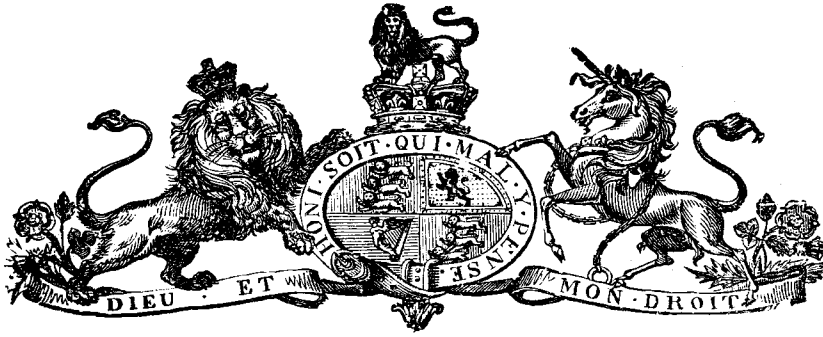


T A S M A N I A



1899.

ANNO SEXAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 37.



AN ACT to further amend "The Roads Act, 1884." A.D. 1899.
[22 December, 1899.]

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 This Act may be cited as "The Roads Amendment Act, 1899." Short title.

2 In addition to the roads declared by Section Thirty of "The Roads Act, 1884," to be Cross Roads, the following roads are hereby declared to be Cross Roads within the meaning of the said Act, and shall be subject to all the provisions thereof relating to Cross Roads, viz :— Cross road, further definition.

Upon the application of the Trustees of any Road District the Governor may by Proclamation declare any road or intended line of road in such District previously surveyed and marked out to be a Cross Road : Provided, that when any such road shall be claimed by such Trustees by dedication or user, such Proclamation shall not be a bar to any proceedings instituted by any person claiming any legal or equitable estate in such road, provided such proceedings are commenced within Three years of the date of such Proclamation.

And such proceedings shall be instituted against such Trustees in their corporate capacity, and not against any individual.

Roads Amendment.

A.D. 1899.

Amendment of
Section Four of
49 Vict. No. 38.

3 The word "Seven" in line Four of Section Four of "The Roads Act Amendment Act, 1885," is hereby expunged, and the word "Ten" is hereby inserted in lieu thereof, and the said Section shall be read and construed as if the word "Ten" had always been inserted therein.

Disposal of
property when
district abolished.

4 When any Road District is abolished, all property and money of the Trustees of such District shall be disposed of in such manner as the Minister of Lands and Works may direct.

5 Section Six of "The Roads Act Amendment Act, 1885," and the Schedule thereto, are hereby repealed, and in lieu thereof the following Section and Schedule hereto are hereby enacted; and the said Section may be cited as Section Six of the last-mentioned Act, and the said Schedule may be cited as a Schedule to such Act:—

Form of
nomination.
Schedule.

6 Every nomination of a candidate for election as a Trustee of any Road District shall be in writing, in the form in the Schedule, or to the like effect, and shall be signed by at least Two landholders entitled to vote at such election, and no such nomination shall contain the names of more candidates than the numbers of Trustees to be elected. And with such nominations there shall be delivered to the Chairman a consent in writing signed by the candidate or candidates so nominated declaring his or their consent to be so nominated; and the Chairman shall not recognise any nomination of any candidate in the absence of such consent; and every such nomination and consent may be in writing, or partly written and partly printed."

Excessive use of
roads.Compare
41 & 42 Vict., c.
77, s. 23.

6—(1.) Any person carrying on the business of carting, or any person who uses carts, waggons, or vehicles of any description for the transport of any machinery, timber, goods, materials, or articles over any road, or who drives or takes over any road any vehicle or engine of any kind, shall be liable to pay compensation to the Local Authority having the control of the road so used by such person, if such Local Authority be of opinion that extraordinary expenses have been incurred or will have to be incurred by such Local Authority in repairing the said road, by reason of the damage caused by the excessive weight passing along the same, or extraordinary traffic thereon, caused by the use of the said road in any of the ways aforesaid by any such person.

Agreement may
be made for
compensation;

(2.) Any person against whom expenses are or may be recoverable under this Section may enter into an agreement with the Local Authority for the payment to them of a compensation in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this Section.

or may be settled
by Two Justices,

(3.) Such compensation, in default of agreement between the Local Authority and such person, shall, on the filing of a statement of claim signed by the Chairman of the Local Authority, after notice (with a copy of such statement) to the person to be charged, be settled by Two Justices of the Peace, who shall have regard to the ordinary expense of repairing roads in the vicinity, and to the usual use made of such roads by the ratepayers generally of the Area or Town or District, and shall consider whether the traffic of any such person has been or will be the cause of extraordinary expenses in repairing the roads he uses.

and recovered in
a summary way.

(4.) Any compensation made payable under this Section may be recovered in a summary way before any Two Justices of the Peace, who may, if they think fit, apportion any such compensation among

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Roads Amendment.

Two or more users of the road, and may, if they think fit, adjourn the hearing of the matter to allow of any person sought to be made liable to pay any compensation to appear and be heard before them.

A.D. 1899.

Justices may apportion compensation. Interpretation.

(5.) "Local Authority" in this Section includes the Municipal Council of any Municipality, the Minister of Lands and Works, the Board of any Town, and the Trustees of any Road District and any Main Road Board.

"Chairman" includes the Mayor or Warden of any Municipal Council, the said Minister, and the Chairman of any Trustees or Board as aforesaid.

"Road" includes every culvert and bridge in the line of such road.

5 This Act and "The Roads Act, 1884," and every Act amending the same, save as altered by this Act, shall be read and construed together as one and the same Act.

Acts to be read together.

SCHEDULE.

FORM OF NOMINATION.

WE, the undersigned Landholders of the Road District of _____ do hereby nominate [*stating Christian and Surname*] of _____ as a Candidate [*or Candidates*] for the Office of Trustee [*or Trustees*] of the said Road District.

Dated this _____ day of _____ 19____

Signatures of Landholders { _____

I, the above-named _____ consent to become a Candidate at the election of a Trustee [*or Trustees*] of the Road District of _____

Signature of Candidate _____

