aforesaid; but every Occupier, if Tenant, shall be entitled to recover from his Landlord One-half of the amount of any such Rate paid by or recovered from him as money paid to the use of the Landlord, or the same may be deducted from, or set-off against, the rent then due or thereafter to become due; and such Landlord, if Tenant to another of the same property, may in like manner recover or deduct from his Landlord a sum equal to that recovered or demanded from him as aforesaid, and so on between successive Landlords and Tenants.

If no Occupier, Owner liable in first instance.

**68** In case at the time when any Road Rate is made payable by such Notice as aforesaid there is no Occupier of any property, or the Occupier cannot be found or is not known, the Road Rate in respect of such property shall be payable by and recoverable from the Owner in the first instance, who shall be entitled to recover One-half thereof from the Tenant, if any, if not paid on demand, by distress as for rent in arrear, or as money paid to his use.

Provides for change of occupation.

**69** In case any change of occupation of any property takes place after the time when any Road Rate is made payable by such Notice as aforesaid, and before the Rate due in respect of such property is paid or recovered, it shall be lawful for the Trustees to recover such Rate in arrear from the person who is the Occupier of such property at the time of demand or levy, as the case may be, or if there is no such Occupier then from the Owner of such property; and any such Occupier, if Tenant, shall be entitled to recover from his Landlord One-half of the amount of Rate so paid by or recovered from him as money paid to the use of the Landlord, or to deduct or set-off the same from or against the rent then due or thereafter to become due, and to recover the other half

from the person who was Occupier when the Rate became payable as money paid to his use ; and any Owner who has paid or from whom has been recovered any amount of Road Rate in any such case where there is no Occupier at the time of demand or levy, may recover One-half of such amount of Rate from the Tenant, if any, at the time when such amount of Rate was payable.

**70** In case any change of ownership of any property takes place after the time when any Road Rate is made payable by such Notice as aforesaid, and before the Rate due in respect of such property is paid or recovered, any amount of Road Rate in arrear paid by or recovered from the Owner for the time being of such property shall be recoverable by him from the person who was Owner of such property when such amount of Rate became payable as money paid to his use.

Provides for change of ownership.

**71** The Occupiers of Crown Land under Lease or Licence shall be liable to pay only One-half of any Road Rate made under the authority of this Act in respect of the Crown Land occupied by them ; and no such Rate, or any proportion thereof, shall be payable by the Crown, whether as Owner or otherwise.

Occupiers of Crown Land to pay half Road Rate.

**72** Every such Road Rate shall be paid by the persons liable to pay the same to the Trustees, or a Collector of Road Rate appointed by the Trustees ; and in case any such person fails to pay the amount of any such Rate for which he is liable for the space of Fourteen days after the same has been demanded by any Collector of Road Rate, it shall be lawful for any Justice of the Peace, and he is hereby authorised and required, to grant a Warrant under his hand, authorising and directing any Collector of Road Rate, or some other fit person, to distrain the goods and chattels of such person, whether the same are on the property in respect of which the Rate is payable or elsewhere, and to cause such goods and chattels when distrained to be sold, and out of the moneys to arise by such sale to pay all costs, charges, and expenses attendant upon such distress and sale, and in the next place to pay the amount of the Rate for which such distress and sale are made, and to pay over the surplus, if any, to the person whose goods and chattels have been so distrained and sold as aforesaid on demand.

Recovery of Road Rate.

**73** Any Road Rate may be demanded by any Collector of Road Rate, by written or printed or partly written and partly printed notice specifying the amount of Rate demanded, the date of making the Rate, and the property in respect to which the Rate is demanded, left at the usual or last known place of abode of the person from whom the Rate is sought to be recovered, if such place can after diligent inquiry be found, but if not, then affixed to some conspicuous part of the property in respect of which the Rate is demanded.

Demand of Road Rate.

**74** All goods and chattels whatsoever found upon the property in respect of which any such Road Rate is payable, to whomsoever the same may belong, shall be liable to be taken under the Warrant of Distress issued for the recovery of such Rate.

All goods found on property liable to Road Rate.

**75** The Warrant of Distress for the recovery of any such Road Rate may be in the form contained in the Schedule (3.).

Form of Distress Warrant. Schedule (3.)

**76** In the event of any distress so made as aforesaid not realising sufficient to pay such Road Rate, costs, charges, and expenses as afore-

Further distress in case first is insufficient.

said, it shall be lawful, from time to time, to make further and other distress, in manner aforesaid, until the whole amount of such Rate, costs, charges, and expenses, has been fully paid.

Time of sale of goods distrained.

**77** The goods and chattels distrained under any such Warrant of Distress shall be sold and disposed of within any time, not being less than Four days, after the making of the distress.

Appeal to Justice against costs of distress.

**78** Any person deeming himself aggrieved by the amount of the costs, charges, and expenses with which he is charged as attendant upon any such distress and sale may forthwith apply to the Justice issuing the Warrant of Distress; and such Justice is hereby authorised and empowered to make such order in the matter as to him seems just; and any person who disobeys or fails to comply with such order shall incur a penalty not exceeding Five Pounds.

Distress not unlawful for want of form.

**79** No distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the Warrant of Distress, or in any other proceeding relating to such distress; nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Road Rate not to be recoverable after One Year.

**80** No Summons shall be issued at the instance of the Trustees, or any Collector of Road Rate, for the recovery of any Road Rate after the expiration of One Year from the time when such Rate is made payable by such Notice as aforesaid.

Applies provisions of 22 Vict. No. 27, relating to Rates.

**81** The provisions of the Act of the Parliament of *Tasmania* of the 22nd *Victoria*, No. 27, for facilitating the Collection and Recovery of Rates, shall be applicable to the collection and recovery of Rates under this Act.

Certain property exempted from Road Rate.

**82** The Trustees shall not levy or raise any such Road Rate on any property belonging to and occupied by or on behalf of Her Majesty, nor on any property hired or used by the Government for any public purpose, nor on any Hospital, benevolent Asylum, or other building used solely for charitable purposes, nor on any Church or Chapel or other building used solely for public worship.

#### *Loans.*

Trustees to give notice of their intention to raise Loans on security of the Tolls or a Special Rate.

**83** If at any time it appears expedient to the Trustees to raise any sum by way of Loan, upon the security of any of the Tolls payable under this Act, or of a Special Rate, or both, for any of the purposes of this Act, the Trustees shall publish a Notice stating their intention to raise a Loan, with the amount of such proposed Loan, and the rate of interest to be paid in respect thereof, and the purposes to which it is intended to be applied, and also the amount of the Special Rate, if any, which it will be necessary to impose in order to provide for the reimbursement of such Loan within the period hereinafter prescribed, and convening a Meeting of the Landholders for the purpose of taking into consideration the expediency of raising such Loan, at a day, hour, and place to be named in such Notice, such day to be not less than



Four Weeks nor more than Six Weeks from the date of the first publication of such Notice in the *Gazette*; and such Notice shall be published by being inserted for Four consecutive Weeks in the *Gazette*, and at least once in each of such Four consecutive Weeks in each of Two public newspapers, One of which is published at *Hobart Town* and One at *Launceston*; and at such Meeting of Landholders the Trustees shall propose the raising of such Loan, and also, if necessary, a Special Rate to be made for the reimbursement thereof with interest.

**84** It shall be lawful for the Landholders at any such Meeting, so convened as aforesaid, to authorise the Trustees to raise by way of Loan, upon the security of any of the Tolls payable under this Act, or of a Special Rate, or both, any sum of money not exceeding the amount mentioned in the Notice convening the Meeting as aforesaid, and also to make any Special Rate upon all property within the Road District not exceeding in amount the Special Rate stated in such Notice; and any Special Rate so authorised shall, when made, continue in force from year to year without being again made or published, until, but not after, the repayment of the amount so authorised to be raised, with interest thereon; and shall be payable half-yearly, at such times as may be appointed in the Notice of the making the Rate published by the Trustees, and at the like times in each succeeding year, in respect of all such property for each year that it remains in force, and shall be a charge upon such property; and every such Special Rate shall be applied solely to the payment of such Loan and interest, and shall be of such an amount as to ensure the payment of such Loan and interest within Twenty-five years at the farthest from the time of raising such Loan: Provided, that the amount of Special Rate made or levied upon property within the Road District by virtue of this Section shall not exceed the sum of One Shilling in the Pound in any one year.

Landholders may sanction raising of Loans.

**85** Every such Special Rate shall be made and recoverable in the same manner, and shall be payable by the like persons, as any Road Rate under this Act.

Special Rate to be recoverable as Road Rate.

**86** Every Loan so authorised to be raised shall be by mortgage of the Tolls or Special Rate, or both, as the case may be, upon the security of which the Loan is authorised to be borrowed.

Loans to be effected by mortgage of the Tolls or Rate.

**87** Every such mortgage in security of Tolls or Rates shall be by Deed under the hands and seals of the Trustees, or any Three of them, and may be according to the form in the Schedule (4.) or to the like effect; and the respective mortgagees in security shall be entitled one with another to their respective proportions of the Tolls or Rates comprised in such mortgages, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest, without any preference one above another by reason of the priority of advancing such moneys, or of the dates of any such mortgages.

Form of mortgage of Tolls or Rate. Schedule (4.)

**88** A register of such mortgages in security shall be kept by the Treasurer of the Trustees; and in the event of separate sums being borrowed on security of separate Tolls or Rates a separate register shall be kept for each class of mortgages in security; and any such register may at all reasonable time be perused and inspected upon payment of a fee of One Shilling.

Mortgages to be registered.

**89** Any person entitled to any such mortgage may transfer his right

Transfer of mortgages.

and interest therein to any other person; and every such transfer shall be by Deed wherein the consideration is truly stated, and may be according to the form in the Schedule (5.) or to the like effect.

Schedule (5.)

Transfers to be registered.

**90** Every such transfer shall, within One Month from the date thereof, be produced to the Treasurer of the Trustees, and thereupon such Treasurer shall cause an entry thereof to be made in the same manner as in the case of an original mortgage in security; and for every such entry the Treasurer may demand the sum of One Shilling; and any such entry may at all reasonable times be perused and inspected upon payment of a fee of One Shilling; and upon such entry being made, such transfer shall entitle the transferee, his executors, administrators, and assigns, to the full benefit of the original mortgage in security, and the principal and interest thereby secured; and such transferee may in like manner transfer the same again *toties quoties*; and it shall not be in the power of any person except the person to whom the same has been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage so transferred, or any money thereby secured.

Power to borrow money at a lower rate of interest to pay off securities at a higher rate.

**91** If the Trustees can at any time borrow any sum of money, in order to pay off and discharge any such mortgage in security then in force, at a lower rate of interest than such existing mortgage bears, it shall be lawful for the Trustees to borrow such sum for such purpose, and to charge the Tolls or Rates authorised to be mortgaged in security, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other moneys borrowed on mortgage in security of Tolls or Rates.

Repayment of money borrowed when no time has been agreed upon.

**92** If no time is fixed in the mortgage-deed in security for the repayment of the money so borrowed, the party entitled to receive such money may at the expiration or at any time after the expiration of One year from the date of such deed demand payment of the principal money thereby secured, with all arrears of interest, upon giving Six months previous notice for that purpose; and in the like case the Trustees may at any time pay off the money borrowed on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or transferee shall be delivered to the Treasurer of the Trustees or left at his Office, and if given by the Trustees shall be given either personally to such mortgagee or transferee or left at his residence, or if such mortgagee or transferee is unknown to the Trustees, or cannot be found after diligent enquiry, such notice shall be given by advertisement in the *Gazette*.

Interest to cease on expiration of notice to pay off a mortgage debt.

**93** If the Trustees give notice of their intention to pay off any such mortgage in security at a time when the same may lawfully be paid off, then at the expiration of such notice all further interest shall cease to be payable thereon, unless on demand of payment made pursuant to such notice, or at any time thereafter, the Trustees fail to pay the principal and interest due at the expiration of such notice on such mortgage in security.

Mode of paying off mortgages.

**94** Whenever the Trustees are enabled to pay off one or more of the mortgages in security which are then payable, and are not able to pay off the whole of the same class, the Trustees shall decide the order in which they are to be paid off by lot among the class to which such one or more of the mortgages in security may belong, and shall cause a

notice to be given to the person entitled to the money to be paid off pursuant to such lot; and such notice shall express the principal sum so proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified at the expiration of Six months from the date of giving such notice.

**95** It shall not be lawful for any mortgagee or transferee in security as aforesaid to enter into the receipt or possession of such Tolls or Rates so mortgaged as aforesaid until default is made in payment of the interest due upon such security for the space of Twenty-eight days, and unless after demand thereof the same is not paid within such time; and in case after demand made as aforesaid any such interest is not paid within such time as aforesaid, or in case within Six months after the principal money owing upon any such mortgage in security becomes payable, and after demand thereof the same is not paid, together with all interest due in respect thereof, or if in any case in which no time is fixed in the mortgage-deed in security for the repayment of the money borrowed repayment thereof is demanded as hereinbefore provided, and the same, together with all interest due in respect thereof, is not paid pursuant to such demand, it shall be lawful for the mortgagee or transferee in security, his executors, administrators, or assigns, as the case may be, to enter into possession of the Tolls or Rates so mortgaged, if no other mortgagee or transferee in security is then in possession, and to continue in such possession, and in receipt of such Tolls or Rates as aforesaid, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of collecting and receiving the Tolls or Rates aforesaid, are fully paid; and every mortgagee or transferee in security so in possession of such Tolls or Rates shall have and exercise all powers for collecting and recovering the said Tolls or Rates hereinbefore contained for those purposes; and if there is any other mortgagee or transferee in security as aforesaid in such possession as aforesaid, then such mortgage shall be deemed and taken to be a continuing security for the payment of the principal and interest mentioned in such mortgage until the same are fully paid and satisfied, notwithstanding the period for which such mortgage has been granted has expired.

Mortgagee may enter and receive Tolls or Rate on default.

**96** Any mortgagee or transferee in security as aforesaid, who so enters into the possession and receipt of such Tolls or Rates as aforesaid, shall not apply such Tolls or Rates which may consequently be received by him to his own exclusive use and benefit, but to and for the use and benefit of all other mortgagees and transferees in security, if any, of such Tolls or Rates *pari passu*, and in proportion to the several sums which are due to them as such mortgagees or transferees in security.

Tolls or Rate to be applied by mortgagee in possession *pari passu*.

**97** Any notice of intention to demand or demand of payment of the principal or interest secured by any such mortgage, required or authorised to be given or made by the mortgagee or transferee, may, in case there are no Trustees of the Road District upon whom such notice or demand can be served or made, be published in the *Gazette*, addressed to the Landholders of the Road District; and, for the purposes of the foregoing provisions, such notice or demand shall be deemed to have been given or made at the time of its publication in the *Gazette*.

If there are no Trustees notices and demands relating to mortgages may be published in the *Gazette*.

*Subscriptions towards making Roads.*

**98** Any persons who may subscribe for or agree to advance any money for or towards the making or maintaining of any Road, and who

Recovery of subscriptions towards making Roads.

may subscribe their names to any writing for that purpose, shall pay the sums of money so subscribed or agreed to be advanced within such time and in such proportions as may be expressed in the writing subscribed by them; and in case no time or proportions should be expressed in the writing, then at such time and in such proportions as the Trustees order and direct; and the same shall be demanded by and paid to the Treasurer of the Trustees; and if any person fails to pay any such sum, it shall be lawful for the Trustees to recover the same as a debt due to the Trustees.

*Bye Roads.*

Trustees may lay out Bye Roads.

**99** Upon the requisition in writing to the Trustees of any Landholder requiring the definition of a Bye Road for the benefit of such Landholder, it shall be lawful for the Trustees, if they see fit, to authorise and direct a Surveyor to define and lay out such Bye Road, and to draw the necessary plans and specifications for the same.

Surveyor may enter for such purpose.

**100** Such Surveyor is hereby empowered with all necessary assistance to enter upon any Land for the purpose of defining and laying out such Bye Road, and making such plans and specifications.

Land may be taken for purpose of a Bye Road.

**101** Upon such Bye Road being so defined and laid out, and the necessary plans and specifications for the same completed, and after Compensation made as hereinafter mentioned, it shall be lawful for the Trustees to enter upon the Land so defined and laid out as such Bye Road by such Surveyor as aforesaid, and to take and appropriate the same for the purpose of such Bye Road, and the same shall thenceforth become and be, and be used and enjoyed as, such Bye Road; and thereupon any person interested in such Bye Road is hereby empowered, with all necessary assistance, means, and appliances, to enter upon the same, and to do and execute all such works, matters, and things as may, from time to time, be requisite for the construction, making, repair, and maintenance of such Bye Road.

Compensation to be made for Land taken for purpose of a Bye Road.

**102** Before the Trustees enter upon and take possession of any such Land for the purpose of any such Bye Road, Compensation shall be made to the persons whose Land may be so taken, such Compensation, in case of dispute, to be ascertained by Arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed Compensation; and such Compensation shall be paid by the person making such requisition as aforesaid, and any other person who is proved upon such Arbitration to be interested in the construction of such Bye Road, in such proportions as the Arbitrators or Umpire in their or his award determine.

Bye Roads to be fenced.

**103** Before any such Road so defined and laid out as aforesaid is used as a Bye Road, the same shall, if required by the Owners or Occupiers of the land through which it passes, be sufficiently fenced in on both sides to the satisfaction of the Trustees, so as to prevent injury to the Owners or Occupiers of such Lands by trespass or otherwise, by and at the expense of the requisitionist and other persons so proved as aforesaid to be interested in the construction of such Bye Road.

By whom fencing to be erected.

**104** The Trustees are hereby empowered and required to ascertain and determine the respective portions of such fencing to be erected by the several persons required to fence such Bye Road, and to fix the time within which such portions of fencing shall respectively be completed; and in case any such person fails to erect the portion of fencing to be erected by him within the time fixed for that purpose, it shall be

lawful for any other of such persons to erect the same ; and such other person as last aforesaid shall be entitled to recover the cost and expense of erecting such portion of fencing as last aforesaid, as money paid to the use and at the request of the person so failing to erect such portion of fencing.

*Officers and their Accountability.*

**105** The Trustees shall, from time to time, appoint a Treasurer, who may be one of the Trustees, and may, from time to time, appoint and employ a Solicitor, Clerk, and such Surveyors, Collectors of Road Rate, Collectors of Tolls, and other Officers as the Trustees think necessary and proper ; and, from time to time, may remove any of such Officers, and appoint others in the room of such as are so removed, or as may die, resign, or discontinue their offices ; and may, out of the moneys at the disposal of the Trustees under this Act, pay such salaries and allowances to the said Officers respectively as the Trustees think reasonable : Provided, that nothing herein contained shall prevent the same person from being appointed to hold more than one of such offices at the same time if the Trustees so think fit.

Power to appoint Officers.

**106** Any of the Trustees who may be willing to act in that capacity may be appointed Collectors of Road Rate.

Trustees may be Collectors of Road Rate.

**107** Any Trustee who is appointed Treasurer or a Collector of Road Rate under this Act shall be liable to all the provisions of this Act relating to such Officer, in the same manner as if he were not a Trustee.

Trustee appointed an Officer to be liable to provisions relating to Officers.

**108** Before any person, whether Treasurer, Clerk, Collector, or other Officer, who is entrusted by the Trustees with the custody or control of moneys by virtue of his office, enters upon such office, the Trustees shall take sufficient security for the faithful execution thereof.

Security from Officers.

**109** Every Officer or person employed by the Trustees shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid, and of the several matters for which such sums have been received or paid ; and such books shall at all times be open to the inspection of any Trustee.

Officers to keep account books.

**110** Every Collector or other Officer appointed or employed by the Trustees to collect money shall, within Seven days after he has received any moneys on behalf of the Trustees, pay over the same to their Treasurer, and the receipt of such Treasurer for the moneys so paid shall be a sufficient discharge to such Collector or other Officer ; and every such Collector or Officer shall, in such time and in such manner as the Trustees direct, deliver to the Trustees true and perfect accounts in writing under his hand of all moneys received by him and of all moneys paid by him to the said Treasurer, and also a list of the names of all persons who have neglected or refused to pay any moneys owing by them, with a statement of the moneys due from them respectively

Payment over of moneys by Officers.

**111** Every Collector and other Officer appointed or employed by the Trustees shall, from time to time when required by the Trustees, make out and deliver to the Trustees, or to any person appointed by the Trustees for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the Trustees ; and such account shall state how and to whom and for what purpose such moneys

Officers to account.

have been disposed of, and together with such account such Officer shall deliver the vouchers and receipts for such payments; and every such Officer shall pay to the Trustees, or to any person appointed by the Trustees to receive the same, all moneys which appear to be owing from him upon the balance of such accounts.

Summary proceeding against Officers failing to account.

**112** If any such Collector or other Officer fails to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for Five days after being thereunto required he fails to deliver up to the Trustees, or to any person appointed by the Trustees to receive the same, all books, papers, and writings, property, effects, matters, and things in his possession or power relating to the execution of his office or belonging to the Trustees, then, on complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before Two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such Officer, or upon proof that such summons was personally served upon him or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such Officer; and if it appears, either upon confession of such Officer, or upon evidence, or upon inspection of the account, that any moneys of the Trustees are in the hands of such Officer, or owing by him to the Trustees, such Justices may order such Officer to pay the same; and if he fails to pay the amount it shall be lawful for such Justices to grant a Warrant to levy the same by distress, and in default of sufficient distress to commit the offender to gaol, there to remain without bail for a period not exceeding Three Months, unless the same is sooner paid.

Officers refusing to make out accounts, &c., may be committed.

**113** If any such Officer summoned as aforesaid refuses to make out such account in writing, or to produce and deliver to the Justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power belonging to the Trustees, such Justices may commit such offender to gaol, there to remain until he has delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the Trustees.

If Officer about to abscond Warrant may be issued.

**114** If any Trustee or other person acting on behalf of the Trustees makes oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such Officer as aforesaid to abscond, the Justice before whom the complaint is made may, instead of issuing his summons, issue his Warrant for bringing such Officer before such Two Justices as aforesaid; but no person executing such Warrant shall keep such Officer in custody longer than Twenty-four hours without bringing him before some Justice; and the Justice before whom such Officer is brought may either discharge such Officer, if he thinks there is no sufficient ground for his detention, or order such Officer to be detained in custody so as to be brought before Two Justices at a time and place to be named in such order, unless such Officer gives bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the Trustees.

Proceedings against Officers not to discharge sureties.

**115** No such proceeding against or dealing with any such Officer as aforesaid shall deprive the Trustees of any remedy which they would otherwise have had against such Officer or any surety of such Officer.

*Accounts.*

**116** The Trustees shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under the authority of this Act, and of the several purposes for which such sums of money have been received and paid, which books shall at all reasonable times be open to the inspection of any Trustee, or any Mortgagee or Transferee in security of Tolls or Rates, or other Creditor of the Trustees, without fee or reward; and the persons aforesaid, or any of them, may take copies of or extracts from the said books without paying anything for the same; and any person having the custody of the said Books who does not, on the reasonable demand of any person as aforesaid, permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall, for every such offence, incur a penalty not exceeding Five Pounds.

Trustees to keep accounts of receipts and disbursements.

**117** All moneys received by the Treasurer of the Trustees shall be paid by him monthly into some One of the Public Banks of this Colony to the account of the Trustees of the Road District; and no part of such moneys shall be drawn out of such Bank except by cheque signed by the Treasurer and countersigned by One of the Trustees.

Moneys received to be paid into Bank.

**118** The Trustees in office on the 31st day of *December* shall annually, in the first week in the month of *January* following, publish in the *Gazette* a true and faithful account, signed by them, of all moneys received under the authority of this Act during the preceding year, together with the mode in which and purposes to which such moneys have been appropriated.

Publication of accounts.

*Title to the Road Property.*

**119** The property in the Roads, and in all Land purchased by the Trustees for the purposes of this Act, and in all moneys at the disposal of the Trustees for the purposes of this Act, and in all Toll-gates, lamps, Tables of Tolls, direction-boards, mile-stones, walls, fences, posts, rails, and other erections, buildings, and things erected or provided by the Trustees, with the several appliances and appurtenances thereto respectively belonging, and the materials of which the same consist, and all materials, tools, implements, and things furnished and provided by the Trustees for the purposes of this Act, together with the scrapings of the Roads, shall, for the purposes of this Act, be vested in the Trustees of the Road District.

Road property vested in Trustees.

**120** If any person who, by virtue of his office, lease, or appointment, is in occupation of any Toll-gate or Land under the Trustees, at the termination by any means whatsoever of such office, lease, or appointment refuses or fails to deliver up possession of such Toll-gate or Land, or if any person in wrongful possession of any Toll-gate or Land, the property in which is vested in the Trustees, refuses or fails to deliver up possession of such Toll-gate or Land, within Two days after notice demanding possession thereof has been left at or on such Toll-gate or Land, it shall be lawful for any Justice, by Warrant under his hand, to order any Constable, with all necessary assistance, to enter into or on such Toll-gate or Land, in the day-time, and to remove any person who is found therein or thereon, together with his goods and chattels, out of or from such Toll-gate or Land, and to give possession thereof to the Trustees or such person as they may appoint.

Ejection of trespassers.

*Appropriation.*

Appropriation.

**121** All moneys whatsoever levied, received, or recovered under the authority of this Act shall be at the sole and absolute disposal of the Trustees, to be by them applied in the payment of the interest of any money borrowed on the security of any Rate or Tolls under this Act, as well as any sum of money set apart in each year for the redemption of the principal money borrowed on any such security; the payment of the necessary salaries and wages of the several Officers, servants, and others appointed and employed by the Trustees, and of the necessary expenses attending the collection or recovery of such moneys; in repairing, maintaining, improving, widening, diverting, altering, making, constructing, fencing, and completing any Road or new Line of Road in the Road District; the erection of Toll-gates; and generally in carrying out and effectuating the several purposes of this Act in the Road District, and to no other purpose.

*Suits by and against Trustees.*

Trustees how to sue and be sued.

**122** The Trustees may sue or be sued by the name of "The Trustees of the Road District of \_\_\_\_\_," naming the Road District of which they are Trustees, without otherwise naming such Trustees; and no action, suit, or other proceeding commenced or had by or against the Trustees shall abate or be in any way affected by reason of the death, resignation, absence, or new election or appointment of any Trustee, but the same may be carried on and proceeded with as if no such change had taken place.

Property may be laid in the Trustees.

**123** In any proceeding, Civil or Criminal, relating to any property or money vested in the Trustees for the purposes of this Act, it shall be sufficient to describe such property or money as the property or money of "The Trustees of the Road District of \_\_\_\_\_," naming the Road District of which they are Trustees, without otherwise naming such Trustees.

Any Trustee may be sued notwithstanding his being a Trustee.

**124** Any Trustee may sue and be sued by the Trustees, and be proceeded against criminally, in the same manner as if he were not a Trustee; and in any such suit or proceeding the Trustees may be described, and the property laid, as in a suit or proceeding by or against a stranger.

Frauds by persons entrusted with moneys.

**125** If any person entrusted with the receipt or disposal of money under the authority of this Act, whether a Trustee or not, fraudulently disposes of or retains in his own possession, or applies to his own use, any money with the receipt or disposal of which he has been entrusted by virtue of this Act, he shall be guilty of Larceny.

*Notices by the Trustees.*

Notices to be given by Trustees how to be signed.

**126** Any Notice required to be given by the Trustees by virtue of the provisions of *The Lands Clauses Act*, or of this Act, shall be sufficient if signed by any Two of the Trustees, or by their Solicitor or Clerk.

*Breach of Duty.*

Breach of duty by Trustee.

**127** If any Trustee or Chairman of any Meeting of Landholders wilfully neglects or refuses to perform any duty, matter, or thing, which he is appointed or enjoined to perform under this Act, or in any manner infringes or disobeys any provision of this Act, such Trustee or Chairman shall, for every such offence, incur a penalty not exceeding Twenty Pounds.



**128** Every person who, being a Trustee, continues to be or becomes, directly or indirectly, by means of partnership with any other person or otherwise howsoever, wilfully or knowingly engaged or interested in any contract or agreement, or employment with, by, or on behalf of the Trustees, except as proprietor or shareholder of any Joint Stock Company contracting with the Trustees, shall incur a penalty not exceeding One hundred Pounds nor less than Ten Pounds: Provided, that nothing in this Section contained shall affect any Trustee in respect of any contract entered into before the commencement of this Act.

Penalty on Trustee for being interested in a contract with the Trustees.

*Obstructing Trustees and their Officers.*

**129** If any person wilfully obstructs, hinders, or interrupts, or causes or procures to be obstructed, hindered, or interrupted, the Trustees, or any Surveyor, Collector, Officer, Servant, or Workman of the Trustees, in doing or performing any work by this Act authorised to be done or performed by the Trustees, or in the exercise of any power or authority vested in the Trustees or any of the persons aforesaid by this Act, or threatens, or assaults, or uses improper or abusive language to any of the persons aforesaid whilst in the performance or execution of his duty under this Act, every such person shall for any such offence, if not otherwise specially provided for, incur a penalty not exceeding Twenty Pounds: Provided, that no proceeding for the recovery of any such penalty, nor the payment thereof, shall be a bar to any action at Law by any of the persons aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Act had not been passed, any Law or usage to the contrary notwithstanding.

Obstructing Trustees.

**130** Wherever by this Act authority is conferred on the Trustees to enter upon any Land for the purposes of this Act, or to do any act in or relating to the construction or maintenance of any Road or other work, the same authority shall equally extend to all persons acting by the direction of the Trustees, and to all necessary agents, assistants, servants, workmen, means and appliances whatsoever.

Powers conferred on Trustees to extend to Officers duly authorised.

*Recovery and Appropriation of Penalties.*

**131** All offences against this Act, and all penalties and sums of money imposed or made payable by this Act, shall, where no other mode of proceeding is by Law provided, be heard, determined, and recovered in a summary way by and before One or more Justice or Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

Offences to be dealt with summarily.

19 Vict. No. 8.

**132** No person shall, unless otherwise expressly provided, be imprisoned for nonpayment of any penalty under this Act, or for want of sufficient distress, for a longer period than Three Months, to be computed from the day, if such offender has been arrested, on which he was actually arrested.

Imprisonment for penalties limited to Three months.

**133** All penalties received by virtue of this Act shall, if not otherwise in any case specifically directed, be paid to the Treasurer of the Trustees of the Road District within which the offence in respect of which the penalty is imposed was committed, and shall form part of the moneys at the disposal of the Trustees for the purposes of this Act.

Appropriation of penalties.

*Appeal from Penalties.*

Appeal from penalties.

19 Vict. No. 10.

**134** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act which is recoverable in a summary manner, may, unless otherwise expressly provided, appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

*Protection of Persons executing Act.*

Persons acting under Act entitled to notice of action, &c.

**135** No action shall lie against any person for any thing done in pursuance of this Act unless notice in writing of such action, and of the cause thereof, is given to the Defendant One Month at least before the commencement of the action, and such action is commenced within Three Months after the cause of action has accrued; and in any such action the Defendant may plead the general issue, and give this Act and the special matter in evidence; and no Plaintiff shall recover in any such action if tender of sufficient amends has been made before such action brought, or if a sufficient sum of money has been paid into Court by or on behalf of the Defendant after such action brought, together with the costs incurred up to that time; and if a verdict passes for the Defendant, or if the Plaintiff becomes nonsuit or discontinues such action, or if upon demurrer or otherwise judgment is given against the Plaintiff, the Defendant shall recover his full costs as between attorney and client, and have the like remedy for recovering the same as any Defendant has by Law in other cases; and though a verdict is given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant unless the Judge before whom the case is tried certifies his approbation of the action, and the verdict obtained thereupon.

*Repeal.*

Repeal of existing Cross and Bye Roads Acts. Schedule (6.)

**136** On and after the day on which this Act commences and takes effect, the Acts and parts of Acts of Council and of the Parliament of *Tasmania* set forth in the Schedule (6.), to the extent to which such Acts and parts of Acts are therein expressed to be repealed, shall be hereby repealed:

Provided that such repeal shall not affect—

- (1.) Anything duly done before this Act commences and takes effect:
- (2.) Any liability accruing before this Act commences and takes effect:
- (3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act commences and takes effect:
- (4.) The institution of any legal proceeding, or any other remedy for enforcing or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

*Existing Road Districts, &c. continued.*

Existing Road Districts continued.

**137** All Road Districts existing at the time of the commencement of this Act, by virtue of any Act hereby repealed, shall continue to be Road Districts, and shall be deemed to be Road Districts within the meaning and for the purposes of this Act, and shall be subject to its provisions.

**138** All Trustees elected or appointed, and all Collectors and other Officers and persons appointed under any Act hereby repealed, and in office at the time of the commencement of this Act, shall continue in office notwithstanding such repeal, and shall be deemed to have been elected or appointed under this Act, and shall be subject to its provisions.

Existing Trustees and Officers continued.

**139** All Roads and other works made, constructed, or repaired, and all other matters and things whatsoever made or done under any Act hereby repealed, shall, for the purposes of this Act, be deemed to have been made, constructed, repaired, or done under this Act.

Existing Roads, &c., to be embraced by provisions of this Act.

**140** All contracts, bonds, covenants, and securities made or entered into under any Act hereby repealed, and subsisting at the time of the commencement of this Act, shall remain in full force and effect, and continue available as if the same had been made or entered into under this Act.

Existing contracts, &c., continued.

**141** All Rates made under any Act hereby repealed, and not paid or recovered at the time of the commencement of this Act, shall be payable and recoverable as if this Act had not been passed.

Recovery of Rates not paid.

**142** Where any Tolls payable at any Toll-gate at the time of the commencement of this Act are then under mortgage or demise, such Tolls shall continue to be payable at every such Toll-gate till the money secured by such mortgage has been paid off, or during the continuance of such demise, as the case may be, anything in this Act to the contrary notwithstanding.

Existing Tolls to continue during mortgages or demises.

**143** All Tolls payable at any Toll-gate at the time when this Act commences and takes effect shall be deemed to be payable under this Act.

Existing Tolls continued.

*Main Road.*

**144** This Act shall not apply to the Main Road from the City of Hobart Town to the Town of Launceston.

Act not to apply to Main Road.

*Commencement of Act.*

**145** This Act shall commence and take effect on the First day of November, 1860.

Commencement of Act.

*Title of Act.*

**146** In referring to this Act it shall be sufficient to use the expression *The Cross and Bye Roads Act, 1860.*

Short Title.

SCHEDULE.

(1.)

Sect. 21. I, *A.B.*, having been elected a Trustee of the Road District of \_\_\_\_\_, do hereby solemnly declare that I take the said Office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

*A. B.*

(2.)

Sect. 53. THE MAXIMUM RATE OF TOLLS TO BE TAKEN AT ANY TOLL-GATE UNDER THIS ACT.

	<i>s.</i>	<i>d.</i>
For each Horse, Colt, Foal, Mule, or Ass, drawing any Vehicle . . . . .	0	8
For each Ox, Bull, Bullock, or Steer, drawing any Vehicle . . . . .	0	4
For each Horse, Colt, Foal, Mule, Ass, Ox, Bull, Bullock, Cow, Steer, Heifer, or Calf . . . . .	0	4
For each of any number of Pigs, Sheep, or Lambs under a Score . . . . .	0	0½
For each Score of Pigs, Sheep, or Lambs, not exceeding Fifteen Score . . .	1	0
For each additional Score or any number less than a Score of Pigs, Sheep, or Lambs above Fifteen Score . . . . .	0	4

(3.)

Sect. 75. DISTRESS WARRANT FOR ROAD RATE.

TASMANIA } To *X.Y.* [a Collector of Road Rate for the Road District of  
TO WIT. } *or some other fit person.*]

WHEREAS complaint has been made before [*me*], a Justice of the Peace, that *A.B.* of \_\_\_\_\_ has not paid the sum of \_\_\_\_\_ payable by him in respect of certain property situate [*describe property fully*] by virtue of the Road Rate for the Road District of \_\_\_\_\_ made on or about the \_\_\_\_\_ day of \_\_\_\_\_ 1860, although the same has been duly demanded of him: And whereas it appears to me upon the oath of [*the said X.Y.*] a Collector of Road Rate for the said Road District, that the said sum of \_\_\_\_\_ has been duly demanded by him from the said *A.B.* and that the said *A.B.* has failed to pay the same for the space of \_\_\_\_\_ days after such demand made and has not paid the same: And whereas the said *A.B.*, having appeared before me in pursuance of a Summons issued by [*me*] for that purpose, has not shown sufficient cause why the said sum of \_\_\_\_\_ should not be paid: [*or* And whereas it has been proved to me upon oath that the said *A.B.* has been summoned to appear before [*me*] or such other Justice of the Peace as might now be here to show cause why the said sum of \_\_\_\_\_ should not be paid, and the said *A.B.* has neglected to appear according to such Summons, and has not shown any sufficient cause why the said sum of \_\_\_\_\_ should not be paid:] These are therefore to command you forthwith to make Distress of the Goods and Chattels of the said *A.B.* wheresoever the same may be found, and also of all Goods and Chattels found by you upon the said property to whomsoever the same may belong; and, unless at any time within the space of [*Five*] days after such Distress by you made the said sum of \_\_\_\_\_, together with all costs, charges, and expenses attendant upon such Distress, be paid to

you, that you cause the said Goods and Chattels so by you distrained to be sold, and out of the money arising by such sale that you detain the said sum of , and also all costs, charges, and expenses attendant upon such Distress and Sale, rendering to the said *A.B.* or other person whose Goods and Chattels are so distrained by you, as the case may be, the overplus, if any, on demand; [*in case the Warrant is directed to some other person than the Collector, and the said sum of* you are hereby commanded to pay to (the said *X.Y.*) the said Collector of Road Rate;] and if no sufficient Distress can be made of the Goods and Chattels of the said *A.B.* or otherwise as aforesaid, that then you certify the same to me together with this Warrant.

Given under my hand, this                      day of                      1860.

*J. P.*  
*Justice of the Peace.*

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(4.)

FORM OF MORTGAGE OF TOLLS OR RATES.

Sect. 87.

MORTGAGE No.

By virtue of *The Cross and Bye Roads Act, 1860*, the Trustees of the Road District of                      , in consideration of the sum of                      paid to the Treasurer of the said Trustees by *A.B.* of                      hereby grant and assign unto the said *A.B.*, his executors, administrators, and assigns, such proportion of the [Tolls arising or to arise on the Road within the said Road District called the                      Road, together with the Toll-gates erected or to be erected thereon where the same are collected, *describing the Tolls and Toll-gates proposed to be mortgaged, or Special Rate made describing the Rate proposed to be mortgaged*] as the said sum of                      bears to the whole sum which is or shall be borrowed upon the credit of the said [Tolls or Rate] to hold to the said *A.B.*, his executors, administrators, and assigns, from this day until the said sum of                      with interest at                      per centum per annum for the same is fully made and satisfied, [*in case any period is agreed upon for that purpose, the principal sum to be repaid at the end of*                      years from the date hereof].

Given under our hands and seals this                      day of                      1860.

*Y. Z. (L.S.)*

*W. X. (L.S.)*

*U. V. (L.S.)*

*Trustees of the Road District of*                      .

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(5.)

FORM OF TRANSFER OF MORTGAGE OF TOLLS OR RATES.

Sect. 89.

I, *A.B.*, in consideration of the sum of                      paid to me by *C.D.* of                      hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain Mortgage, Number                      , made by the Trustees of the Road District of                      to                      bearing date the                      day of                      1860, for securing the sum of                      and                      interest, (*or if such transfer is by endorsement the within Security*), and all my right, estate, and interest in and to the money thereby secured, and in and to the [Tolls or Rate] thereby assigned.

In witness whereof I have hereunto set my hand and seal this                      day of                      1860.

*A. B. (L.S.)*

(6.)

Sect. 136.

## ACTS AND PARTS OF ACTS TO BE REPEALED.

* Reference to Act.	Title of Act.	Extent of Repeal.
6 Vict. No. 8.	An Act for making and maintaining a Bridge over the <i>South Esk River</i> at <i>Reibey's Ford</i> .	The whole Act.
7 Vict. No. 6.	An Act to amend an Act of this Island passed in the Sixth Year of the Reign of Her present Majesty, intituled <i>An Act for making and maintaining a Bridge over the South Esk River at Reibey's Ford</i> .	The whole Act.
7 Vict. No. 8.	An Act to amend an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled <i>An Act for the making, altering, improving, and defining the Main and other Roads of this Island</i> .	The whole Act.
12 Vict. No. 4.	An Act for repairing and maintaining the Roads leading from <i>Hobart Town</i> to <i>Brown's River</i> .	The whole Act.
12 Vict. No. 9.	An Act for repairing and maintaining the Roads leading from <i>Launceston</i> to <i>Patterson's Plains</i> .	The whole Act.
12 Vict. No. 12.	An Act for repairing and maintaining the Road leading from the Township of <i>Eldersly</i> to the Main Road from <i>Hobart Town</i> to <i>Launceston</i> .	The whole Act.
13 Vict. No. 5.	An Act for making, repairing, and maintaining the Road leading from the Township of <i>Bothwell</i> to the Main Road, and for making, repairing, and maintaining other Roads in the District of <i>Bothwell</i> .	The whole Act.
13 Vict. No. 6.	An Act for repairing and maintaining a certain Road called the <i>Westbury Road</i> , leading from the Main Road between <i>Launceston</i> and <i>Hobart Town</i> to the Township of <i>Deloraine</i> .	The whole Act.
14 Vict. No. 3.	An Act for making, repairing, and maintaining certain Roads in the District of <i>Hamilton</i> .	The whole Act.
14 Vict. No. 8.	An Act for repairing and maintaining certain Roads in the District of <i>Longford</i> .	The whole Act.
14 Vict. No. 15.	An Act to amend the Act of Council of this Island, intituled <i>An Act for making, repairing, and maintaining certain Roads in the District of Hamilton</i> .	The whole Act.
14 Vict. No. 16.	An Act to amend the Act of Council of this Island, intituled <i>An Act for making, repairing, and maintaining the Road leading from the Township of Bothwell to the Main Road, and for making, repairing, and maintaining other Roads in the District of Bothwell</i> .	The whole Act.

<i>Reference to Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
15 Vict. No. 8.	An Act for constructing, regulating, and maintaining certain Cross and Bye Roads in the Island of <i>Van Diemen's Land</i> .	The whole Act.
17 Vict. No. 16.	An Act to amend the Act of Council of this Island, intituled <i>An Act for constructing, regulating, and maintaining certain Cross and Bye Roads in the Island of Van Diemen's Land</i> .	The whole Act.
20 Vict. No. 2.	An Act to amend <i>The Cross and Bye Roads Act, 1853</i> .	The whole Act.
21 Vict. No. 49.	An Act to amend the Laws relating to Cross and Bye Roads.	The whole Act.
22 Vict. No. 27.	An Act to facilitate the Collection and Recovery of Rates.	Sections 6 and 7.
23 Vict. No. 22.	An Act to amend the Act of Council, intituled <i>An Act for repairing and maintaining a certain Road called the Westbury Road, leading from the Main Road between Launceston and Hobart Town to the Township of Deloraine</i> .	The whole Act.

