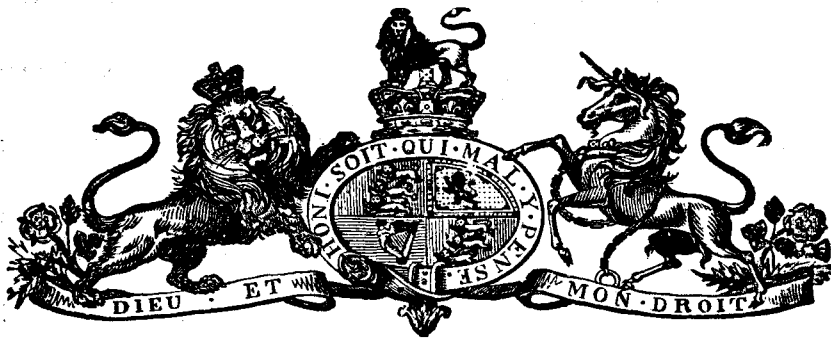


TASMANIA.



1880.

ANNO QUADRAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 13.



AN ACT to provide for the Maintenance of A.D. 1880.
Main Roads and Bridges in *Tasmania*.
[11 *March*, 1880.]

WHEREAS it is expedient to make better provision than now PREAMBLE.
exists for the Maintenance of Main Lines of Road and Bridges in this
Colony :

Be it therefore 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 :—

Preliminary.

- | | |
|---|-------------------------|
| 1 This Act may be cited as "The Main Roads Act, 1880." | Short title. |
| 2 This Act shall have force and effect on and after the First day
of <i>March</i> , 1880. | Commencement
of Act. |
| 3 In this Act, unless the context otherwise determines— | Interpretation |
| "District" means a Main Road District constituted under this Act : | |
| "District Board" and "Board" mean a Main Road District Board
under this Act : | |
| "Road District" means a Road District under "The Cross and Bye
Roads Act, 1870 :" | |
| "Commissioner" means the Commissioner of Main Roads for
<i>Tasmania</i> : | |
| "Gazette" means <i>The Hobart Town Gazette</i> : | |

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“Road” and “Main Road” mean a Main Line of Road under this Act, and include all bridges upon or used in connection with every such Main Line of Road :

“Bridge” includes the *Sorell* Causeway, and the causeways and all approaches to any bridge, and all works used therewith, and all lands, houses, hereditaments, and appurtenances now or at any time hereafter held, used, or occupied in connection with any bridge or with the collection of tolls thereon :

“Maintenance” means the improving, widening, diverting, altering, and repairing any road.

Declaration of Main Roads.

4 The Roads set forth in the Schedule (1) shall be and they are hereby declared to be Main Roads of *Tasmania*, notwithstanding that portions of some of such roads are situated within the boundaries of certain Road Districts.

Powers of Road Trustees over Main Roads to cease and determine.]

5 Upon the commencement of this Act the Trustees of any Road District through which any road or part of a road specified in the Schedule (1) passes shall not, except as herein provided, have the care, control, and management of any such road or such part thereof respectively ; and all the powers and authorities heretofore vested in, and exercised and enjoyed by, such Trustees before the commencement of this Act in respect thereof shall absolutely cease and determine.

Commissioner of Main Roads.

Commissioner of Main Roads.

6 The Minister of Lands and Works for the time being shall be the Commissioner of Main Roads for *Tasmania*, and in the exercise and execution of the powers given by this Act shall be styled “The Commissioner of Main Roads.”

Powers vested in Commissioner.

7 All rights, liabilities, contracts, and engagements existing, and all actions, suits, and other proceedings pending at the commencement of this Act of or by or against the Director-General of Roads shall be vested in and attach to, and be enforced, carried on, and prosecuted by or against the Commissioner ; and no such action, suit, or other proceeding shall abate or be discontinued or prejudicially affected by reason of this Act.

Municipalities to be Main Road Districts.

8 Where any Main Road or portion of a Main Road is situate in or passes through any Rural Municipality or any part thereof, such Municipality shall be a Main Road District under this Act. The Municipal Council of such Municipality shall be the Main Road District Board for such Main Road District, and the Warden of such Municipality shall be Chairman of such Board.

Road Districts to be Main Road Districts.

9 Where any Main Road or portion of a Main Road not situate in or passing through a Municipality or any part thereof is situate in or passes through any Road District, such Road District shall be a Main Road District under this Act. The Trustees of such Road District shall be the Main Road District Board for such Main Road District, and the Chairman of such Trustees shall be Chairman of such Board.

Main Roads to be vested in and maintained by Boards.

10 All Main Roads and portions of Main Roads, and all Bridges except those mentioned in Schedule (2), shall be and are hereby vested in and placed under the care, control, and management of the Board of the

Main Roads.

District in which such roads or portions of roads are situate, and shall be maintained in each District respectively by the respective Board of such District at an annual average cost per mile, for the year 1880, not exceeding that specified in Schedule (1), and thereafter at an annual cost not exceeding the amount per mile to be provided by Parliament. A.D. 1880.

11 All Main Roads and portions of Main Roads set forth in the said Schedule (1) not being situated in any Main Road District under this Act, and also the Main Road from *Hobart Town* to *Launceston*, and also all the Bridges mentioned in the Schedule (2), shall be and the same are hereby vested in the Commissioner of Main Roads, and the same shall from time to time be maintained under the direction of the Commissioner out of funds to be provided by Parliament for that purpose. Certain Roads and Bridges to be vested in and maintained by the Commissioner.

12 All rights, liabilities, contracts, and engagements existing, and all actions, suits, and other proceedings pending at the commencement of this Act of or by or against the trustees of any Road District in respect of any main line of road specified in the Schedule (1), shall, so far as the same may affect such road or any part thereof, but not further or otherwise, be vested in and attach to, and be enforced, carried on, and prosecuted by or against the District Board having the control of such main line of road; and no such action, suit, or other proceeding shall abate or be discontinued or prejudicially affected by reason of this Act. Rights, &c. transferred to District Boards.

13 On or before the Thirtieth day of *November* in each year each District Board respectively shall furnish to the Commissioner a statement in writing of such works as may be required to maintain the Main Roads or portions of Main Roads under the control of each respective Board for the ensuing year; and such statement shall set forth— Boards to send in an annual estimate.

A description of the works required :

An approximate estimate of the cost of such works :

A statement of the length of road to be maintained.

14 The name of each Board under this Act shall be "The Board of Main Roads for the District of _____," describing it by the name of the Municipality or Road District through which the Main Road or Roads under the authority of such Board pass. Name of Board.

15 Each District Board may sue or be sued by the name of "The Board of Main Roads for the District of _____," naming the District of which they are the Board, without otherwise naming such Board; and no action, suit, or other proceeding commenced or had by or against the Board shall abate or be in any way affected by reason of the death, resignation, absence, or new election or appointment of any member of the Board, but the same may be carried on and proceeded with as if no such change had taken place. Boards how to sue and be sued.

16 In any proceeding, civil or criminal, relating to any property or money vested in any District Board for the purposes of this Act, it shall be sufficient to describe such property or money as the property or money of "The Board of Main Roads for the District of _____," naming the District of which they are the Board without otherwise naming such Board. Property may be laid in the Board.

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Records of proceedings to be kept by Board.

Books containing such record to be evidence in Courts of Justice.

17 Every District Board shall cause entries of all proceedings of the Board, with the names of the Members thereof who shall be present at each meeting, to be duly made from time to time in books to be provided for the purpose, and every such entry shall be signed by the Chairman of the meeting at which the proceedings took place; and every entry purporting to be such entry as aforesaid, and to be so signed, shall be received as evidence in all Courts, and before all Judges, Justices of the Peace, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being Members of the Board, or of the signature of such Chairman, or of the fact of his having been Chairman, all which matters last mentioned shall be presumed until the contrary be proved, and such books shall at all reasonable times be open to the inspection of any Member of the Board.

Board not to pay moneys except on certificate of Chairman.

18 It shall not be lawful for any District Board to pay any moneys to or on account of any person for work and labour done for or on account of such Board, or for materials supplied to such Board, unless and until the Chairman of such Board certifies under his hand that such work and labour has been performed, or that such materials have been supplied to the satisfaction of the Board.

Boards to keep books of account.

19 Each District Board shall keep proper books of account in forms to be prescribed by the Governor in Council, in which detailed entries shall be made of all moneys received and disbursed by such Board for the purposes of this Act, and such books of account shall be open to the inspection of any Member of the Board at all reasonable times.

Boards to furnish accounts to Colonial Auditor.

20 Each District Board shall furnish, at such periods and in such form as may from time to time be prescribed by the General Rules hereinafter mentioned, full and detailed accounts to the Colonial Auditor, together with such vouchers, books, and documents as he may require in order to verify the items of such accounts.

Boards may make bye-laws with approval of Governor in Council.

21 Each District Board may from time to time frame bye-laws, not inconsistent with the provisions of this Act, for all or any of the following purposes:—

- (1.) For regulating the mode in which the business of such Board shall be conducted, and for electing one of its members to preside at meetings at which the Chairman may not be present:
- (2.) For prescribing the duties of every officer and servant of the Board, and for directing them in the performance of such duties.

And may alter or rescind same with like approval.

And such Board may from time to time change, alter, or rescind such bye-laws, provided that no such bye-law, or any change, alteration, or rescission thereof, shall be valid until the approval of the Governor in Council shall have been obtained.

Boards may appoint officers.

22 Subject to the approval of the Governor in Council any District Board shall appoint and employ all such officers to assist in the execution of this Act as may be necessary or expedient, at fair salaries or remuneration, payable out of the moneys provided by Parliament for the maintenance of roads under this Act; and shall and may from time to time remove any of such officers, and appoint others in the room of such as shall be so removed, or as may die or resign their offices.

Main Roads.

23 No member of a District Board shall be capable of being or continuing a salaried officer of any such Board, or of entering into any contract with such Board for the maintenance of any roads under the control of such Board.

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Members of Board not to be officers.

24 A District Board may, with the consent of the Governor in Council, enter into contracts with any person or persons for the execution of any works directed or authorised by this Act, or for furnishing materials, or for any other things necessary for the purposes hereof; and every such contract shall be in writing, and shall fully specify and define the work to be done, the materials to be furnished, the total price to be paid for the same, the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof; and every such contract shall be executed by the Chairman in the name and on behalf of the Board, and being duly executed by the persons contracting to perform the works therein respectively comprised shall be effectual in law, and shall be binding on the Board and all parties thereto, their successors, heirs, executors, and administrators respectively, as the case may be.

Board may contract.

25 Before any contract for carrying out any of the purposes of this Act, to the amount of Twenty-five Pounds and upwards, shall be entered into by any District Board, Ten days' notice at the least shall be given in the *Gazette*, and twice in successive numbers of some newspaper published nearest to the District of such Board, describing the nature of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to such Board; and the Board shall, if the Commissioner approves, accept the proposal which upon consideration of all the circumstances shall appear to be most advantageous, and shall take security for the due and faithful performance of every such contract.

Board to invite tenders for works.

26 Any District Board may, with the sanction of the Governor in Council, compound with any person who has entered into such contract, or against whom any action or suit has been brought for any penalty contained in any such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of any such contract, bond, or security for such sums of money or other recompense as the Board may think proper.

Compounding breaches of contract.

27 Whenever any road or roads, or portion of a road shall cease to be a Main Road, such road or roads, or portion of a road, shall be deemed to be Cross Roads within the limits of the respective Road Districts through which such road or roads or portion of a road may pass, and shall be maintained by the Trustees of such Road Districts; and if any part of such road or roads shall be the boundary or boundaries of any adjoining Road Districts, the Trustees of such Road Districts shall jointly take charge of and maintain the aforesaid road or roads.

Main Roads when no longer Main Roads to be Cross Roads in Road Districts.

28 Each District Board may let and entrust the maintenance and repairs of any portion, not exceeding Ten miles in length, of any Main Road, within their respective Districts, to any person or persons for a term not exceeding one year, and there shall be from time to time paid to such person or persons the amount agreed to be paid for such maintenance and repair: Provided always, that the maintenance and repair of such portions of Main Roads shall be let by tender, as provided by Section Twenty-five of this Act, and subject also to the other provisions of the same Section.

Maintenance of portion of Main Roads may be let by contract for the term of one year.

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Contracts for maintenance not to be sub-let.

29 Every person who shall be entrusted with the maintenance and repair of any portion of a Road under the preceding Section shall not sub-let such maintenance and repair to any other person, unless under special circumstances to be approved by the Commissioner.

If no proposal or excessive proposal received for maintenance, Board may maintain road.

30 If in any case no proposal is received by the Board for any work, or if the Board deems any proposal to be excessive, then it shall be lawful for the Board, after again inviting proposals for any such work in the mode prescribed by Section Twenty-five, to appoint and employ such and so many persons, at such wages or other remuneration for the purpose of maintaining and repairing such Road, or portion thereof, as to the Board appears necessary or proper.

Inspectors may be appointed to inspect Main Roads.

31 The Governor in Council may from time to time appoint fit and proper persons to inspect and report upon the condition and state of repair of any Main Roads, and every such Inspector shall have power to enter upon such roads and to inspect the state of the same and all materials and machinery used by any District Board or by any persons employed by them, and all books, vouchers, or other documents used or kept in connection therewith.

Defaulting District Boards.

32 The Governor in Council, if it shall appear to him that any District Board refuses or neglects to perform the duties and functions by this Act imposed and conferred upon District Boards, or refuses or neglects to repair, maintain, and keep in good repair the main roads within the District for which any such Board may have been appointed or elected, may, by Proclamation published in the *Gazette*, suspend the powers and functions of the District Board mentioned in any such Proclamation; and immediately after the publication of such Proclamation in the *Gazette*, the powers, duties, and functions of the last-mentioned Board shall absolutely cease, and shall become vested in and be exercised and exercisable in all respects by the Commissioner until the Governor in Council shall, by Proclamation, declare the lastly hereinbefore mentioned main roads to be in a state of repair; and from and after the publication of such last mentioned Proclamation in the *Gazette* the said District Board shall resume and exercise its powers, functions, and duties as if the same had not been suspended. And in the event of any Board refusing or neglecting to resume and exercise its powers, functions, and duties, the Governor in Council may, by Proclamation published in the *Gazette*, abolish such Board.

Proceedings to open Main Roads.

33 Whenever the Commissioner or any District Board shall have finally determined on the exact course and bearing or any deviation of any Main Road or portion of a Main Road not declared to be a Main Road by this Act, such Commissioner or Board respectively shall cause to be deposited in the office of Lands and Works at *Hobart Town* survey maps and plans describing the course and bearings and admeasurements of the same, and when and so often as any such survey maps and plans are deposited, shall cause notice thereof to be published by advertisement in the *Gazette*, setting forth such particulars as may be sufficient generally to describe such road or portion of a road, and referring to the survey map and plan deposited as aforesaid; and such maps and plans shall be open to public inspection, and the same, or copies thereof certified under the hand of the Commissioner, shall be evidence in all legal proceedings; but it shall not be necessary for the said Commissioner or Board to cause any maps and plans to be deposited in reference to any roads or portions of roads of which maps and plans

Main Roads.

have heretofore been deposited in the said office, and such maps and plans so heretofore deposited shall have the same force and effect as if the same had been deposited under the provisions hereof. A.D. 1880.

34 Any one or more of the following acts may be done by the Commissioner or by any District Board, subject to the authority of the Governor in Council, at any one time by one proceeding, or from time to time, that is to say,—Land required for Main Roads after a Main Road shall have been declared by Law may be taken, and new roads may be opened through the same; existing roads or any part thereof may be altered or added to or partly closed; partly closed roads, or any part thereof, may be exchanged for lands required for new roads or alterations, or may be sold and deeds of exchange, conveyance, memoranda of transfer, or other assurance may be duly executed therefor, or where within a Road District, may be retained as the property of the Trustees of such Road District, and at any time sold or exchanged for other land required for roads. Powers of closing and opening, &c. Main Roads.

Purchase and taking of Land.

35 Every District Board is hereby empowered to purchase and take, in the mode prescribed by the *The Lands Clauses Act*, such land within the District as it deems necessary for the purpose of widening, diverting, altering, or improving any road, or making any new line of road, or of obtaining any materials for any such purpose, or as the Board may deem necessary for any other of the purposes of this Act; 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 Board shall be deemed to be the promoters of the undertaking. Purchase and taking of land.

36 Where a Board gives notice of its intention to take land for any of the purposes hereinbefore set forth, and the compensation in respect thereof is determined as in cases of disputed compensation, if the Board deems it inexpedient to pay the amount of compensation so determined, the Board may, within Twenty-one days after notice of the amount of compensation so determined on, withdraw the first-mentioned notice. If compensation excessive Board may give up land.

37 Notwithstanding anything in *The Lands Clauses Act* contained, in estimating the amount of compensation to be paid to any person for land taken for improving, widening, diverting, altering, or making any road, 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 or such road, 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 through whose land such road is about to be taken is equal to or greater than the loss he will sustain by reason of the taking of his land for such road, 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 for Road, benefit to owner to be considered.

38 Whenever it is intended to take any land for any of the purposes of this Act, it shall be lawful for any Board, after Seven days notice served upon the occupier, to enter upon any land, and to stake out the same in such manner as the Board thinks necessary or expedient; and if any person wilfully pulls up, removes, or destroys the stakes or other Entry upon land.

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A.D. 1880. marks used for the purpose aforesaid, every person so offending shall, for every such offence, incur a penalty not exceeding Fifty Pounds.

Renting land.

39 It shall also be lawful for a Board 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 repair or construction of any road or new line of road, or for any other of the purposes of this Act.

Land may be used for temporary Road.

40 Any Board is hereby empowered, subject to the provisions contained in Section Forty-five of this Act, to make use of any uncultivated land within the District for the purpose of constructing a temporary road whilst any road is being made, diverted, altered, or repaired without making compensation for the same: Provided that the temporary road shall be fenced in or otherwise so secured as to afford to the person through whose land such temporary road may pass an equal protection against trespass as was possessed by such person previously to the construction of such temporary road; and on the completion of such repairs any damage done to the lands through which such temporary road may pass shall, in all respects, as far as practicable, be made good by the Board.

Crown land may be taken for purposes of the Act.

41 It shall be lawful for any Board to take and use any Crown land for any of the purposes of this Act which the Governor may authorise to be taken and used for such purpose.

Timber may be taken from uncultivated land upon making compensation.

42 It shall be lawful for any Board, after Seven days notice to the owner and occupier, to enter upon any uncultivated land within the District, and to cut down and carry away all such indigenous timber as may be required for making, repairing, or fencing any road or new line of road, or any other 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 Board to cut down any such indigenous timber where it is made to appear to their 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.

43 Where it is deemed necessary to obtain materials for the repair of any road or new line of road, or any other of the purposes of this Act, from any land within the District, it shall be lawful for any Board, after Seven days notice to the owner and 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 damage thereby sustained.

Compensation for timber and materials how to be ascertained.

44 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.

Gardens, &c. not to be taken without consent of owner.

45 Nothing in this Act contained shall, without the consent of the owner, authorise the purchase or taking by any Board of any land which is a garden, yard, lawn, orchard, or planted walk or avenue to a house, or enclosed ground planted as an ornament or shelter to a house, or planted as a nursery for trees, or the taking of any materials from, or the cutting down of any timber growing on, any such land, or the taking of any such land for the opening of any drain or watercourse on, to, or through such land.

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46 It shall be lawful for any Board to sell and dispose of any land purchased or taken by them for the purposes of this Act which is not required for any such purpose, and the purchase money arising from any such sale shall be applied by the Board to the purposes of this Act; and in the application of the provisions of *The Lands Clauses Act* to the purposes of this Act the enactment contained in this Section shall be substituted for Section 78 of that Act: Provided that the person from whom such land was purchased shall have the option of re-purchasing the same from the Board at a price to be fixed by arbitration, in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

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Lands not required may be sold.

Powers of Boards in Maintenance of Roads.

47 It shall be lawful for any Board to enter upon any land adjoining any road or new line of road for the purpose of maintaining such road: Provided that the land so entered upon shall be fenced in or otherwise so secured as to afford to the owner or occupier of such land an equal protection against trespass as was possessed by such owner or occupier previously to the entering upon such land.

Entry upon adjoining lands for executing works.

48 Every Board shall have power to make, cleanse, and keep open all drains or watercourses which it may deem necessary, in and through any land adjoining or near to any road or new line of road.

Power to make drains on adjoining lands.

49 When any Main Road is diverted or altered, the Board for the District in which such road is situate is hereby empowered to stop up any old line of road, or any part thereof which appears to the Board 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; but it shall not thereafter be incumbent upon such Board to maintain such last-mentioned road.

When new Road is constructed old 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 in 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, and such Justices may order such costs to be paid by such person and in such manner as they see fit.

50 Every Board 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.

51 Every Board shall cause to be filled up, or in other respects rendered secure, all pits or quarries that may have been opened or used by such Board for any of the purposes of this Act, and shall, so soon as

Quarries to be fenced in or otherwise secured.

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any work is completed, cause all fences taken down in the prosecution of the same to be well and sufficiently restored.

Preservation of Roads.—Penalties.

Injuring Roads.

52 Every person who is guilty of any of the following offences shall, for every such offence, incur a penalty not exceeding Five Pounds ;

- (1.) Riding upon any footpath made or set apart for the use or accommodation of foot passengers by the side of any Main Road :
- (2.) Wilfully leading or driving any animal or vehicle, or any single wheel of any vehicle, or wheeling or drawing any wheelbarrow, truck, or sledge upon any such footpath :
- (3.) Hauling or drawing, or causing to be hauled or drawn, upon any part of any Main Road any timber, stone, or other thing otherwise than upon a wheeled vehicle :
- (4.) Suffering any timber, stone, or other thing which is carried principally or in part upon a wheeled vehicle to drag or trail upon any Main Road to the injury thereof :
- (5.) Suffering pigs to root up or damage any Main Road, or the hedges or banks on the sides thereof :
- (6.) Suffering any cattle, horse, sheep, pig, ass, or goat to stray or be upon any fenced Main Road :
- (7.) Using any instrument for the purpose of retarding the descent of any vehicle down hill in such manner as to destroy, injure, or disturb the surface of any Main Road :
- (8.) Making a fire upon any Main Road :
- (9.) Not placing any vehicle during the time of loading or unloading the same, or of taking refreshment or of halting, as near to one side of the Main Road as conveniently may be, either with or without any animal harnessed or yoked thereto :
- (10.) Laying or causing to be laid any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, or other like matter or thing upon any Main Road :
- (11.) After having blocked or stopped any vehicle in going up or down hill, causing or suffering to be or remain on the Main Road the stone or other thing with which such vehicle has been blocked or stopped :
- (12.) Removing soil from any Main Road or from the sides thereof, or removing, barking, felling, or cutting trees on any road or on the sides thereof the property of the Board.

Further penalty for certain injuries.

53 Every person who is guilty of any of the following offences shall, for every such offence, incur a penalty not exceeding Twenty Pounds over and above the damages occasioned thereby.

- (1.) Pulling down, damaging, or destroying any lamp or lamp-post put up, erected, or placed in or near the side of any road, or on or near to any toll-gate, or extinguishing the light of any such lamp :

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- (2.) Pulling down, defacing, damaging, or destroying any direction board, mile-stone, wall, fence, post, or rail made, erected, or set up by the Board : A.D. 1880.
- (3.) Injuring or damaging any road.

54 Every person who is guilty of any of the following offences shall, for every such offence, incur a penalty not exceeding Twenty Pounds ; Encroachments on Roads.

- (1.) Making or causing to be made any building, or any hedge or other fence, on or at the side of any road, in such manner as to reduce the breadth thereof :
- (2.) Any person being the owner or occupier of land adjoining any road permitting or suffering any hedge separating such land from such road to continue to encroach or to encroach on such road so as to reduce the breadth or confine the limits thereof, or to grow to a height of more than Seven feet without the consent in writing of the Board :
- (3.) Filling up or obstructing any ditch at the side of any road, or any ditch made by the Board through the adjoining land for the purpose of draining such road :
- (4.) Making any drain, gutter, sink, or watercourse upon or across any road :
- (5.) In any manner whatsoever wilfully obstructing the free passage, use, or enjoyment of any road :

And it shall be lawful for every Board after Seven days notice to cause any such building, hedge, ditch, or fence, drain, watercourse, gutter, or other encroachment or obstruction to be taken down or filled up, or where any hedge has been allowed to grow to a greater height than Seven feet to be cut down to the height of not less than Five feet, or where any ditch is filled up or obstructed to be opened and cleansed ; and it shall be lawful for any Two Justices, upon proof thereof upon oath to them made, to levy the expenses of taking down, filling up, cutting down or cleansing, as the case may be, such building, hedge, ditch, drain, or other encroachment or obstruction as aforesaid, by distress and sale of the offender's goods and chattels, rendering the overplus, if any, to such offender on demand : Nothing herein contained shall prevent the making or constructing across or under any road of any covered drain or culvert for the making and constructing of which the sanction of the Board has been first obtained.

Miscellaneous.

55 It shall be lawful for any person to seize and impound, in the pound nearest to where it is found, any horse, ass, sheep, pig, or other beast or cattle of any kind found wandering, straying, or lying on any road, or by the side thereof, except on such part of any road as passes through unenclosed grounds ; and every such animal so impounded shall be there detained till the costs and charges of impounding and keeping the same are paid by the owner ; and in case such costs and charges are not paid within the time allowed by law in other cases of impounding cattle, the poundkeeper may sell the animal so impounded after giving such notice as by such law is in that behalf required ; and after deducting the costs and charges of impounding, keeping, and selling Cattle straying on enclosed parts of roads may be impounded.

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such animal out of the proceeds of sale, shall pay the overplus, if any, to the owner on demand; and if not demanded within Sixty days after sale, such overplus shall be paid to the Board of the District within which the animal impounded was seized, and be applicable to the purposes of this Act.

Penalty for erecting any steam engine, or burning lime within Fifty yards of road.

56 It shall not be lawful for any person to erect or cause to be erected after the commencement of this Act, within Fifty yards of any road, any wind-mill or steam-engine, unless such wind-mill or steam-engine shall be within some house or other building, or behind some wall or fence sufficient to secure the same from the road, so that the same may not be dangerous to passengers, horses, or cattle; nor shall it be lawful for any person to make any fire for burning or calcining limestone, bricks, clay, or the making of coke or charcoal within the distance of Twenty-five yards of any such road, unless the same shall be within some building, or behind some wall or fence sufficient to screen the same from such road; and in case any person shall offend in any of the cases aforesaid he shall forfeit and pay for every such offence a sum not exceeding Five Pounds.

Governor in Council may make General Rules prescribing certain things.

57 The Governor in Council may from time to time frame General Rules prescribing the following things:—

- (1.) The times, form, and manner at and in which and the restrictions under which moneys from time to time voted by Parliament for the maintenance of roads and bridges within each District shall be applied for, received, deposited, and expended by the Board of such District:
- (2.) The mode in which the Boards of any two Districts shall construct and maintain any of the roads and bridges under this Act which may now or hereafter form a portion or the whole of a boundary line between such two Districts:
- (3.) The amount for which every officer employed by a District Board and having the custody or control of moneys shall give security, and the nature of such security:
- (4.) The manner in which the accounts of each and every Board shall be kept, and the periods at which and the form and manner in which such accounts shall be furnished to the Colonial Auditor:
- (5.) For preventing any injury to any bridge maintained or coming under the provisions of this Act:
- (6.) For regulating the travelling and the traffic, and for enforcing good order upon, over, and along any of such bridges.
- (7.) For prescribing the width of the tires of the wheels of vehicles used upon any Main Road, with respect to the weight of any load to be carried upon any such vehicle.

Rules to be published in *Gazette* and laid before Parliament.

The Governor in Council may from time to time change, alter, or rescind all or any of such rules, provided that no such rule, and no change, alteration, or rescission thereof, shall be opposed to the provisions of this Act, and the same shall be published in the *Gazette*, and laid before both Houses of Parliament if then sitting, within Fourteen days after the publication thereof, and if not sitting then within Fourteen days from the next meeting of Parliament.

Main Roads.

58 No toll shall be demanded, taken, or paid at any bridge or any toll-gate, side-bar, or toll-bar erected, placed, or being upon any main road, or at the sides thereof, and all tolls now payable at any toll-gate, side-bar, or toll-bar on any Main Road shall be abolished from and after the Thirtieth day of *June*, 1880: Provided that where any such Toll has been let for any term extending beyond the said day, the same may be demanded and taken and shall be paid until the expiration of the said term; provided nevertheless that no such Toll shall be demanded, taken, or paid after the Thirty-first day of *December*, 1880.

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Tolls abolished.

59 Notwithstanding anything to the contrary contained in this or any former Act, all Tolls received by the Trustees of any Road District which is a Main Road District Board under this Act, before the Thirty-first day of *December*, 1880, shall be applied by such Trustees to and for the purposes of this Act only and not otherwise.

Tolls to be applied for purposes of this Act.

60 All sums of money secured or charged upon any Bridge hereby vested in Her Majesty or in any District Board, or upon any rates, tolls, or charges payable in respect of the construction, maintenance, or use thereof, and all sums of money heretofore secured or charged upon any tolls upon any Main Road by the Trustees of any Road District shall upon the commencement of this Act be deemed to be secured and charged upon and shall when payable be paid out of "The Consolidated Revenue Fund."

Liabilities chargeable upon Consolidated Revenue Fund.

Upon the commencement of this Act no Special Rate shall be made or collected by the Trustees of the *West Tamar* Road District to defray or assist to defray the interest on the cost of construction of the Bridge over the *South Esk* River near *Launceston*; and no Rate shall hereafter be made by the Governor in Council under the Eighth Section of *The Sorell Causeway Act, No. 2*.

61 All powers and authorities which by any Act are given to or vested in—

Certain special powers vested in the Commissioner.

The Trustees of the *West Tamar* Road District in respect of the Bridge over the *South Esk* River near *Launceston* :

The Trustees of the *Sorell Causeway* : and

The *Bridgewater* Commissioners :

shall be continued, and the same are hereby vested in and shall, save as aforesaid, be exercisable by the Commissioner, except the power to make rates and borrow money upon such security as is named in any Act relating thereto, which power shall henceforth cease and determine. And the provisions of the said several Acts shall not be deemed to be repealed by this Act except in so far as they are repugnant to the provisions of this Act, and, save as aforesaid, this Act and the said several Acts shall be read together as one Act.

All powers conferred upon the Governor by any of the said Acts shall be exercised by the Governor in Council.

62 All moneys and securities for money standing or being in any Bank to the credit of

Appropriation of certain moneys.

"The *Bridgewater* Commissioners' Account ;"

"The Trustees of the *Sorell Causeway* ;" and

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“The Trustees of the *West Tamar Road District*” in respect of the Bridge over the *South Esk River*, near Launceston ;

shall within one month after the commencement of this Act be transferred by the said Commissioners and Trustees respectively to the Colonial Treasurer, and form part of “The Consolidated Revenue Fund.”

Protection to
Commissioner
and to Members
of Board against
process.

63 The Commissioner or any District Board being a party to or executing in such capacity any contract or other instrument, or otherwise lawfully executing any of the powers hereby given, shall not be liable to be sued or prosecuted by any person whomsoever, and the bodies, goods, and lands of the Commissioner, and of every member of every Board appointed under this Act, shall not be liable to execution of any legal process by reason of any contract or other instrument entered into, signed, or executed by them, or by reason of any of the powers aforesaid ; and the Commissioner and the members of District Boards severally and respectively, their heirs, executors, and administrators shall be indemnified out of the moneys voted by Parliament applicable in the purposes of this Act, for all payments made or liability incurred to respect of any act done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them.

Recovery of
penalties.

64 All offences against this Act may be heard and determined, and all penalties may be recovered in a summary way by and before any Two Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*.

Appeal from
penalties.

65 Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act which is recoverable in a summary manner, may, unless otherwise expressly provided, appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

19 Vict. No. 10.

Repeal.

66 The Acts set forth in the Schedule (3) are hereby repealed, but this repeal shall not affect anything duly done, or any right accrued under any of the said Acts not provided for by this Act, or any proceeding for enforcing any such liability, which may be continued as if this Act had not been passed.

Main Roads.

SCHEDULE.

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(1.)

<i>Locality of Road.</i>	<i>Approximate Length.</i>	<i>Average Rate per Mile.</i>	<i>Total proposed Maximum Cost of Maintenance.</i>
	Miles.	£	£
Bridgewater to New Norfolk	11	15	165
New Norfolk to Hamilton	21	15	315
Hamilton to Ouse	10	10	100
New Norfolk to Glenora	13	15	195
Melton Mowbray to Bothwell	12	15	180
Richmond to Swansea	72	15	1080
Kangaroo Point to Richmond	14	25	350
Richmond Road at Cambridge to Sorell (inclusive of Causeway)	6	25	150
Sorell to Carlton	8	12	96
Hobart Town to Kingston	9	15	135
Kingston to Oyster Cove	14	10	140
Hobart Town to Franklin and including Bridge over Huon at Victoria	27	25	675
Huon Bridge to Port Cygnet Jetty	11	20	220
Franklin to Honeywood	8	20	160
Launceston to Deloraine	30	12	360
Deloraine to Chudleigh	10	15	150
Deloraine to Latrobe	30	30	900
Latrobe to Torquay	5	20	100
Latrobe to Circular Head	85	18	1530
Breadalbane to Evandale and Lymington	12	12	144
From near Perth to Longford and Cressy	12	12	144
Willis' Corners to Falmouth	54	12	648
St. Mary's Road near Falmouth to George's Bay	16	15	240
Launceston to Patersonia, Scottsdale, and Bridport	54	18	972
Launceston to George Town	34	15	510
Total to be maintained under direction of District Boards	578		9659
Hobart Town to Launceston, with branch to Risdon Ferry (to be maintained under direction of Commissioner)	123	12 0 0	1476
			£11,135

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(2.)

The Bridge across the River *Derwent*, at *Bridgewater*.
 The Bridge across the *South Esk* River, near *Launceston*.

(3.)

ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>
3 Vict. No. 7..	An Act for making and maintaining a Bridge over the South Esk River at Norfolk Plains.
4 Vict. No. 22..	An Act to amend the <i>Norfolk Plains</i> Bridge Act.
5 Vict. No. 16..	An Act for constructing and maintaining a Bridge across the River <i>Derwent</i> from <i>Restdown</i> to <i>Derwent Park</i> , and the Roads, Approaches, Jetties and Wharfs of such Bridge.
10 Vict. No. 12..	An Act for the better Regulation and Maintenance of the Main Road from the City of <i>Hobart Town</i> to <i>Launceston</i> .
12 Vict. No. 5..	An Act to amend and extend the Act of Council of this Island, intituled An Act for the better Regulation and Maintenance of the Main Road from the City of <i>Hobart Town</i> to <i>Launceston</i> , and to ensure the more effectual Collection of the Tolls thereon.
14 Vict. No. 4..	An Act to provide for the letting or farming out of the Tolls payable on and for the Main Road from the City of <i>Hobart Town</i> to <i>Launceston</i> .
16 Vict. No. 5..	An Act to repeal the <i>Thirty-fifth</i> Section of the Act of Council of this Island, intituled An Act for the better Regulation and Maintenance of the Main Road from the City of <i>Hobart Town</i> to <i>Launceston</i> , and to substitute other Provisions in lieu thereof.
29 Vict. No. 1..	An Act to provide for the Construction of certain Public Works.
30 Vict. No. 11.	An Act to amend <i>The Public Works Act, 1865</i> .
31 Vict. No. 23..	An Act to amend <i>The Public Works Act, 1865</i> .
35 Vict. No. 7..	An Act to enable the Colonial Treasurer to make Advances upon the Security of Special Rates levied under "The Cross and Bye Roads Act, 1870."