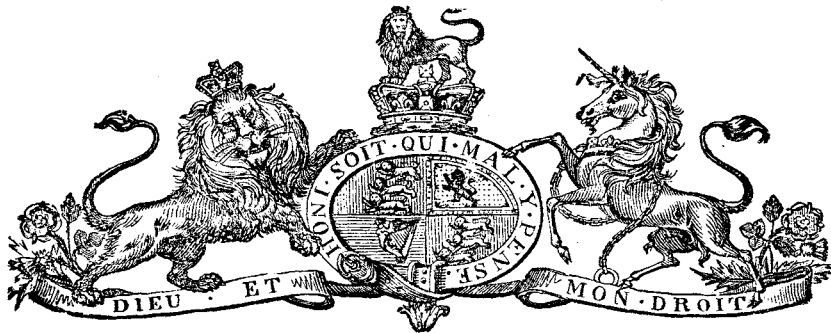


TASMANIA.



1865.

ANNO VICESIMO-NONO

VICTORIÆ REGINÆ,

No. 1.



AN ACT to provide for the Construction of certain Public Works. [21 August, 1865.]

BE 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:—

**1** In the construction and for the purposes of this Act, the expression "Works" shall mean and include the Public Works mentioned in the Schedules. Interpretation. "Works."

**2** It shall be lawful for the Colonial Treasurer to cause to be constructed and completed the several Works mentioned in the Schedule (1.), at a cost for each separate work not exceeding the amount set forth in the Schedule (1.). Colonial Treasurer to cause Works to be constructed.

**3** The cost of such Works shall be defrayed out of the moneys to be hereafter provided by Parliament. Defrayment of cost of Works.

**4** For the purpose of constructing and completing the Works mentioned in the Schedules, the Colonial Treasurer is hereby empowered to purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land as he deems necessary; 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 Colonial Treasurer shall be deemed to be the promoter of the several undertakings. Purchase of land for constructing, &c. Works.

- Entry upon land.** **5** Whenever it is intended to take any Land for any of the purposes of this Act, it shall be lawful for the Colonial Treasurer, after Seven days notice served upon the occupier, to enter upon any land and to stake out the same in such manner as the Colonial Treasurer thinks 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.** **6** It shall also be lawful for the Colonial Treasurer 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 construction and completion of any of the Works, or for any other of the purposes of this Act.
- Timber may be taken from uncultivated land upon making compensation.** **7** It shall be lawful for the Colonial Treasurer, after Twenty-one days notice to the owner or occupier, to enter upon any uncultivated land, and to cut down and to carry away all such indigenous Timber as may be required for constructing or completing any of the Works, 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 Colonial Treasurer to cut down any such indigenous timber where it is made to appear to his 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.
- Materials may be taken from land upon making compensation.** **8** Where it is deemed necessary to obtain materials for the repair or construction of any of the Works, or any other of the purposes of this Act, from any land, it shall be lawful for the Colonial Treasurer, after Twenty-one days notice to the owner or 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 material taken, and the damage thereby sustained.
- Treasurer to construct gate or slip-rail.** **9** Where any such land as is mentioned in the 7th and 8th Sections of this Act is fenced, no entry shall be made upon such fenced land until the Colonial Treasurer shall have caused a substantial gate or a slip-rail to be constructed, so as to prevent the escape of sheep, cattle, and horses from out of such fenced land.
- Compensation for timber and materials how to be ascertained.** **10** 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.
- Fares and charges in respect of use of Works.** **11** For the purpose of assisting to defray the cost of the construction and maintenance of the several Works in the Schedule (2), it shall be lawful for the Governor in Council to authorise the making and levying of Fares for the conveyance of passengers, and Charges for the carriage of animals and goods upon and along the same, in the manner hereinafter mentioned.
- Levy of Tolls on passengers.** **12** For the purpose of assisting to defray the cost of the construction and maintenance of the several Works in the Schedule (3), it shall be lawful for the Governor in Council to authorise the levying of Tolls on passengers, animals, and vehicles passing across or along the same, in the manner hereinafter mentioned.

**13** For the purpose of assisting to maintain and repair the several Works in the Schedule (1), it shall be lawful for the Governor in Council, out of the proportion of the Land Fund set apart for the construction of Roads, Bridges, Tramways, Jetties, and Wharves under Sections 86 and 87 of *The Waste Lands Act*, 1863, in the several Districts in which the Works in the Schedule (1) are situate, to direct that any sum necessary to maintain or repair any of such Works shall be expended upon the maintenance or repair of such Works.

Appropriation of portion of Land Fund to maintain Works.

**14** Upon the completion of any of the said Works it shall be lawful for the Governor in Council, by Proclamation in the *Gazette*, to make Regulations, and from time to time to vary, alter, repeal, or amend the same,—

Governor in Council to make Regulations.

For regulating the manner in which the Public shall use and enjoy any of such Works :

For suspending the use thereof for the purpose of alterations or repairs :

For fixing the amount of Fares for the conveyance of passengers, and the Charges for the carriage of animals and goods, upon any Tramway constructed under the authority of this Act :

For fixing the amount of Tolls upon passengers, animals, and vehicles using any Roads or Bridges constructed under the authority of this Act :

For preventing any damage or injury to any of the Works :

For regulating generally the travelling and traffic upon or along any of the Works, and for the maintenance of good order thereon and along :

And any person offending against any of such Regulations shall, upon conviction thereof before any Two Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*, forfeit and pay a sum not exceeding Fifty Pounds for each offence.

Breach of Regulations.

**15** All Fares, Charges, and Tolls charged and levied under the authority of such Regulations shall and may be recovered in a summary way before a Justice of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*, by any person authorised by the Colonial Treasurer to collect or receive the same.

Recovery of Fares, &c.

**16** The Colonial Treasurer may, by direction of and subject to such terms, covenants, and conditions as may be prescribed by the Governor in Council, demise and lease any of the Works mentioned in the Schedule (2), for any period not exceeding Five years, or may commit to any person the care, maintenance, and management of such Works. Whenever any of such Works shall have been leased or committed to the care of any person as aforesaid, the lessee, caretaker, or manager shall be the person to collect, receive, and recover all fares and charges payable in respect of such Work, or of any enjoyment or user thereof.

Works may be leased.

**17** The Colonial Treasurer may, from time to time, let and farm out for any term not exceeding Twelve months all or any of the tolls and charges authorised to be collected under this Act in respect of use of the works in the Schedule (3), 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 tender, or otherwise by public

Colonial Treasurer may let the Tolls.

auction duly advertised in like manner ; and shall take such security as he deems fit for the due payment of the rent or sum stipulated to be paid for such tolls.

Maximum rate of  
Tolls to be fixed  
previous to lease.

**18** Previously to letting or farming out any such tolls and charges, the Governor in Council, by regulations as herein-before provided, shall fix and determine the maximum rate which may be demanded and taken for any animal, vehicle, or thing passing across or along any such Works during the continuance of such letting or farming out ; and it shall not be competent to the Governor in Council, without the consent of such lessee or farmer of tolls, to increase or decrease such rate or rates during the continuance of any such letting or farming out.

Moneys to be paid  
into Public  
Revenue.

**19** All moneys received for or in respect of any Works constructed or completed under the authority of this Act as charges, tolls, or rents shall go into and form part of the Public Revenue. The balance of any charges and tolls, or of rent paid in respect of any Works over and above the cost of maintenance, and a sum equal to Six Pounds *per centum per annum* on the total cost of construction, or on the sum applied or lent towards the completion of such Works, shall be applied to and shall form a sinking fund for the payment of such cost or sum, and shall be invested at interest in such manner as the Governor in Council directs ; and whenever a sum equal to the total cost, or the sum applied and lent towards the completion of any Works, shall have accumulated, the same shall be applied in the re-purchase of Debentures issued under the authority of *The Public Works Loan Act, 1865*, and the Works shall belong to the residents of the district or place for the benefit of which such Works shall have been constructed or completed.

Powers of  
Colonial Treas-  
urer may be exer-  
cised by other  
persons.

**20** All or any of the powers and authorities by the 4th, 5th, 6th, 7th, 8th, 9th, and 10th Clauses of this Act vested in the Colonial Treasurer may be lawfully exercised by such person as may be appointed by the Governor in Council for that purpose.

Short Title.

**21** In referring to this Act it shall be sufficient to use the expression *The Public Works Act, 1865*.

## SCHEDULE.

### (1.)

	<i>£</i>	<i>s.</i>	<i>d.</i>
The Patersonia and Ringarooma Road .....	8400	10	11
The Bridport, Scott's New Country, and Ringarooma Road .....	9850	4	10
Part of Direct Huon Road from Hobart to Leslie .....	15,168	0	0
The Government Road through Franklin, Huon.....	2162	8	0
West Tamar Road.....	2000	0	0
Road from West Tamar to Green's Creek.....	10,000	0	0
Road from Cambridge to Bluff Ferry.....	2000	0	0
Bridges over River Forth .....	2000	0	0
Bridge over River Leven.....	4000	0	0
Bridge over Prosser's River .....	2000	0	0
Ulverstone Tramway running southerly.. ..	10,442	0	0
North West Bay and Sandfly Tramway .....	7584	10	0
Port Cygnet Tramway.....	4975	15	10
Tramway leading from Southport towards Port Esperance ..	2552	0	0
Tramway leading from Port Esperance towards Southport ..	1914	0	0
Dover and Walpole Tramway, Port Esperance .....	1914	0	0
Franklin Tramway .....	5406	0	0
River Cam Tramway .....	1200	0	0
Completion of Sorell Causeway.....	9000	0	0
	£102,569	9	7

## (2.)

Ulverstone Tramway.  
North West Bay and Sandfly Tramway.  
Port Cygnet Tramway.  
Tramway leading from Southport towards Port Esperance.  
Tramway leading from Port Esperance towards Southport.  
Dover and Walpole Tramway, Port Esperance.  
Franklin Tramway.  
Tramway River Cam.

---

## (3.)

Patersonia and Ringarooma Road.  
Bridport and Ringarooma Road.  
Part of Direct Huon Road from Hobart to Leslie.  
Government Road through Franklin, Huon.  
West Tamar Road.  
Road from West Tamar Road to Green's Creek.  
Road from Cambridge to Bluff Ferry.  
Bridges over Rivers Forth and Leven.  
Bridge over Prosser's River.  
Completion of Sorell Causeway.

