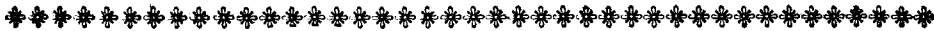


ANNO QUINTO

VICTORIÆ REGINÆ,

Rebd. by. 43 V. No. 13

No. 16.



By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

AN ACT for constructing and maintaining a Bridge across the River Derwent from Restdown to Derwent Park and the Roads Approaches Jetties and Wharfs of such Bridge.

WHEREAS it is expedient to construct a Bridge across the River Derwent from Restdown to Derwent Park at New Town in this Island for the public use and to provide for the making and maintaining of the Roads and Approaches to the said Bridge and the Wharfs and Jetties thereof—**BE IT THEREFORE ENACTED** by His Excellency SIR JOHN FRANKLIN Knight Commander of the Royal Hanoverian Guelphic Order Knight of the Greek Order of the Redeemer and a Captain in Her Majesty's Royal Navy Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies by and with the advice of the Legislative Council that it shall be lawful for the Lieutenant-Governor by Proclamation to fix the Scite of the said Bridge and thereby to define and declare so much of the now existing line of road as the same is now laid out not exceed-

PREAMBLE.

Lieutenant-Governor to fix the Scite of the Bridge and define the Roads thereto

which shall be placed under the management of the Director-General of Roads.

ing three miles which leads from the Main Road through New Town to the water's edge at Derwent Park on the south-west side of the River Derwent and so much of the existing line of road leading from the water's edge to Richmond on the north-east side of the River Derwent not exceeding three miles as and to be the Roads and Approaches thereto and that such Roads and Approaches shall thereupon be placed under the control and management of the Director-General of Roads by whom until further provision in that behalf be made the said Roads shall be made and kept in repair and the said Director-General of Roads shall and may lawfully exercise such and the same powers for the keeping in repair the said Roads as are given and provided for the keeping in repair the Main Road by the Act of this Island intituled *An Act for the making altering improving and defining the Main and other Roads of this Island*—PROVIDED that nothing in this Act shall extend to enable the said Director-General to make the said Roads in any instance wider than the same are now laid out.

Director-General of Roads or other authorised person may take materials from the land of any person for the purposes of such Bridge and Roads.

Proviso.

II. AND BE IT ENACTED that it shall be lawful for the Director-General of Roads or other person authorised by the Lieutenant-Governor of this Colony to search for take and carry away cut and quarry any gravel sand stone and other materials for the making and repairing of such Bridge and the Approaches thereto and the Jetties and Wharfs of such Bridge on the land of any person without the licence or consent of the owner of such land which may be necessary for any such purposes as aforesaid excepting within any garden yard or avenue to a house now in existence—PROVIDED ALWAYS that the right to take and carry away cut and quarry any gravel sand stone and other materials for public purposes shall have been reserved to the Crown in the grant deed of such land.

And to treat for the purchase of a piece of land at each end of such Bridge.

Mode of proceeding in case the price cannot be agreed on.

Proviso vesting the fee simple of such land in Her Majesty in case the owner shall refuse to accept the value thereof or to execute a conveyance.

III. AND BE IT ENACTED that it shall be lawful for the said Director-General or other person authorised as aforesaid to treat with any person for the purchase by the Crown of any quantity of land not exceeding two acres at the foot of such Bridge on each side of the River Derwent for the purposes of the said Bridge Wharfs and Jetties thereof and in case the owner of such land shall refuse to treat with the said Director-General or other person authorised as aforesaid or shall not agree as to the price of such land that then the value thereof shall be ascertained by a Jury of twelve persons to be taken from the list of Special Jurors upon a feigned issue to be tried in the Supreme Court and such value so ascertained shall be paid to such owner together with his costs of suit within fourteen days after such assessment and such owner shall thereupon execute the necessary conveyance thereof to Her Majesty Her Heirs and Successors and the said Director-General or other person authorised as aforesaid shall be the Plaintiff in such Action and the owner of such land shall be the Defendant—PROVIDED ALSO AND BE IT FURTHER ENACTED that if such owner as aforesaid shall refuse to accept upon tender thereof to him made by such Director-General or other person as aforesaid such value so ascertained as aforesaid or shall refuse to execute such conveyance as aforesaid within the time above mentioned that thereupon the fee simple of the said land of which the value hath been so ascertained as aforesaid shall thereupon be divested from such owner and vested in Her Majesty Her Heirs and Successors.

IV. AND BE IT FURTHER ENACTED that the said Director-General or other person authorised as aforesaid and the Workmen Overseers and others employed by them or either of them shall have free ingress and egress with carts carriages cattle and horses into any lands for any of the purposes mentioned in the Second Section of this Act and shall not thereby be deemed or taken to be trespassers.

Right of ingress and egress given into private lands for the purposes aforesaid.

V. AND BE IT FURTHER ENACTED that in all cases where it shall be necessary for any of the purposes mentioned in the Second Section of this Act for the said Director-General or other person authorised as aforesaid or the workmen overseers and others employed by them or either of them to enter upon any cultivated land it shall be lawful for him and them so to do and all damage sustained by reason of such entry shall be ascertained by a feigned issue which shall be tried and the amount so ascertained shall be paid in the same manner as directed for the purchase of land by the Third Section of this Act and the said Director-General or other person authorised as aforesaid and all persons acting under their or either of their order shall not be deemed Trespassers by reason of such entry as last aforesaid and the owner of such cultivated land shall be the plaintiff and the said Director-General shall be the defendant in such issue.

Provision made for payment of damage done to cultivated land.

VI. AND BE IT FURTHER ENACTED that if any person shall wilfully obstruct the said Director-General or other person authorised as aforesaid or any workmen overseers or others acting under his or their order as aforesaid in the performance of any duty or work by this Act intended to be performed he shall for every such offence forfeit and pay a penalty not exceeding Fifty Pounds.

Penalty for obstructing Director-General workmen &c.

VII. AND BE IT FURTHER ENACTED that if any person shall take away any materials without the consent of the said Director-General or other person authorised as aforesaid out of any quarry worked or opened by him for the purposes of getting Materials for making and repairing the Roads Approaches and Jetties leading to and connected with the said Bridge except the owner of the ground on which such quarry is situate he shall for every such offence forfeit and pay a penalty not exceeding Fifty Pounds.

No person except the owner of the land to take materials out of any quarry worked by the Director-General.

VIII. AND BE IT FURTHER ENACTED that after the said Bridge shall be constructed it shall be lawful for the Lieutenant-Governor by the advice of the Executive Council by proclamation from time to time to authorise the taking of such Tolls for the passing and repassing of the said Bridge and to make such regulations for that purpose in such manner under such restrictions and with such exceptions as may from time to time be by Him deemed necessary.

Lieutenant-Governor and Council to authorise the taking of Tolls over such Bridge.

IX. AND BE IT FURTHER ENACTED that it shall be lawful for the Director-General of Roads or other person authorised as aforesaid and all persons acting under their or either of their order to construct such works in the channel of the River Derwent as may be necessary for the purposes of the said Bridge and no action or other proceeding shall be commenced or prosecuted against the said Director-General or other persons as aforesaid for or on account of any obstruction to the navigation of the River Derwent or otherwise in respect of such works as aforesaid.

Indemnity to persons employed in the construction of the said Bridge for impeding the navigation of the Derwent.

Recovery of
penalties.

X. AND BE IT FURTHER ENACTED that all offences against this Act not otherwise provided for in respect of which any pecuniary penalty is imposed shall be heard and determined and every such penalty be awarded and imposed in a summary way by and before any two Justices of the Peace and all fines or penalties so imposed shall go and be distributed and all persons aggrieved by any summary conviction under this Act shall be entitled to appeal therefrom in the manner provided respectively by the Act intituled *An Act to regulate Summary Proceedings before Justices of the Peace.*

JOHN FRANKLIN.

Passed the Legislative Council this twenty-fifth day of September one thousand eight hundred and forty-one,

W. E. NAIRN, *Clerk of the Council.*