

No. V.

LEASING TOLLS.

An Act to authorize the leasing of Tolls and Dues demandable at Turnpike Gates and Ferries and on Parish Roads for extended terms. [10th September, 1850.]

Preamble.

2 Gul. IV. No. 12.

4 Vic. No. 12.

WHEREAS by an Act of the Governor and Legislative 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 and Bridges and Ferries and for regulating the collection of Tolls thereon'" it was amongst other things enacted that it should and might be lawful for the Governor of the Colony for the time being from time to time to authorize and direct the tolls and dues demandable at any turnpike or ferry under the authority of that Act to be demised and let to farm for any term not exceeding twelve calendar months And whereas it is expedient to empower the said Governor to authorize and direct the said tolls and dues to be let to farm for a longer period than the term of twelve calendar months whenever it shall appear conducive to the public benefit so to do And whereas by a certain other Act of the said Governor and Council passed in the fourth year of the reign of Her present Majesty Queen Victoria intituled "An Act to provide for the making and repairing of Parish Roads in the Colony of New South Wales" it was amongst other things enacted that it should and might be lawful for the Governor for the time being of the said Colony to authorize the Trustees of Parish Roads established under that Act to grant a lease or leases of the tolls to be collected or levied upon such roads for any period of time not exceeding one year And whereas it is expedient that the said Governor should be empowered to authorize the Trustees of any such Parish Road to grant a lease of such last mentioned tolls for a longer period than the said term of one year when and so often as it shall appear conducive to the advantage of the public and the parties liable to the payment of rates for the formation and maintenance of such roads so to do Be it therefore enacted by His Excellency the Governor of New

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New South Wales with the advice and consent of the Legislative Council thereof That from and after the passing of this Act it shall and may be lawful for the Governor for the time being of the said Colony to authorize and direct the tolls and dues demandable at any turnpike gate or ferry under the authority of the said first recited Act to be demised and let to farm by public auction or upon private tender as provided by that Act for any period not exceeding the term of five years as may appear to the said Governor and the Executive Council of the said Colony conducive to the public interests anything in the said Act to the contrary notwithstanding Provided that except as hereinafter mentioned all and every the provisions of the said first recited Act shall remain in full force and effect in every respect except only as to the limit by the said Act imposed upon the duration of any lease granted under the authority thereof and shall be applied in to and in respect of any lease for a term exceeding twelve calendar months in the same manner as the same would have applied if such extended term had been authorized thereby.

2. And be it enacted That from and after the passing of this Act it shall and may be lawful for the said Governor for the time being to authorize the Trustees of any Parish Road established under the authority of the said last recited Act to grant a lease or leases of the tolls to be collected or levied thereon for any such period exceeding the term of one year as may appear to the said Governor and to the Trustees of such Parish Roads respectively conducive to the advantage of the public and the parties liable to the payment of the rates for the formation and maintenance of such roads respectively and from time to time to renew such lease or leases at the highest or best rent or value to be obtained for the same either by public auction or otherwise anything in the said last recited Act to the contrary notwithstanding.

3. And whereas by a certain Act of the said Governor and Council passed in the thirteenth year of the reign of Her present Majesty intituled "*An Act for managing making and upholding the Public Roads in the County of Cumberland and for other purposes therein mentioned*" it was among other things enacted that all powers of leasing putting up to auction or taking security for tolls and all other powers and authorities of whatsoever nature or kind which by the said hereinbefore first recited Act were vested in the Governor and Collector of Internal Revenue respectively should so far as the same relates to the said roads in the County of Cumberland be transferred to and vested in the Commissioners of Trusts therein mentioned and it is expedient to empower the said Commissioners in the several districts to let the tolls and dues so transferred to and vested in them for a longer period than twelve months if they shall deem it expedient so to do Be it enacted That the said Commissioners of Trusts in their several districts respectively shall be competent to grant leases for the tolls and dues to be collected and levied within their respective Trusts for any period not exceeding the term of two years if in their discretion they shall deem it expedient so to do anything in the present law to the contrary notwithstanding.

4. And be it enacted That from and after the first day of January next no double toll shall be demandable taken or payable at any toll-gate or ferry for passing through or over any roads or ferries on Sunday.

5. And be it enacted That in all cases where Proclamation by the Governor of the rate of tolls to be demanded and levied upon all Parish Roads in the said Colony under the before recited Acts has been made it shall be lawful for the said Governor by a Proclamation to be published in the *New South Wales Government Gazette* to alter or vary the same upon the petition of the Trustees of any such Parish Road

Tolls and ferry dues may be demised for five years.

Provisions of 2 Gul. IV. No. 12 to remain in force in all other respects except as hereinafter mentioned.

Governor may empower Trustees of Parish Roads to demise tolls for a longer period than 12 months.

Commissioners under 13 Vic. No. 41 may grant leases for a term not exceeding two years.

Double toll not to be demanded on Sunday.

Tolls may be altered.

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Road or of the persons liable to be assessed thereto in case it shall appear to the said Governor and Executive Council expedient so to do.

Branch Roads may be repaired to a limited extent.

Tolls beyond the Settled Districts may be altered.

Penalty on collector &c. taking less toll than allowed by law.

Recovery of penalties.

5 Wm. IV. No. 22.

Appropriation of penalties.

6. And be it enacted That from and after the passing of this Act it shall and may be lawful for the Trustees of any such Parish Road as aforesaid to repair any Branch Roads being thoroughfares to the extent of half a mile from the line of any Main Parish Road.

7. And be it enacted That it shall be lawful for the Governor of the said Colony with the advice of the Executive Council thereof by any Proclamation to be issued by him to raise diminish alter or vary any tolls imposed at any ferry established in pursuance of the provisions of the said first recited Act.

8. And be it enacted That if any collector or keeper of tolls or boatman or ferryman at any turnpike gate or ferry established or to be established in pursuance of the provisions of any of the recited Acts shall take a less toll from any person than he shall be authorized to do by virtue of the powers of this or any other Act or any Proclamation issued or to be issued in pursuance thereof or of the orders and resolutions of the Trustees or Commissioners made in pursuance thereof then and in every such case every such collector or keeper of tolls boatman or ferryman shall forfeit and pay any sum not exceeding twenty pounds for every such offence.

9. And be it enacted That all complaints against any person for offending against the provisions of this Act shall be heard and determined in a summary way before any two or more Justices of the Peace and all fines forfeitures or penalties or imprisonment in respect thereof shall be awarded and imposed and appealed from in the manner and form prescribed by an Act of the Governor and Legislative Council of New South Wales passed in the fifth year of the reign of His late Majesty King William the Fourth intituled "*An Act to regulate summary proceedings before Justices of the Peace*" or according to the law in force for the time being regulating summary proceedings before Justices of the Peace and in all proceedings under this Act the informer or party prosecuting shall be deemed and taken to be a competent witness.

10. And be it enacted That all fines forfeitures and penalties imposed by this Act shall be paid one moiety to Her Majesty Her Heirs and Successors for the public uses of the said Colony and in support of the Government thereof and shall be applied in such manner as may be from time to time directed by any Acts of the said Governor and Legislative Council and the other moiety to the use of the informer or party prosecuting who shall be entitled to his or her costs and charges over and above such fines forfeitures and penalties to be ascertained and assessed by the Justice or Justices before whom the case is heard. Provided always that it shall be lawful for the Governor for the time being to pardon any offender and to remit the whole or any part of any such fine forfeiture or penalty.