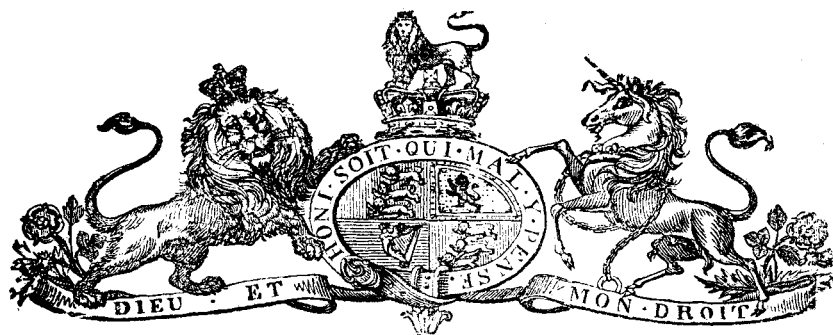


T A S M A N I A.

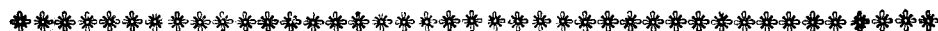


1881.

ANNO QUADRAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 33.



AN ACT to provide for the Maintenance of ^{A.D. 1881.}
certain Roads. [8 November, 1881.]

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, unless the context otherwise determines— Interpretation.

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

“Road” means any Road, not being a Main Road under “The Main Roads Act, 1880,” and every Act amending the same :

“Road District” means a Road District under “The Cross and Bye Roads Act, 1870.”

2 Whenever Parliament shall have authorised the Minister to execute any of the following works within a Road District ; that is to say— When Minister authorised to execute works,

Make or construct or substantially repair any Road or portion of a Road :

Lay out, clear, and form any Road :

Erect or construct or make, or substantially repair, any Culvert or Drain upon any Road :

And the Governor in Council shall, by Proclamation published in the *Gazette*, declare— and Governor in Council declares works duly

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executed, Road
Trustees to keep
same in repair.

That any such Road or portion of a Road has been duly made or constructed, or substantially repaired, as the case may be, or

That any such Road has been laid out, cleared, and formed, or

That any such Culvert or Drain upon any Road has been duly erected, constructed, or made, or substantially repaired,

then the Trustees of the District wherein any such work shall have been executed shall, provided such Trustees have consented to any such work being executed, thenceforth out of any moneys at the disposal of such Trustees—

Maintain and keep in good repair any such Road or portion of a Road which has been so made or constructed, or substantially repaired :

Keep clear of timber and scrub any Road which has been laid out cleared and formed :

Maintain and keep in good repair any such Culvert, and keep clear and in good order and condition all Drains upon any such Road :

If Trustees fail to
repair, Minister
may do so.

3 If such Trustees shall fail or neglect to execute any of the works hereinbefore mentioned after the expiration of Twenty-one days' notice so to do, then it shall be lawful for the Governor in Council to direct the Minister to execute any of such works, and the cost thereof shall be defrayed by the Colonial Treasurer out of any moneys then payable to such Trustees under *The Waste Lands Act*.

Form of notice.

4 Every notice hereinbefore mentioned shall be in such form and shall contain such particulars as the Governor in Council may appoint, either generally or in any particular case, and shall be signed by the Minister, and be served upon, or be delivered personally to the Chairman or Clerk of such Trustees.

If Trustees do not
defray cost,
Governor in
Council may
make and levy
Rate.

5 If the moneys then payable to such Trustees as aforesaid shall be insufficient to defray the cost of all such repairs and works as aforesaid, or if there shall be no moneys payable, the Colonial Treasurer shall, by notice under his hand, require such Trustees to pay to him so much money as shall be necessary to make good such deficiency, and if the same shall not be paid by such Trustees within Fourteen days after service of such notice personally upon the Chairman or Clerk of such Trustees, then it shall be lawful for the Governor in Council, after the expiration of the said period of Fourteen days, to make and levy a Road Rate not exceeding in any one year One Shilling in the Pound, until the amount payable by such Trustees to the said Treasurer has been paid ; and for the purposes of making and levying such Rate the Governor in Council may exercise the powers conferred upon such Trustees by the Seventy-ninth Section of "The Cross and Bye Roads Act, 1870," and all the provisions contained in the said Act relating to *Road Rate* shall be applicable to any Rate made by the Governor in Council under this Section, save that the Notice mentioned in the Eightieth Section of the said Act shall be signed by the Minister, and such Road Rate shall be payable to and shall be recoverable by such person as the Governor in Council may appoint to receive and recover the same, and such person shall be deemed to be a Collector of Road Rate under the said Act.

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6 If such Trustees, before the receipt of any such notice signed by the Colonial Treasurer as aforesaid, shall in any year have made and levied a Road Rate of a sum of not less than One Shilling in the Pound, then it shall not be lawful for the Governor in Council to exercise in such year the powers conferred by this Act for making and levying a Rate.

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If Trustees have made Rate, Governor in Council not to make Rate.

7 All sums of money received by the said Treasurer by virtue of any Rate made by the Governor in Council shall be appropriated to making good such deficiency, and the residue of such moneys, if any, shall be paid to such Trustees and form part of the moneys at the disposal of such Trustees for the purposes of the said Act.

Appropriation of Rate.

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

Injuring Bridge.

- (1.) Wilfully riding, 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 Footpath, by the side of any Road, Bridge, or Bridge approaches maintained or coming under the provisions of this Act :
- (2.) Wilfully leading or driving any animal or vehicle, or any single wheel of any vehicle, or wheeling or drawing any truck or sledge upon any drain by the side of any Road, excepting any hedge-cutting machine :
- (3.) Hauling or drawing, or causing to be hauled or drawn, upon any part of any such Road or Bridge or the approaches thereto, any timber, stone, or other thing otherwise than upon a wheeled Vehicle :
- (4.) Using any instrument for the purpose of retarding the descent of any Vehicle in such manner as to destroy, injure, or disturb the surface of any Road or the Roadway of any such Bridge, or the approaches thereto :
- (5.) Making a fire upon the metalled or constructed portion of any road, or within one yard of any fence on the said road :
- (6.) 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 Road, Bridge, or Bridge approach :
- (7.) In any manner whatsoever wilfully obstructing the free passage, use, or enjoyment of any such Road or Bridge or the approaches thereto.

9 The Governor in Council may from time to time frame Regulations prescribing the following things :—

Governor in Council may make Regulations prescribing certain things.

- (1.) For regulating the travelling and the traffic, and for enforcing good order upon, over, and along any Bridge or Road maintained or coming under the provisions of this Act :
- (2.) For prescribing the width of the tires of the wheels of vehicles used upon any Road with respect to the weight of any load to be carried upon any such vehicle.

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And the Governor in Council may prescribe such penalties as he sees fit for any breach of such Regulations not exceeding in any case the sum of Five Pounds, all which penalties may be recovered in a summary way before any two Justices of the Peace in the mode prescribed by

19 Vict. No. 8.

The Magistrates' Summary Procedure Act.

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

10 The Governor in Council may from time to time alter or rescind all or any of such Regulations: Provided that all such Regulations 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 after the commencement of the next Session of Parliament.

Toll-gates to be discontinued.

11 Upon the commencement of this Act Sections Sixty-four to Seventy-eight, both inclusive, of "The Cross and Bye Roads Act, 1870," shall be hereby repealed, and no Toll shall be demanded or taken at any Toll-gate or Side-bar erected by virtue of any former Act, and the Trustees of any Road District shall not erect any other Toll-gate or Side-bar in, upon, or across, or at the sides of any Road: Provided that where any such Toll has been let for any term extending beyond the commencement of this Act, such Toll may be demanded and taken and shall be paid until the expiration of the said term but no longer.

Payment of Loans.

12 All sums of money raised by way of Loan upon the security of any of the Tolls authorised to be collected under the said last mentioned Act, and all interest thereon, shall upon the commencement of this Act be deemed to be charged upon and shall be payable and when due shall be paid out of any moneys at the disposal of such Trustees.

Short title.

13 This Act may be cited as "The Roads Maintenance Act, 1881."