

No. XLIX.

An Act to provide for the improvement of certain Roads in the neighbourhood of the City of Sydney. [15th June, 1848.]

SYDNEY
SUBURBAN ROADS.
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WHEREAS by an Act of the Governor and Council of New South Wales passed in the second year of the reign of His late Majesty King William the Fourth intituled “ *An Act for repealing so much of an Act intituled ‘ An Act to continue until further provision shall be made certain Duties Tolls Rates Fees and other sums of money imposed by the Governors of New South Wales and for other purposes ’ as relates to the levying Tolls in New South Wales and for raising a Fund towards making repairing and upholding Public Roads Bridges and Ferries and for regulating the collection of Tolls thereon* ” certain powers and authorities were vested in the Governor of the said Colony and a fund was created for repairing the roads of the said Colony and whereas as far as relates to the roads in the vicinity of the City of Sydney within the said Colony and which said roads are commonly called the Old South Head Road and the New South Head Road and to certain other roads connected therewith or diverging therefrom it is expedient to transfer the said powers and authorities and to vest so much of the said fund as may be collected or obtained by way of Tolls or otherwise howsoever on or for the said two roads or either of them in certain Commissioners and to make provision for the application of such fund as last aforesaid Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That it shall be lawful for the

Preamble.
2 Wil. IV. No. 12.
Governor may appoint Commissioners of Trusts for roads enumerated in the Schedule hereto.

Sydney Suburban Roads.

the Governor of the said Colony for the time being to appoint fit and proper persons to be Commissioners of Trusts for the said roads as more particularly described in the Schedule to this Act annexed for the purpose of carrying this Act into execution and from time to time as he may deem fit to revoke any such appointment and upon such revocation or the resignation or death of any such Commissioner of Trusts to appoint another Commissioner in his stead.

Right interest and property in all Toll gates Toll houses and premises and appurtenances thereto belonging vested in such Commissioners.

2. And be it enacted That the right interest and property in all Toll gates and Toll houses weighing machines and other erections and buildings lamps bars toll-man's direction boards milestones posts rails fences and other things which shall have been or shall be hereafter erected and provided on or for the said roads or any of them under and by virtue of the said recited Act and this Act or either of them with the several conveniences and appurtenances thereunto belonging and the materials of which the same shall consist and all materials tools and implements which shall be provided for repairing the said roads or any of them shall be vested in the said Commissioners of Trusts and their successors and they are hereby authorized to apply and dispose of the same as they may think fit and to bring any action or prosecute any information or indictment for any injury to the property so vested in them or for any violation of the said recited Act committed on the said roads or any of them or in any way affecting the same.

Commissioners may erect Toll houses and gates and collect Tolls and may lease the said Tolls and exercise the powers vested by the said recited Act in the Governor and Collector of Internal Revenue.

3. And be it enacted That all powers of collecting of appropriating places where Tolls shall be collected of causing Toll houses gates bars chains rails and fences to be built and set up and all powers of leasing putting up to auction or taking security for Tolls and all other powers and authorities of what nature or kind soever which by the said recited Act are vested in the Governor and the Collector of Internal Revenue respectively are hereby as far as relates to the said roads or any of them transferred to and vested in the said Commissioners of Trusts and their successors so soon as they shall have been appointed.

All moneys levied and collected under said recited Act or this Act for said roads vested in said Commissioners.

4. And be it enacted That all sums of money levied and collected under the said recited Act and this Act or either of them on or for the said roads or any of them shall be vested in the said Commissioners of Trusts and their successors and be applied by them in the repairing and upholding the said roads or any of them.

Commissioners may appoint all such ministerial officers as may be necessary whose salaries may be paid out of the moneys vested as aforesaid in such Commissioners.

5. And be it enacted That it shall be lawful for the said Commissioners to appoint all such ministerial officers as shall be necessary for carrying this Act into effect and the salaries of such officers shall be paid out of the fund vested in the said Commissioners by virtue of this Act.

Commissioners to keep particular accounts of all moneys received and expended and render such accounts to the Auditor General half-yearly they shall afterwards be laid before the Legislative Council and published in the *New South Wales Government Gazette*.

6. And be it enacted That the said Commissioners shall keep or cause to be kept true and correct and particular accounts of all moneys received as well as of all moneys expended by them in the execution of their said trust and shall within one month after the expiration of each half-year render such accounts for such half-year to the Auditor General of the said Colony who after examination of the same shall cause them to be forthwith delivered to the Colonial Secretary for the time being to be laid before the Legislative Council and published each half-year in the *New South Wales Government Gazette*.

Port Phillip Gunpowder.

SCHEDULE OF ROADS REFERRED TO.

1. The old South Head Road from the boundary of the City of Sydney to the shore at Watson's Bay.
 2. The Belle-Vue Road from the old South Head Road at the corner of the Waverley Grant to and around the crest of the hill called Belle-Vue.
 3. The new South Head Road from the boundary of the City of Sydney to its junction with the old South Head Road.
 4. The Darling Point Road from the new South Head Road to the shore of Darling Point.
 5. The Glenmore Road from the old South Head Road opposite the Military Barracks to the new South Head Road.
 6. The old Point Piper Road from the old South Head Road at Paddington crossing the new South Head Road and passing in an easterly direction through the Village of Double Bay until it again meets the new South Head Road together with any other Road or Roads within the Parish of Alexandria connected with or diverging from the said Roads or any of them and which may be opened and dedicated to the public and taken over with the consent of the said Trustees for the purposes of this Act.
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