



ANNO DECIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 16.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice and Consent of the
Legislative Council.*

**AN ACT to amend the Act of Council of this Island
intituled An Act for constructing regulating and
maintaining certain Cross and Bye Roads in the
Island of Van Diemen's Land. [6th October, 1853.]**

WHEREAS a certain Act of Council of this Island was passed in the fifteenth year of the reign of Her present Majesty Queen VICTORIA intituled *An Act for constructing regulating and maintaining certain Cross and Bye Roads in the Island of Van Diemen's Land*—And whereas by the second Section of the said recited Act it was enacted that it should be lawful for the Lieutenant-Governor by any Proclamation to be by him for that purpose from time to time made and published to proclaim and declare such portion of this Island (except as by the said recited Act excepted) as to him should seem meet as and to be a Road District and to define the boundaries thereof and assign and give a specific name or designation thereto and also that it should be lawful for the Lieutenant-Governor by any Proclamation to be for that purpose from time to time made and published to extend curtail or alter and re-define the boundaries of any such Road District—And whereas errors have occurred in framing Proclamations by which Road Districts have been proclaimed and declared under the said recited Act and it is expedient that all doubts occasioned thereby should be removed and that the Lieutenant-Governor should be empowered to assign and give a new name or designation to any such Road District in the place and stead of any name or designation theretofore assigned and given to such Road District—And whereas by the Seventh Section of the said recited

Act it was amongst other things enacted that at any meeting holden for the election of Trustees for any Road District under the said recited Act it should be lawful for the landholders and householders present at such Meeting to appoint a Chairman or person to preside thereat and immediately thereupon to proceed to elect and to elect from amongst the landholders and householders residing within such Road District any unequal number not being less than three nor more than seven as and to be Trustees for such Road District and that any vote or votes tendered at any such Meeting might be objected to by any such person as therein mentioned—And whereas it is expedient that the power of giving a casting vote should be conferred upon the Chairman or person presiding at any such Meeting as aforesaid and that it should not be necessary that the Trustees so to be elected for any such Road District should be landholders or householders resident within such Road District and that any such vote or votes should be objected to at such Meeting and not afterwards—And whereas the said recited Act in other particulars requires amendment—Be it therefore enacted by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island as follows—that is to say—

Renders valid past Proclamations of Road Districts notwithstanding errors defects or omissions therein.

I. The last Proclamation which shall at the time of the passing of this Act have been made and published by which each Road District in this Island shall have been or shall purport to have been proclaimed and declared or extended or curtailed or altered and re-defined or by which any name or designation shall have been or shall purport to have been assigned and given to any such Road District shall (except in so far as any such Proclamation embraces and includes or purports to embrace and include in any such Road District any part or parts of this Island included in the definition of the term District as the same is declared and set forth in the several Acts of Council of this Island in the said recited Act recited passed subsequently to the Act of Council of this Island passed in the tenth year of the reign of Her present Majesty Number Eighteen in the said recited Act also recited) be valid and effectual to all intents and purposes notwithstanding any errors defects or omissions whatsoever in any such Proclamation and anything in the said recited Act to the contrary in anywise notwithstanding.

Power to the Lieutenant-Governor to give new names to Road District.

II. It shall be lawful for the Lieutenant-Governor and he is hereby authorised and empowered by any Proclamation to be by him for that purpose from time to time made and published to assign and give to any Road District which at the time of the passing of this Act shall have been or thereafter shall be proclaimed and declared or extended or curtailed or altered and re-defined under the said recited Act such new name or designation in the place and stead of the name or designation theretofore assigned and given to such Road District as to such Lieutenant-Governor shall seem meet—Provided always that the assigning and giving any new name or designation to any such Road District shall not in any manner affect the powers authorities matters and things by the said recited Act exercisable by conferred upon or affecting or relating to the Trustees for the time being elected for such Road District.

III. The Chairman or person presiding at any Meeting which shall be hereafter holden for the election of Trustees for any Road District under the said recited Act shall have a casting vote in addition to his vote or votes as a member of such Meeting and it shall be lawful for the landholders and householders present at any such Meeting to elect any landholder or householder of such Road District to be a Trustee for such Road District whether such landholder or householder be resident within such Road District or not and every vote which shall be tendered at any such Meeting which shall be hereafter holden shall in case of objection thereto be objected to at such Meeting and not afterwards.

Chairman to have a casting in addition to a deliberative vote.

IV. If at any such Special Meeting as in the said recited Act mentioned of the landholders and householders or persons entitled to vote at the election of Trustees for any Road District it shall be duly decided by the majority of such landholders and householders or persons present at such Special Meeting that it is expedient so to do it shall be lawful for the Lieutenant-Governor and he is hereby authorised and empowered by any Proclamation to be by him for that purpose made and published to proclaim and declare that any road in such Road District shall be a Cross Road within the intent and meaning of the said recited Act and upon any such Proclamation being so made and published such road so proclaimed and declared shall be deemed and taken to be and shall be a Cross Road within the intent and meaning of the said recited Act to be constructed repaired maintained and regulated under the authority thereof.

Power to declare any Road a Cross Road.

V. No lands in this Colony which shall have been or shall be reserved or marked out as a Township shall be deemed or taken to be a Township within the intent or meaning of the said recited Act unless the same shall have been or shall be duly proclaimed a Township by the Lieutenant-Governor of this Island.

Lands reserved for Townships not to be taken as Townships unless duly proclaimed.

VI. And whereas it is expedient that the Rate of Assessment to be fixed by virtue of the Tenth Section of the said recited Act should be increased as hereinafter provided—Be it therefore enacted that it shall be lawful for the landholders and householders of any Road District present at any such Meeting as in the said Tenth Section of the said recited Act is mentioned which shall hereafter be holden to fix for such purpose and in the manner in that section mentioned a rate of assessment not exceeding in any one year the sum of One Penny per acre on pasture lands the sum of Sixpence per acre on cultivated lands and the sum of One Shilling in the pound on the actual annual rental or annual valued rental of messuages tenements or dwelling-houses anything in the said recited Act to the contrary in anywise notwithstanding.

Authorises increased rate of assessment authorised by the 15 Vict. No. 8.

VII. And in order to more accurately determine the amount of Assessment for which the owners and occupiers of lands messuages tenements and dwelling-houses within any Road District are liable and chargeable it shall be lawful for any such Collector of Rates as by the said recited Act provided appointed by the Trustees for any Road

Power to Collector of Rates to enquire certain particulars.

District to demand and enquire from any person the following particulars—that is to say—the number of acres of land belonging to or occupied by such person within such Road District—the number of acres of such land in pasture—the number of acres of such land under cultivation—what messuages tenements and dwelling-houses within such Road District belong to or are occupied by such person—and the actual annual rental of each such messuage tenement or dwelling-house as shall belong to or be occupied by such person and if any person shall refuse evade or neglect to answer any such question or shall wilfully give a false or incorrect answer to any such question every such person shall for any such offence forfeit and pay a penalty or sum not exceeding Twenty Pounds.

Notice of appeal from Assessment to be given to Trustees.

VIII. And whereas by the Twelfth Section of the said recited Act it was provided that it should be lawful for any person to appeal to such Court of General Quarter Sessions of the Peace as therein mentioned against the amount of Assessed Rate for any Road District by which such person might be affected—And whereas it is expedient that notice of the intention so to appeal should be given to the Trustees for such Road District—Be it therefore enacted that no such Appeal as in the Twelfth Section of the said recited Act is mentioned against the amount of Assessed Rate for any Road District by which any person may be affected shall be entertained by the Justices at such Court of General Quarter Sessions of the Peace as therein mentioned unless notice in writing of the intention of the appellant to prosecute such Appeal together with the grounds of Appeal shall have been given to the Trustees for such Road District at least five days previous to the day of holding such Court of General Quarter Sessions of the Peace as aforesaid.

Schedule D to this Act substituted for Schedule A to 15 Vict. No. 8.

IX. The Schedule to the said recited Act annexed marked A shall be and the same is hereby repealed and in lieu thereof there shall be and hereby is substituted the Schedule to this Act annexed marked D which shall from and after the passing of this Act be deemed and taken to be the Schedule to the said recited Act annexed in the place and stead of the said Schedule to the said recited Act annexed marked A hereby repealed and all provisions in that behalf in the said recited Act contained shall be deemed and taken to apply and shall apply to the said herein-substituted Schedule marked D as though the same were by this Act severally repeated and made applicable thereto.

Provision for change of ownership or occupation.

X. And in order to provide for any change of ownership or occupation of any lands messuage tenement or dwelling-house within any Road District between the time of fixing any Rate of Assessment for such Road District and the time of demanding or levying the amount of such Assessment for which the owner or occupier of such lands messuage tenement or dwelling-house shall be liable and chargeable in respect thereof—Be it enacted that if in any case any change of ownership or occupation of any lands messuage tenement or dwelling-house within any Road District shall take place after the fixing of any Rate of Assessment for such Road District and before demand or levy made for the amount of such Assessment for which the owner or occupier of such

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lands messuage tenement or dwelling-house is liable and chargeable the person who shall at the time of making demand or levy for such amount of such Assessment as aforesaid be the actual owner or occupier of such lands messuage tenement or dwelling-house shall be the person liable to pay such amount of such Assessment as aforesaid in manner by the said recited Act directed and such person so being at the time of any such demand or levy as aforesaid the actual owner or occupier of such lands messuage tenement or dwelling-house is hereby required to pay and shall pay in manner aforesaid such amount of Assessment as aforesaid as though the name of such person had been inserted in the notice required by the Eleventh Section of the said recited Act as liable to and chargeable with such amount of Assessment as aforesaid.

XI. And whereas by the Twenty-fifth Section of the said recited Act it was enacted that no road widened diverted altered made or constructed under the said recited Act should except as therein provided exceed fifty feet in width—And whereas it may be expedient that certain roads in a certain Road District proclaimed and declared under the said recited Act called the Great Lake Road District should be of a greater width than fifty feet—Be it therefore enacted that it shall be lawful for the Trustees for the time being for the said Great Lake Road District and they are hereby authorised and empowered to make any road in such Road District repaired maintained improved widened diverted altered or made or constructed under the said recited Act to any width not exceeding one hundred feet and to remove or cause to be removed any existing fence or obstruction where the width of any road left free from such fence or obstruction shall not be in the clear one hundred feet anything in the said recited Act to the contrary notwithstanding.

Power to increase width of Roads in the Great Lake District.

XII. And for the better publication of the notification of the intention to hold any such Special Meeting as by the Forty-fourth Section of the said recited Act is provided—Be it enacted that no such Special Meeting as in the Forty-fourth Section of the said recited Act is mentioned shall be holden unless the advertisement convening the same shall have been inserted in the *Hobart Town Gazette* as by the said recited Act directed and also have been published at least three consecutive times in each of two of the public newspapers of this Island one of which shall be published at Hobart Town and one at Launceston ten clear days at least before the day appointed for holding such Special Meeting.

Special Meeting to be advertised.

XIII. This Act and the said recited Act intituled *An Act for constructing regulating and maintaining certain Cross and Bye Roads in the Island of Van Diemen's Land* shall except in so far as the same is repealed or altered by this Act be read and construed together as one and the same Act and as though the several provisions herein contained were contained in the said recited Act.

This Act and the 15 Vict. No. 8 to be read as one Act.

XIV. This Act and the said recited Act intituled *An Act for constructing regulating and maintaining certain Cross and Bye Roads in the Island of Van Diemen's Land* may be called and cited as *The Cross and Bye Roads Act 1853*.

Short Title.

SCHEDULE D.

THE Maximum Rate of Tolls to be taken at any Toll-gate Toll-bar or Toll-house erected or established under this Act.

| | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|
| For each Horse Colt Foal Mule or Ass drawing any cart carriage or other vehicle | 0 | 8 |
| For each Ox Bull Bullock or Steer drawing any cart carriage or other 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 not exceeding five score.... | 0 | 0½ |
| For each score of Pigs Sheep or Lambs if exceeding five score and not exceeding ten score | 0 | 8 |
| For each score of Pigs Sheep or Lambs if exceeding ten score and not exceeding fifty score | 0 | 6 |
| For each score of Pigs Sheep or Lambs if exceeding fifty score | 0 | 4 |

Payment of any Toll above specified shall exempt the animal or vehicle in respect of which the same shall have been paid from any Toll for once returning through the same Toll-bar or Toll-gate during one and the same day.

RICHARD DRY, *Speaker.*

Passed the Legislative Council this fourth day of October, one thousand eight hundred and fifty-three.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

IN the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,
Lieut.-Governor.

*Government House, Hobart Town,
6th October, 1853.*