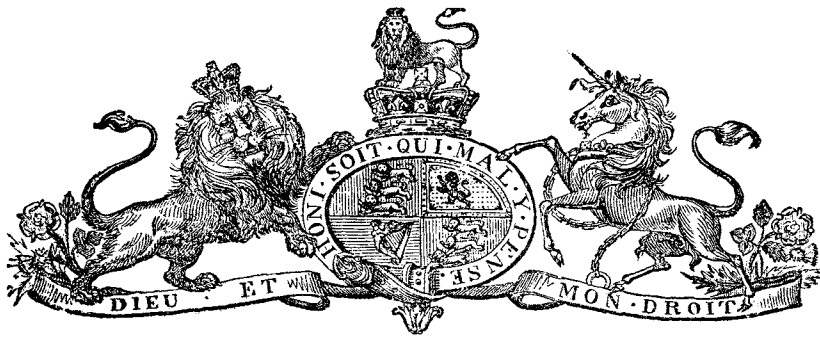


T A S M A N I A.

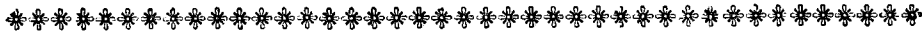


1860.

ANNO VICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 27.



AN ACT to provide for the Construction and Maintenance of a Causeway across *Pittwater* from the *Bluff* Ferry to the Township of *Sorell*.
[4 October, 1860.]

WHEREAS it is expedient for public convenience that a Causeway PREAMBLE.
should be constructed and maintained over and across that arm of
the Sea known as *Pittwater* in the District of *Sorell* from the *Bluff*
Ferry to the Township of *Sorell*, in the District aforesaid: And whereas
by an Act of the Parliament of *Tasmania* made and passed in the twenty-
third year of Her present Majesty Queen *Victoria*, No. 42, it is enacted, 23 Vict. No. 42.
that a sum of Four thousand Pounds should be raised, as therein provided,
to aid the execution of such work, but by the said Act it is expressed,
amongst other things, that no sum should be so raised until a sum equal
to that authorised had been raised by private subscription, nor unless the
cost of the work should not exceed the sum of Eight thousand Pounds:
And whereas it hath been found that the cost of the said works will
much exceed the sum of Eight thousand Pounds, inasmuch as it hath
been proposed that the excess shall be raised by loan or otherwise, and so
that no further Government aid be required, it is expedient to repeal so
much of the recited Act as limits the raising thereunder of the said sum
of Four thousand Pounds; and it is also necessary, for the purpose of
carrying out effectually the works, that certain powers and authorities
should be conferred upon a Board of Trustees to be nominated and
appointed as hereinafter contained: Be it therefore enacted by His Excel-
lency the Governor of *Tasmania*, by and with the advice and consent of

the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Partial repeal of
23 Vict. No. 42.

1 So much of the 2nd Section of the said recited Act as provides that the sum of Four thousand Pounds shall not be raised unless it is shown to the satisfaction of the Governor in Council that the cost of the said work will not exceed the sum of Eight thousand Pounds shall be, and the same is hereby, repealed.

Upon requisition
Justice of the
Peace to convene
Meeting for nomi-
nation of Trustees.

*Repealed
28/11/18*

Meeting to be
advertised.

2 For the purpose of carrying out the provisions of this Act, any number of persons not less than Ten, whose names are on the Valuation Roll for the District of *Sorell* aforesaid as owners or occupiers of the annual value of not less than Fifteen Pounds, may present or transmit to any Justice of the Peace resident within such District a requisition in writing thereby requesting such Justice of the Peace to convene a Meeting of the landholders and householders in the said District for the purpose of nominating Five fit and proper persons to be appointed by the Governor in Council as and to be the Trustees of the *Sorell* Causeway, for the purpose of providing for and effectuating the construction, repair, and maintenance of the said Causeway, and the carrying out of the several provisions of this Act; and, upon such requisition being presented or transmitted as aforesaid, it shall be lawful for such Justice of the Peace, and he is hereby required so to do, to convene such Meeting accordingly, and to fix the time and place for holding the same: Provided, that such Meeting shall be held within the said District within One calendar month of the presentation or transmission of such requisition, and that no such Meeting shall be held unless notice of the purpose thereof, and the time and place for the holding thereof, be published in the *Gazette*, and in One or more Newspapers published in *Hobart Town*, Ten clear days at least before the day of holding such Meeting.

Provides for
Chairman, and
that he shall have
casting vote only.

3 At every such Meeting the said Justice of the Peace shall preside, or in his absence a Chairman shall be elected by the landholders and householders of the said District then present: Provided that such Chairman shall have a casting, but not a deliberative, vote.

Nomination of
Trustees, and
transmission of
names to Colonial
Secretary.

Governor in
Council to appoint
Trustees.

4 At such Meeting Five persons, being landholders or householders within the said District of *Sorell* shall be nominated by a majority of the landholders and householders then present, and the Chairman of such Meeting shall forthwith transmit to the Colonial Secretary the names of the persons so nominated; and it shall be lawful for the Governor in Council to appoint the persons so nominated or any of them to be the Trustees of the *Sorell* Causeway for the purposes of this Act; and in the event of the Governor in Council not appointing the persons so nominated or any of them within Fourteen days of such transmission as last aforesaid, a fresh nomination to supply the place of any person not appointed shall, in like manner, be made by the landholders and householders of the said District.

Appointment to be
notified in
Gazette.

5 Every appointment by the Governor in Council of a Trustee or Trustees of the said *Sorell* Causeway shall be made by notice published in the *Gazette*.

Trustees, how
disqualified.

6 If, at any time during his continuance in office as aforesaid, any Trustee shall die, depart from this Colony and remain absent therefrom for the space of Three calendar months, or become insolvent, or refuse, or become incapable or unfit to act under the provisions of this

Act, it shall be lawful for the continuing Trustees or Trustee to declare such Trusteeship vacant, and it shall be thereupon vacant accordingly.

7 The Governor in Council shall have power at any time to remove from any office any Trustee or Trustees, and thereupon such Trusteeship shall become vacant.

Governor in Council may remove Trustees.

8 Upon any vacancy, from whatever cause arising, among the Trustees appointed by the Governor in Council, a new Trustee shall be nominated and appointed, in the like manner as hereinbefore provided, to supply any such vacancy.

Vacancies how supplied.

9 It shall be lawful for the Trustees for the time being of the said Causeway, for the purpose of constructing the said Causeway, and of carrying on the work necessary therefor, in addition to the sum of Four thousand Pounds to be raised under the firstly recited Act and the like sum to be raised by private subscription, to borrow on mortgage any sums not exceeding in the whole the sum of Seven thousand Pounds, and to make and grant mortgages of any of the rates, toll, or charges to be payable, levied, or paid under the authority of this Act in security for payment of the money so borrowed, and the interest thereon; and for that purpose the provisions of the *Hobart Town Corporation Act* relating to mortgages of rates shall be applicable to such mortgages by the said Trustees for the time being, and shall be incorporated with this Act, substituting always in such provisions, and in the form of mortgage or transfer contained in Schedule of the said Act, the title of this Act for that of the said lastly mentioned Act, and the names of the said Trustees for the time being for that of the Corporation of *Hobart Town*.

Power for Trustees to borrow £7000.

Incorporates provisions of *Hobart Town Corporation Act* relating to mortgages of Rates.

10 It shall be lawful for the said Trustees for the time being to convene a Meeting of the landholders and householders of the District of *Sorell* aforesaid, at a time and place to be named in the Notice thereof, such time to be not less than Fourteen days nor more than Twenty-one days from the date of the first publication of such Notice; and such Notice, containing the time and place, and the purpose of such Meeting, shall be published in the like manner as is hereinbefore provided for the publication of Notices of any Meeting for the nomination of Trustees under this Act; and at such Meeting the said Trustees for the time being shall propose the raising of a Special Rate to be made for the reimbursement of the said loan with interest.

Trustees may convene meeting to authorise raising of Special Rate.

11 It shall be lawful for the said landholders and householders at any such Meeting as last aforesaid to make and impose any Special Rate so proposed to such Meeting upon all property within the said District of *Sorell*; and any Special Rate so authorised shall, when made, continue in force until, but not after, the repayment of the amount hereby authorised to be raised, with interest thereon, and shall be payable half-yearly in respect to all such property for each year that it remains in force, and shall be a charge upon such property: Provided that every such Special Rate shall be agreed to by a majority of votes of the landholders and householders present at such Meeting, and shall be applied solely to the payment of such loan and interest, and shall be of such an amount as to ensure the payment of such loan and interest within Thirty years at the farthest from the time of raising such loan: Provided also, that for the purposes of such Meeting the landholders and householders shall vote according to the scale provided by the *Rural Municipalities Act*; and

Meeting may sanction Special Rate for repayment of loan and interest.

Incorporates provisions of the *Rural Municipalities Act* relative to scale of votes and payment of rates.

the Special Rate so authorised as aforesaid shall be made and recovered in the same manner, and shall be payable by the like persons, as the rates to be raised and levied under the said last-mentioned Act; and for the purposes aforesaid the provisions of the said *Rural Municipalities Act*, relating to the scale of voting at elections and meetings, and the payment and recovery of Rates thereunder, shall be applicable to all Meetings to be held, and to the payment and recovery of the rates to be made and imposed, under the provisions of this Act, and the same shall be incorporated with this Act, substituting in the said provisions the words landholders and householders for the words Municipal electors, and the word Trustees for the time being for the words Warden and Municipal Council in the last-mentioned Act.

Trustees may appoint Treasurer and other officers and servants.

12 It shall be lawful for the said Trustees for the time being to appoint, from time to time, as they shall think necessary a Treasurer, Solicitor, Surveyor, and Clerk or Clerks, and to make to him or them respectively such reasonable remuneration, to be paid out of the moneys coming into their hands under this Act, as they shall think proper; and it shall be lawful for such Trustees for the time being to remove from office any such Treasurer, Solicitor, Surveyor, Clerk or Clerks so appointed as aforesaid.

Power to construct Causeway.

13 It shall be lawful for the said Trustees for the time being, and all persons acting under their authority, to construct and erect such Causeway across the aforesaid arm of the Sea known as *Pittwater* from the *Bluff Ferry* to the Township of *Sorell* aforesaid, according to such Plans and Specifications as shall be approved by the Governor in Council, but no such Plans and Specifications shall be approved as aforesaid which do not provide for some Drawbridge or moveable platform in mid-channel giving a clear opening of not less than thirty-five feet at the least for the passage of steam boats and masted vessels through such Causeway, and to make all such cuttings, embankments, dams, and jetties, and to erect all such structures in the bed or course of the said arm of the Sea, as shall be necessary or convenient for the purposes aforesaid; and no action, suit, or other proceeding at law or in equity shall be had, commenced, or prosecuted against such Trustees for the time being, or against any person or persons acting under their authority, his or their servants or workmen, for or on account of the making or erection of any such cuttings, embankments, dams, jetties, or structures as aforesaid; and if any person or persons shall wilfully damage any such cutting, embankment, dam, jetty, causeway, or structure aforesaid, or any toll bar, toll gate, or other erection or building, post, rail, or fence, or any other work made, used, or designed in or for the constructing or maintaining, or for other the purposes of the said Causeway, such person shall be guilty of a misdemeanor, and for such offence shall be punished by fine or imprisonment, or both, at the discretion of the Court before whom such person shall be tried.

Indemnity.

Injuring Causeway wilfully a misdemeanor.

Trustees may make Contracts.

14 The said Trustees for the time being may lawfully enter into any Contract with any person for the construction, or for the maintenance and repair, of the said Causeway, or for doing and completing of all or any of the matters or things necessary for effectuating the construction and repair of the said Causeway, and the approaches thereto: Provided, that the said Trustees shall take security by bond entered into with such Contractor, and two or more sufficient Sureties, and conditioned to be void on due fulfilment of the Contract.

15 It shall be lawful for the said Trustees for the time being, and for every person acting under their orders, and they are hereby respectively empowered, after three days notice to the occupier thereof, to enter upon any uncultivated lands within the District of *Sorell* aforesaid, with all necessary carts, carriages, oxen, or horses, and to cut down all such indigenous timber, and to dig and quarry all such gravel, stone, lime, and soil, or other material as may be required for constructing, maintaining, altering, repairing, or fencing in the said Causeway, and the approaches thereto, or for performing any other work necessary thereto, and to carry away and use the same accordingly; and the said Trustees for the time being, and such others acting as aforesaid, may so enter, for all or any of the purposes aforesaid, without being deemed trespassers upon any such land: Provided that no such indigenous timber shall be cut down where it shall be made to appear that the same is reserved and used by the owner thereof for the purpose of ornament or shelter; and that before any such timber as aforesaid shall be cut down compensation shall be made to the owner thereof, to be ascertained in case of dispute by arbitration in the mode prescribed by the *Lands Clauses Act* in cases of disputed compensation: Provided also, that such Trustees shall, if required by the owner, cause to be filled up or otherwise rendered secure all pits or quarries that may have been opened by them, and shall, so soon as such work is completed, cause all fences taken down in the prosecution of the same to be well and sufficiently restored by and at the expense of the said Trustees for the time being.

Power to enter land, and cut timber, and take stone, gravel, &c.

16 The approaches to the said Causeway, as well as the said Causeway itself, shall be under the exclusive control and management of the said Trustees for the time being; and such approaches shall commence at One hundred yards distance from high water mark on each side of the aforesaid arm of the Sea, and shall extend therefrom towards each end of the said Causeway; and the said Trustees for the time being shall cause two posts of stone to be placed on either side of each of the said approaches to mark the said approaches to the said Causeway.

Approaches to Causeway to be defined.

17 It shall be lawful for the said Trustees for the time being to erect and keep erected at either end of the said Causeway, or upon either of the said approaches thereto, such toll-houses, toll-bars, or gates as they may deem necessary, at which such tolls as hereinafter provided shall be taken, and also all such fences, rails, bars, gates, lamps, lamp-posts, houses, stores, and other buildings and erections as may be necessary for the collection of toll, securing of cattle, or other purposes connected with the safety and convenience of passengers, and maintenance of the said Causeway and approaches, and the collecting of the tolls of the said Causeway, the property in all which toll-houses and other erections and things aforesaid shall be taken to be vested in the said Trustees for the time being, and may be so described in any Information touching or relating thereto.

Power to erect Toll-gates.

18 Tolls not exceeding the several rates specified in the Schedule to this Act annexed shall be paid to the said Trustees for the time being, or their Collector, for the passing over the said Causeway in respect of the persons, cattle, carriages, and goods therein also set out.

Tolls.

19 In some conspicuous part of the said approaches to the said Causeway the said Trustees for the time being shall cause to be erected

Boards with rates of Tolls thereon to be exhibited.

aboard painted black, upon which shall be painted in white, in clear legible characters, the Tolls to be charged and payable at the said Causeway.

Power to appoint Collectors.

20 It shall be lawful for the said Trustees for the time being, as they shall see fit, to appoint such and so many persons to be Collectors of Tolls of the said Causeway, who shall, for the purposes of this Act, be deemed and taken to be the servants of the said Trustees: Provided that the said Trustees for the time being shall take security for the due and faithful fulfilment of his office by every such Collector, such security to be by bond, to be entered into by such Collector and two or more sufficient sureties, and conditioned to be void on the due and faithful performance of such office; and every Collector of Tolls for the time being shall cause his Christian and surnames to be painted in legible characters in white upon a board painted black, the same to be affixed at the door of the Toll-house or on the Toll-gate where the Toll is to be paid, under a penalty in default thereof of not less than Five Pounds.

Misconduct of Toll Collectors.

21 If any Collector appointed as aforesaid shall allow any coach, waggon, dray, cart, or other carriage of whatever description, or any horse, beast, or other cattle, or any person or thing liable to pay toll, to pass through any toll gate or bar without paying the toll payable thereat in respect of the said Causeway, or shall demand and take any greater or other toll than by authority of this Act shall be payable, or shall unlawfully or negligently obstruct the passage of the said Causeway by any passenger, or shall use any abusive or indecent language to any passenger, or shall be guilty of any other misconduct in his office, every such Collector so offending, and being convicted thereof before any Justice of the Peace, shall forfeit and pay a penalty of not less than Forty Shillings nor more than Ten Pounds.

Incorporates certain provisions of 10 Vict. No. 11.

22 For the purpose of securing the due payment of the Tolls hereby authorised, for protecting the Toll Collectors to be appointed hereunder, and for ensuring the safety of passengers, carts, carriages, horses, cattle, and other things in passing over and across the said Causeway and the approaches thereto, the several provisions of an Act of Council of this Island, 10th *Victoria*, No. 11, intituled *An Act for building and maintaining a Bridge over the River Derwent at Bridgewater*, so far as they relate to the distraining for Tolls—the resisting or assaulting any Collector—the apprehension of transient offenders—the penalties for injuries and impediments to and on the Bridge—the liabilities of owners of carts and carriages—and as to the proceeding for penalties—shall be applicable to the said Causeway, to the Collector of the Tolls payable for crossing the same, and to all persons, carts, and carriages of every kind, horses, cattle, and other things crossing the said Causeway, and the same shall be incorporated with this Act, substituting always the word Causeway for the word Bridge in the said lastly mentioned Act.

Money to be paid into a Bank.

23 All moneys received by the Trustees for the time being shall be paid by them monthly into some one of the public Banks in *Hobart Town* to the account of the “ Trustees of the *Sorell Causeway* ;” and no part of such moneys shall be drawn out of such Bank except by cheque signed by the Treasurer to be appointed as aforesaid, and countersigned by some one of such Trustees for the time being as aforesaid.

Trustees to publish Accounts in *Gazette* yearly.

24 The Trustees for the time being shall, Fourteen days before the expiration of each and every year, publish in the *Gazette* a true and

faithful Account signed by them of all rates, tolls, and other moneys received under the authority of this Act during such year, together with the mode in which and the purposes to which the same shall have been appropriated; and shall cause copies of such Account signed by them, to be delivered to the Clerks of the Legislative Council and the House of Assembly of this Island, in order that the same may be respectively laid upon the Tables of the Legislative Council and House of Assembly.

25 All moneys whatever raised, received, or recovered under this Act shall be, excepting where otherwise directed by this Act, at the sole and absolute disposal of the said Trustees for the time being, to be by them applied in constructing, repairing, maintaining, improving, fencing, and completing the said Causeway and the approaches thereto; and the erection and repair of Toll-bars, gates, and Toll-houses, and appurtenances thereto belonging, the payment of the necessary salaries and wages of the several officers, servants, and others appointed and employed by such Trustees for the time being, and the payment of any other outlay or expense that such Trustees shall necessarily incur in carrying out the objects of this Act; and the surplus shall be applied in and towards forming a sinking fund to aid in the discharge of the principal moneys so to be borrowed as aforesaid, in such manner as to the said Trustees shall seem meet.

Disposal of
moneys received
by Trustees.

26 The right of taking toll at the said Causeway, and the right of property in the said Causeway and the tolls thereof, shall be and be taken to be vested in the said Trustees for the time being, who shall sue and be sued, plead and be impleaded, by the name and style of "The Trustees of the *Sorell* Causeway," and by no other style, for and in respect of any matters or things connected with the execution of their office as such Trustees as aforesaid; and no action, suit, information, or other proceeding which may be brought by or against such Trustees for the time being shall abate, discontinue, or be in any way affected by reason of the death, resignation, or removal of any of the said Trustees for the time being, or the appointment of any new Trustee, but the same may be commenced, prosecuted, and carried on by or against the Trustees for the time being.

Proceedings by
and against
Trustees.

27 No Plaintiff shall recover in any Action commenced against any person for anything done in pursuance of this Act unless such Action be commenced within Three months after the fact committed, and unless notice in writing has been given to the Defendant One month before such Action is commenced of such intended Action, signed by the Attorney of the Plaintiff, specifying the cause of Action, nor shall the Plaintiff recover in any such Action if tender of sufficient amends has been made to him or his Attorney by or on behalf of the Defendant before such Action brought; and in case no such tender is made it shall be lawful for the Defendant in any such Action, at any time before issue joined, to pay into Court such sum of money as he thinks proper; and the Defendant in every such Action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act; and if the same appears to have been so done, or if such Action or Suit has been brought before the expiration of One month next after such notice has been given as aforesaid, or after sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, then and in every of such cases the Jury shall find a verdict for the Defendant; and upon such verdict, or if the Plaintiff is nonsuited, or discontinues his

Limitation of
Action.

Notice of Action.

Tender of
amends.

Payment into
Court.

General issue.

- Action, or if upon Demurrer or otherwise the judgment is given against the Plaintiff, then and in every such case the Defendant shall have treble costs, and shall have the same remedy for recovering the same as any Defendant has for his costs in any other cases by Law.
- Costs.
- Interpretation. **28** For the purposes of this Act the expression District of *Sorell* shall mean and be deemed and taken to mean the existing Road District of *Sorell*.
- Short Title. **29** In referring to this Act it shall be sufficient to use the expression *The Sorell Causeway Act*.

SCHEDULE.

	<i>s.</i>	<i>d.</i>
For every Foot Passenger	0	6
Horse	1	6
Mare	1	6
Gelding	1	6
Colt	1	6
Filly.....	1	6
Mule.....	1	6
Ass	1	0
Cow	1	0
Bull	1	0
Ox	1	0
Heifer	1	0
Steer.....	1	0
Calf	0	6
For all Sheep and Goats by the Score	0	10
Sheep and Goats less than a Score per head	0	0½
Swine by the Score	0	10
Swine less than a Score per head	0	0½
For every Cart, Wain, Dray, or Carriage of any description on two wheels ..	2	6
For every Cart, Wain, Waggon, Dray, or other Carriage of any description upon four or more wheels	4	0
For every Stage Coach or Carriage carrying Passengers for Hire together with the Passengers, Horses, and Driver thereof	7	0