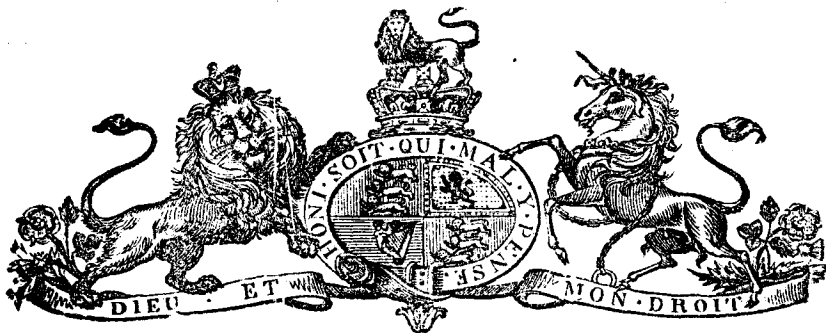


T A S M A N I A,



1877.

ANNO QUADRAGESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 10.



AN ACT to provide for the Construction and Improvement of certain Roads, and the Erection of certain Bridges, Jetties, and Lines of Electric Telegraph. [11 December, 1877.]

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 this Act—

“The Minister” means the Minister of Lands and Works for the time being : Interpretation.

“Bridges” includes all approaches to any Bridge, and any causeways or works used or necessary to give access thereto.

2 It shall be lawful for the Minister to cause to be constructed, completed, or improved the several Works mentioned in the Schedule (1), (2), (3), (4), and (5), at a cost for each separate work not exceeding the amounts set forth in the said Schedule respectively. Minister to cause Works to be constructed.

3 All powers by this Act conferred upon the Minister may be exercised by him, or by any person acting under his written authority in that behalf, anything contained in the Forty-ninth Section of “The Cross and Bye Roads Act, 1870,” to the contrary notwithstanding. Powers may be exercised, anything in 49 Sect. of 33 Vict. No. 8, notwithstanding.

Public Works Construction.

A.D. 1877.

Defrayment of
cost of Works.

4 The cost of the several Works specified in the Schedule (1), (2), (3), and (4), shall be defrayed out of the moneys to be provided by Parliament for that purpose; and the cost of the Works specified in the Schedule (5) shall be defrayed out of the Consolidated Revenue Fund.

Purchase of land
for constructing,
&c. Works.

5 For the purpose of constructing and completing the several Works mentioned in the Schedule, the Minister 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 Minister shall be deemed to be the Promoter of the several undertakings.

Entry upon land.

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

Renting land.

7 It shall also be lawful for the Minister 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 any of the purposes of this Act.

Timber may be
taken from uncul-
tivated land upon
making compen-
sation.

8 It shall be lawful for the Minister, 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 any of the purposes of this Act, making full compensation for such timber to the owner of the land: but it shall not be lawful for the Minister 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.

9 Where it is deemed necessary to obtain materials for the construction or repair of any of the said Works, or any other of the purposes of this Act, from any land, it shall be lawful for the Minister, 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.

Minister to con-
struct gate or
slip-rail.

10 Where any such land as is mentioned in the Eighth and Ninth Sections of this Act is fenced, no entry shall be made upon such fenced land until the Minister has 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.

Power to make
drains on adjoining
lands.

11 The Minister shall have power to make, cleanse, and keep open all drains or watercourses which he 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

12 When any new line of road is constructed and completed, or any existing road or any part thereof diverted or altered, the Minister is

Public Works Construction.

hereby empowered to stop up any old line of road, or any part thereof which appears to him 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 road to the same.

A.D. 1877.

road may be stopped up.

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.

13 The Minister is hereby empowered to cut down and remove all indigenous timber growing or standing within Seventy-five feet of the centre of any road, making good all 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.

Timber growing near roads may be cut down.

14 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.

15 Where the Minister gives notice of his intention to take land for any of the purposes of this Act, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Minister deems it inexpedient to pay the amount of compensation so determined, he may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice on payment of all the costs of reference and award.

If compensation excessive Minister may give up land.

16 Notwithstanding anything in *The Lands Clauses Act* contained, in estimating the amount of compensation to be paid to any person for land taken for any of the purposes of this Act, the arbitrators or umpire shall take into consideration the benefit that is likely to accrue to the person whose land is about to be so taken from the construction of any Work mentioned in the Schedule, and the arbitrators or umpire, in awarding compensation to be paid for taking such land, shall make such deduction for such benefit as shall be deemed just; and in case it appears to the arbitrators or umpire that the benefit likely to accrue to the person in respect of any such Work is equal to or greater than the loss he will sustain by reason of the taking of his land for such Work, the arbitrators or umpire may award that no compensation is to be paid, and thereupon the same rights shall accrue as if compensation had been awarded and duly paid.

In estimating compensation to be paid for land taken, benefit to owner to be considered.

17 Notwithstanding anything to the contrary contained in this or any other Act, if either party is dissatisfied with the award of the arbitrators where the sum awarded for compensation exceeds the sum of One hundred Pounds, and either party desires to have the compensation settled by a Judge of the Supreme Court, and shall, within Ten days after

If either party to an award is dissatisfied therewith a Judge of the Supreme Court may decide thereon.

Public Works Construction.

A.D. 1877.

the making of such award and notice thereof, signify such desire by notice in writing to the other party, then the amount of such compensation shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose; and such Judge may also in his discretion make any order as to the person by whom the costs of such proceedings shall be borne.

Where the party dissatisfied with the award gives notice to the other party as aforesaid, then such award shall not be made a Rule of Court until such Judge by an order in writing under his hand determines the matter in dispute.

Rules made under Sect. 11 of 36 Vict. No. 19, to be applicable.

18 All rules made or to be made by the Judges of the Supreme Court under the Eleventh Section of "Main Line of Railway Amendment Act, No. 2," shall be applicable to any proceedings taken under the last preceding Section of this Act.

Short Title.

19 This Act may be cited as "The Public Works Construction Act, 1877."

SCHEDULE.

(1.)

ROADS.

	£
Road from Elizabeth Town to Latrobe	11,750
Green's Creek Road	1000
Kentishbury and Barrington Road	1500
Road from Latrobe to Torquay	2750
Road from Latrobe to Leven	7000
Road from Leven to Castra	2000
West Castra Road	1000
Road from Hamilton-on-Forth, <i>via</i> Wilmot River (south)	1000
Road from Hamilton-on-Forth to Kindred Plains	2000
Road from Don Bridge to Formby	600
Pine Road, Penguin Creek	2000
Road from Leven to Emu Bay	1500
Road from Emu Bay to Table Cape	1500
Road from Cam Bridge, southwards	1000
Road from Table Cape to Detention River	6000
Road from Table Cape to Mount Hicks	1000
Flowerdale Road	1000
Road from Detention River to Circular Head	2000
Forest Road, Circular Head	1000
Road from Duck River to Irish Town	1000
South Road, Montagu	700
Road from George Town to Mount Direction, <i>via</i> Nine Mile Springs	3000
Road from George Town Road to Upper Piper	2500
Road from Launceston to Scottsdale	8500
Road from Bridport to Scottsdale	2000
Road from Scottsdale to Upper Ringarooma Bridge	3000
Road from Ringarooma to Branxholm	1000
Road from Branxholm to Moorina	1000
Road from Moorina to Ringarooma Port	1000
Road from George's Bay to St. Mary's Road, near Falmouth ..	3000
Road from Kangaroo Point to Richmond	2500
Road from Richmond to Swansea	4000
Road from Cambridge to Sorell	2000
Road from Sorell to Eagle Hawk Neck	2500
Road from East Bay Neck to Ragged Tier, <i>via</i> Bream Creek ..	1000
Road from New Norfolk to Lachlan Village	1000
Road from Fenton Forest to Dunrobin, <i>via</i> Monto's Marsh ..	1000
Road from the Junction of Eastern Marshes and Bluff Roads to Tunnack	1000

Public Works Construction.

	£
Road from Margate to Three Hut Point	2000
Road from Sandy Bay Rivulet to Ridgeway	500
Road from Victoria to Port Cygnet.....	5000
Road from Huon Bridge to Honeywood.....	5000
Road from Huon Road to Sandfly Basin	500
Road from Glenorchy, near the <i>Berriedale Inn</i> , <i>viâ</i> German Town to Sorell Creek	1000
Road from Bridgewater to Dromedary	500

A.D. 1877. C. A.

(2.)

BRIDGES.

Mersey Bridge approaches	1200
Bridge over the River Blythe.....	250
Erection of a Bridge over the River Cam	1500
Erection of Seabrook Bridge, near Inglis	250
Erection of a Bridge over the Lachlan.....	600
Erection of a Bridge over the River Derwent, at New Norfolk ..	4000
Erection of a Bridge over the River Styx	500
Erection of a Bridge over Russells's Falls	700
Dunrobin Bridge	1000
Erection of Jones's River Bridge and approaches	500
Erection of a Bridge over the Jordan River, Bothwell to Melton Mowbray	500
Bridge over the Jordan River, Bothwell to Oatlands	600
Erection of a Bridge over the Ouse River, Bothwell to Lakes ..	300
Erecting and forming approaches thereto of a Bridge over the Coal River, at Searle's Corner, near Richmond	1000
Erection of a Bridge over the Meredith	500
Erection of a Bridge over the Wye	500
Erection of a Bridge over the Brushy	500
Erection of a Bridge over the Break O' Day Creek at Killymoon	1500
Erection of a Bridge over the Scamander	800
Erection of a Bridge over the Sandfly, with approaches to Port Cygnet Road.....	800
Bridge over the River Don	200

(3.)

JETTIES.

Erection of a Jetty at Bridport.....	500
Erection of a Jetty and Causeway at Spring Bay.....	1500
Erection of a Jetty at Swansea.....	2500
Erection of a Jetty at Port Cygnet	300
Erection of a Jetty at Montagu	500
Erection of a Jetty at Emu Bay	2500

(4.)

TELEGRAPHS.

Erection of a Line of Telegraph from Deloraine to Chudleigh..	300
Erection of a Line of Telegraph from Longford to Cressy.....	200
Erection of a Line of Telegraph from Honeywood to Southport	1000
Erection of a Line of Telegraph from George's Bay to Moorina	1000
Erecting Line of Telegraph from Emu Bay to Mount Bischoff..	1300

Public Works Construction.

A.D. 1877.

(5.)

	£
Road from Branhholm to Cascade River	1000
Pack Tracks between Blue Tier Junction, Weldborough, and Moorina.....	2000
Road from Upper Junction to Lower Junction	1000
Road from George's River to George's Bay	1000
Tracks for Exploration purposes Western Country.....	1000
Erection of Bridges over the Sheepwash and Tomahawk Creeks Road, Lyndhurst to Ringarooma	100
Erection of a Bridge over the Boobyalla River Road, Lyndhurst to Ringarooma	100