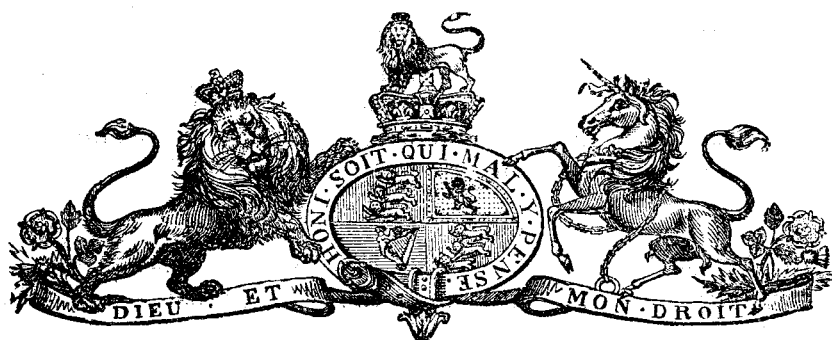


T A S M A N I A.



1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 38.

AN ACT to amend "The Roads Act, 1884." A.D. 1885.
[5 December, 1885.] —

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 said Act" means "The Roads Act, 1884."

Interpretation.

2 The Thirty-eighth Section of the said Act shall be and the same is hereby repealed, and in lieu thereof the following shall, from the commencement of this Act, be deemed to be and may be cited as the Thirty-eighth Section of the said Act, (that is to say) :—

"(1.) In case the Trustees of any Road District neglect or omit in any year to fix the day, place, and hour for holding the Annual Meeting of Landholders for the election of Trustees, or in case any such Meeting is not held in any District upon any day appointed for that purpose in the month of *April* in any year in pursuance of this Part of this Act, the Governor may extend the time for the election of Trustees in such Road District to any day to be fixed in manner hereinbefore provided before the First day of *June* in any year.

Time prescribed for election may be extended.

"(2.) In case no election of Trustees is held in any year in manner hereinbefore directed, it shall be lawful for the Governor in Council, upon the petition of any number of Landholders of such District, not

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“less than Seven, to fix a day, hour, and place for holding a Meeting of Landholders for the election of Trustees, and notice thereof shall be published by the Minister of Lands and Works in the manner hereinbefore provided in respect of the Annual Meeting of Landholders for the election of Trustees.”

Trustees to be elected by ballot.

3 In Section Thirty-nine of the said Act, in place of the words “open voting” in the Third line the word “ballot” is hereby substituted.

Nomination of candidates for election.

4 The Trustees of every Road District shall, in and by the notice of the time and place fixed for the Annual Election of Trustees, appoint a day for the reception of nominations as hereinafter mentioned, not less than Five days nor more than Seven days before the day fixed for such Annual Election, and the Chairman of the Trustees shall, during the Three days immediately preceding the day so appointed, and up to Four of the clock in the afternoon of such day, receive nominations of Landholders qualified to be elected as Trustees for election at such Annual Election.

List of candidates to be published.

5 The Trustees of every such District shall cause a list of the candidates nominated for election to be published in at least Two consecutive numbers of a public newspaper published in *Hobart* or *Launceston* or in a town in or nearest to the Road District in which the Annual Election of Trustees is to be held; and shall also cause such list to be posted up in the Office of the Trustees and at every Police Office, Police Station, and Post Office in the Road District not less than Three clear days before the day fixed for such Annual Election; and none but persons so nominated shall be capable of being elected.

Form of nomination.

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 of Trustees, and no such nomination shall contain the names of more candidates than the number of Trustees to be elected.

Mode of proceeding if no more persons nominated than Trustees to be elected.

7 If no greater number of persons are nominated for election, as provided in this Act, than the number of Trustees to be elected, the Chairman shall, at the Meeting for the Election of Trustees, without any Poll being had, declare the persons so nominated to be elected as Trustees; and the persons so declared to be elected shall thenceforth be Trustees of the Road District.

Election of Trustees.

8 In every Road District in which Polling-places are appointed as hereinafter provided the Trustees, previously to the day fixed for the Annual Election, shall, (and in every other Road District the Chairman of every Meeting for the election of Trustees shall,) fix a time for commencing and closing the poll, if any, for such election; and every such poll shall remain open for Two hours at least; and every Landholder 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.

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9 It shall be lawful for the Trustees of any Road District to appoint Polling Places in the District, and also to appoint any officers requisite for the purpose of the Annual Election of Trustees, and to do all other necessary things preliminary or incidental to every such Annual Election.

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Polling Places.

10 Whenever the office of any Trustee becomes vacant from any of the causes mentioned in Section Forty-two of the said Act, the Chairman of the Trustees shall forthwith give notice thereof in Two consecutive numbers of a public newspaper published in *Hobart* or *Launceston* or in a town in or nearest to the Road District, and the Trustees shall not, for a period of Fourteen days after such notice, proceed to fill up the vacancy as provided in the said Section; and if before the expiration of such period of Fourteen days a requisition in writing, signed by any number of Landholders of the Road District, not less than Seven, is presented to the Trustees requiring an Election to be held to supply such vacancy, the Trustees shall not appoint a new Trustee, notwithstanding anything to the contrary contained in the said Section, but an Election shall be held to supply the vacancy as aforesaid; and every such Election shall be conducted in the same manner in every respect as the Annual Election of Trustees in the District; and every Trustee appointed or elected to fill any such vacancy shall retain his office so long only as the vacating Trustee would have retained the same if no vacancy had occurred.

Elections may be held to fill up vacancies if landholders so desire.

11 The Trustees of any Road District may, with the consent of the Governor in Council, grant authority to any person or company to lay down, construct, and maintain a tramway or railway on, along, or across any road within the Road District, subject to such terms and conditions as may be recommended by the Trustees and approved by the Governor in Council; and such terms and conditions shall, within One month after the same shall have been approved by the Governor in Council, be published in the *Gazette* and in a newspaper published in the city or town nearest to the Road District.

Tramways, &c.

12 The control, management, and maintenance of all Jetties now constructed, or hereafter to be constructed, shall be vested in the Trustees for the time being of the Road District in which the same are situated, upon the publication in the *Gazette* of a requisition from the Trustees to the Minister of Lands and Works for the time being applying for such control, management, and maintenance: Provided that every such requisition shall be approved of by the Governor in Council before publication as aforesaid.

Control of Jetties vested in Trustees of Road Districts.

Where any Jetty is situated within the jurisdiction of any Marine Board now existing or hereafter created, it shall not be lawful to vest the control, management, and maintenance of such Jetty in the Trustees under this Section unless the consent of such Marine Board shall have been first obtained.

13 It shall be lawful for the Trustees of every such Road District to repair, maintain, or extend any such Jetty, and to make, construct, repair, and maintain the roadways approaching thereto, in such manner and with such materials as they may from time to time think proper, and to appropriate to any such purpose any moneys at their disposal as such Trustees by virtue of the said Act; and the provisions of the said

Trustees may repair Jetty, and appropriate Road funds to that purpose.

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Act shall apply to the said Jetty, so far as the same can be applied, in like manner as the same apply to any Bridge to be constructed, repaired, or maintained by the said Trustees by virtue of the said Act.

Wharfage Rates may be levied.

14 It shall be lawful for the Trustees of any Road District having the control of any Jetty under this Act, with the approval of the Governor in Council, from time to time to make, and from time to time to alter and rescind Rules for prescribing Wharfage Rates to be paid by the master or owner of every boat or vessel using such Jetty; and all such Rates shall be recoverable in like manner as Road Rates are recoverable under the said Act.

The amount of all sums of money received under this Section shall form a separate fund, and shall be appropriated by the Trustees in and towards the maintenance of such Jetty.

Amendment in Section 60 of 48 Vict. No. 28.

15 The words "or owner" in the Proviso to Section Sixty of the said Act are hereby expunged.

Repeal.

16 Sections Forty and Forty-one of the said Act are hereby repealed.

Acts to be read together.

17 The said Act, as altered or amended by this Act, and this Act shall be read and construed together as one Act.

Short title.

18 This Act may be cited as "The Roads Act Amendment Act, 1885."

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

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Signed _____