



ANNO DECIMO-QUARTO

VICTORIÆ REGINÆ,

No. 2.



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

***AN ACT to amend the Act of Council of this Island
intituled An Act for building and maintaining a
Bridge over the River Derwent at Bridgewater.***

WHEREAS by a certain Act of Council or Ordinance of this Island passed in the tenth year of the reign of Her present Majesty Queen VICTORIA intituled *An Act for building and maintaining a Bridge over the River Derwent at Bridgewater* provision is made for the erection of a Bridge across the River Derwent from the Bridgewater Causeway to the opposite shore of the said river so as to connect the Main line of Road from the City of Hobart Town to Launceston—AND WHEREAS by the said recited Act provision is also made for the nomination and appointment from time to time of a Commissioner or Commissioners for the erecting and maintaining the said Bridge to be styled “The Bridgewater Commissioner or Commissioners”—for the payment of toll for passing and re-passing the said Bridge—the erection of toll-gates and toll-houses—the appointment of Collectors of the said toll and the collection recovering and enforcement of the said tolls as well as for the mortgaging the same in the mode and for the purposes in the said recited Act specified

PREAMBLE.

10 Vict. No. 11.

—AND WHEREAS it is expedient for the better ensuring the due collection of the said tolls at the said Bridge that the power should be conferred of letting or farming out the same in manner hereinafter provided and that further provision should be made to prevent evasion of the payment of the said tolls and to confer certain exemptions therefrom—BE IT THEREFORE ENACTED by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council of the said Island that from and after the time when this Act shall come into operation it shall and may be lawful for the said Bridgewater Commissioner or Commissioners for the time being under the said recited Act or for any mortgagee for the time being under and by virtue of the said recited Act in the actual receipt or possession of the said tolls and the toll-gates and toll-houses erected or that may be erected for collecting the same if he or they shall see fit so to do from time to time to let or farm out for any term not exceeding twelve months the tolls authorised to be collected under the said recited Act together with the toll-gates and toll-houses for collecting the same such letting or farming out to be either by tender to be advertised for in two consecutive numbers of two Hobart Town newspapers seven days at least before the day appointed for the opening of such tenders or otherwise by public auction duly advertised in like manner such security being taken in either case by the said Commissioner or Commissioners or the said mortgagee as he or they may deem necessary and desirable for the due payment of the rent or sum stipulated to be paid for such tolls and any lessee or farmer of tolls during the continuance of any such letting or farming out or any Collector or person by him appointed is hereby authorised and empowered to demand take have and receive such toll so let or farmed out and to ensure and enforce the recovery thereof in the same mode and by the same ways and means to all intents and purposes as the said Commissioner or Commissioners or the said mortgagee or any Collector or person duly authorised or appointed by virtue of the said recited Act to collect such tolls might and could under and by virtue of the said recited Act have demanded taken had received ensured or recovered the same if such tolls had not been so let or farmed out—PROVIDED ALWAYS that the said tolls shall not by virtue of the powers in that behalf in the said recited Act contained be lowered during the continuance of any such letting or farming out as aforesaid without the consent of such lessee or farmer of tolls first had and obtained.

Enables the Commissioners or any mortgagee in actual possession to let or farm out the tolls and toll-houses.

Enables lessee or farmer of tolls to collect the same.

Application of rent received by mortgagee in actual possession.

II. AND BE IT ENACTED that if any such mortgagee in possession as aforesaid shall so let or farm out such tolls toll-gates and toll-houses as aforesaid the rent or sum received by such mortgagee from such lessee or farmer of tolls shall not if there then be more than one such mortgage by virtue of the said recited Act be applied by him to his own exclusive use and benefit but to and for the use and benefit of all the mortgagees of the said tolls toll-gates and toll-houses *pari passu* and in proportion to the several sums which may be due to them as such mortgagees in the same manner to all intents and purposes as such tolls would if received by such mortgagee have been applied under the said recited Act.

Penalty for evading toll.

III. AND BE IT ENACTED that if any person shall fraudulently pass by any toll-house toll-gate or toll-bar erected under the authority of the said recited Act by himself or with any horse cattle beast carriage

vehicle or thing whatsoever subject to toll by virtue of the said recited Act by reason whereof the payment of all or any of such toll shall or may be evaded or if any person shall do any other act whatsoever in order or with intent to evade the payment of all or any of such toll and whereby the same shall or may be evaded every such person shall for every such offence forfeit and pay a penalty or sum not exceeding Ten Pounds.

IV. AND BE IT ENACTED that it shall be lawful for the Lieutenant-Governor with the advice of the Executive Council of this Island and he is hereby authorised and empowered from time to time by any proclamation to be by him for that purpose issued to declare and direct that no toll shall be demanded or taken by virtue of the said recited Act of or from any person going to or returning from his usual place of religious worship on Sundays or on any day on which Divine Service is celebrated or for or in respect of any animal or vehicle *bonâ fide* and solely employed or engaged in taking or conveying any such person to or from any such place of religious worship or of or from any child when only going to or returning from school or of or from any Constable or other Peace Officer when going on or returning from actual duty or for or in respect of any animal or vehicle *bonâ fide* used or employed by him in such duty or in his charge or custody when on such duty or of or from any Prisoner under escort or in the custody of any Constable or other Peace Officer and any such proclamation in like manner from time to time to amend alter or revoke as occasion may require and any such proclamation when so issued as aforesaid shall be deemed and taken to be part and parcel of this Act and shall be of the same force and effect as though the same were herein specifically enacted anything in the said recited Act to the contrary in any wise notwithstanding.

Exemptions from toll.

V. AND BE IT ENACTED that if any person shall by any fraudulent or collusive means whatsoever claim or take the benefit of any such exemption from toll as hereinbefore provided such person shall for every such offence forfeit and pay a penalty or sum not exceeding Ten Pounds and in all such cases the proof of any such exemption shall be upon the person claiming the same.

Penalty for fraudulently claiming exemption from tolls.

VI. AND BE IT ENACTED that if any toll collector mortgagee lessee or farmer of tolls or any other person who under or by virtue of the said recited Act or this Act may occupy any toll-house messuage tenement or hereditament shall at the termination of his right to the occupation thereof wrongfully refuse to deliver up possession of such toll-house messuage tenement or hereditament so occupied by him as aforesaid within two days after notice demanding the same shall be left at such toll-house messuage tenement or hereditament then and in any such case it shall be lawful for any Justice of the Peace upon proof to his satisfaction of any such demand and refusal as aforesaid by warrant under his hand and seal to order any Constable or other Peace Officer with all necessary assistance to enter such toll-house messuage tenement or hereditament in the day-time and to remove the persons who shall be found therein together with their goods and chattels out of such toll-house messuage tenement or hereditament and to give possession thereof to the said Bridgewater Commissioner or Commissioners or such other person or persons as may be then entitled to the same.

Persons wrongfully refusing to deliver up toll-houses may be ejected upon warrant.

VII. AND WHEREAS by the said recited Act it is enacted that the

Accounts of the

Commissioners
to be audited.

said Commissioner or Commissioners shall furnish such accounts as are therein mentioned but no provision is made for the auditing of the same —BE IT THEREFORE ENACTED that upon such accounts being delivered into the Office of the Colonial Secretary of this Island the same shall be transmitted to and be audited by the Colonial Auditor of this Island for the time being and upon his approval thereof the said accounts shall be published for general information in the *Hobart Town Gazette*.

This Act and the
Bridgewater
Bridge Act (10
Vict. No. 11) to
be read together.

VIII. AND BE IT ENACTED that this Act and the said recited Act intituled *An Act for building and maintaining a Bridge over the River Derwent at Bridgewater* shall be read and construed together as one and the same Act.

W. T. DENISON.

Passed the Legislative Council this sixteenth
day of August, one thousand eight hun-
dred and fifty,

ADAM TURNBULL, *Clerk of the Councils.*