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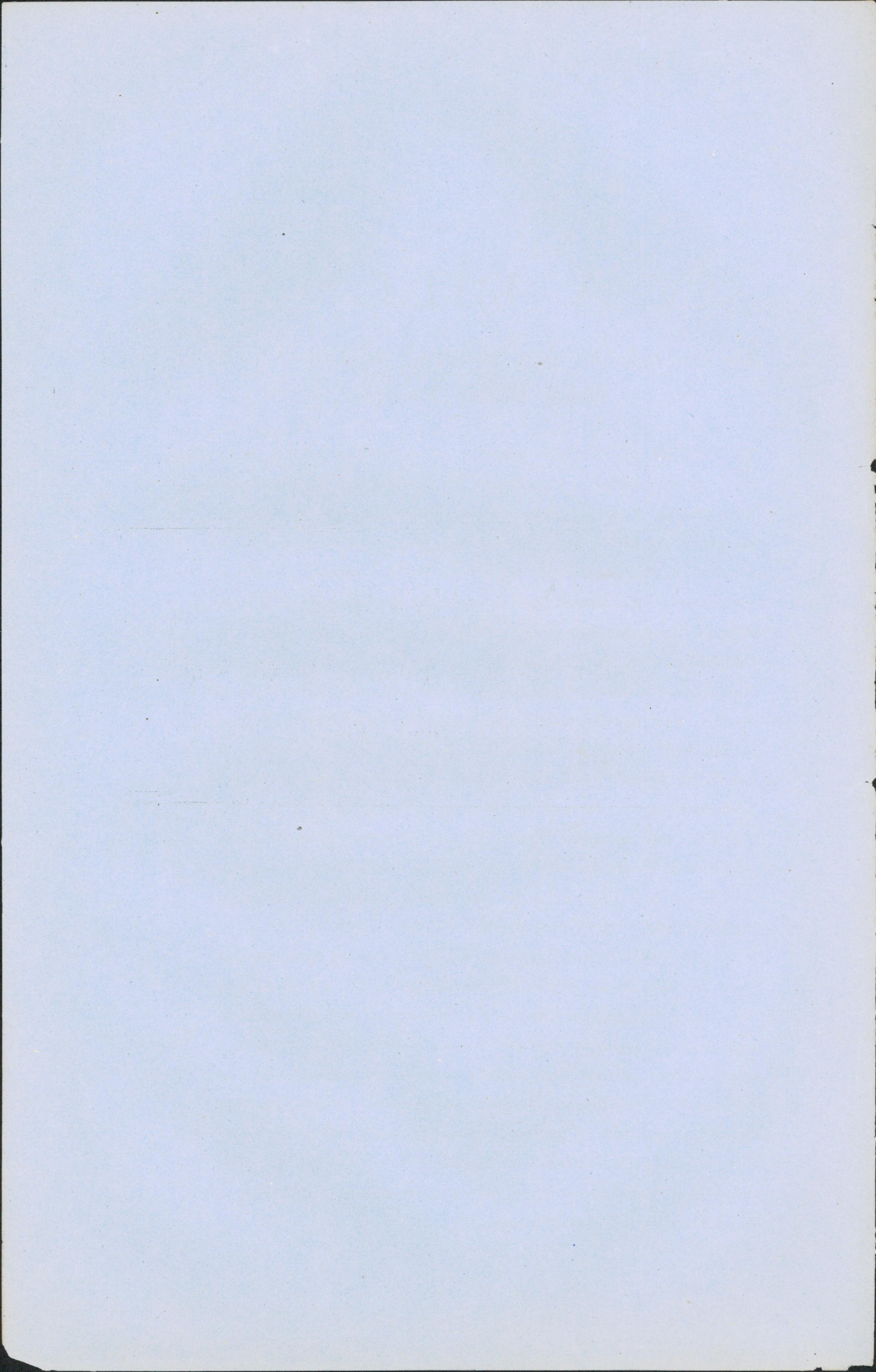
# A BILL

To amend the law relating to the South

Head Roads Trust.

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# A BILL

## To amend the law relating to the South Head Roads Trust.

WHEREAS the tolls now taken by the South Head Roads Trust Preamble.

Commissioners are insufficient for the purposes of their Trust  
And whereas it is expedient to give further powers to the said  
Commissioners for effectually maintaining and repairing the said roads

5 And whereas it is expedient to transfer the care construction repair and  
management of the Branch roads mentioned in the Schedule "C" hereto  
annexed (or such parts of the said roads as are situate within the  
boundaries of certain Municipalities) to the Councils of the respective  
Municipalities within the boundaries of which such roads or parts thereof  
10 do pass Be it therefore enacted by the Queen's Most Excellent Majesty  
by and with the advice and consent of the Legislative Council and  
Legislative Assembly of New South Wales in Parliament assembled and  
by the authority of the same as follows :—

1. It shall be lawful for the said Commissioners by notice to be  
15 published in the *Government Gazette* to appoint and direct the erection  
of Toll-bars and Toll-gates on any part or parts of the roads mentioned  
in the Schedule "A" hereto annexed and also the rate of tolls to be  
levied demanded paid and taken at the said gates and upon the said  
roads and from time to time in like manner to alter the position of said  
20 Toll-bars or Toll-gates and also to alter the rate of said tolls and such  
tolls shall thereupon be payable. It shall also be lawful for the said  
Commissioners (if they shall deem it necessary to prevent evasion of  
tolls) to erect Toll-bars and Toll-gates and to collect tolls at the junction  
of or upon any parts of any road or roads running into or diverging  
25 from the said roads mentioned in Schedule "A" Provided that such  
tolls so appointed shall not exceed the respective rates of tolls mentioned  
in the Schedule "B" hereunto annexed.

Commissioners may  
erect Toll-gates and  
regulate the tolls to  
be paid.



Tolls payable even if gates not passed through.

2. The said Tolls shall be payable not merely for passing through the said turnpike gates but for the use of or passing along the said roads or part thereof without passing through the said gates and payment of the same may be demanded by and shall be paid to the said Commissioners or the Lessee of the Tolls or any person appointed by either 5 of them either at a turnpike gate or at any other part of or place on the said roads.

*Gazette* evidence that notice was duly published.

3. The production of the *Government Gazette* containing any notice published as aforesaid shall be *prima facie* evidence that such notice was duly made and published by the direction of the said Commissioners. 10

Tolls payable on each time of passing out.

4. Save as hereinafter mentioned such tolls shall be paid upon each occasion of passing through any of the said gates or along the said roads or any of them.

Payment of tolls to clear the return on the same day.

5. Whenever toll has been paid at any one turnpike gate or on any of the said roads under the provisions of this Act for passing through 15 the said gate or along the said roads no further tolls shall be payable on the same day for merely passing back again through the same or any other gate or on the said roads.

Repeal of 2 Will. 4 No. 12 Sec. 8 partly.

6. So much of the eighth section of the Act of Council second William the fourth number twelve as provides that no toll shall be de- 20 manded for any horse beast carriage or other vehicle which shall not pass on any turnpike road above the distance of two hundred yards shall be and the same is hereby repealed so far as concerns the roads mentioned in the said Schedule "A."

Commissioners may borrow money on security of the tolls.

7. It shall be lawful for the said Commissioners to borrow and take 25 up at interest on the credit of the tolls arising on the roads mentioned in Schedule "A" such sums of money as they shall think fit either by issuing debentures or by mortgaging the said tolls or any parts thereof (the costs and charges of issuing such Debentures or Mortgages shall be paid out of the said tolls) as a security to any persons or their Trustees 30 who shall advance such sums of money And it shall be lawful for the said persons respectively holding any debentures issued by the said Commissioners or to whom any mortgage shall be made as aforesaid or who shall be entitled to the money thereby secured to assign or transfer their right title and interest in and to such debentures or mortgages and the 35 principal



principal money and interest thereby secured to any other person. Provided always that the sums of money so borrowed shall not exceed three times the amount of the tolls received on the said roads on the credit of which such sums shall be intended to be secured during the year ending  
 5 on the thirty-first day of December immediately preceding. And provided also that no sums of money be so borrowed which would if added to any previous debt of the said trust make the aggregate of the debts of the trusts to exceed three times the amount of the tolls so received within the year immediately preceding as aforesaid.

10 8. The several Municipalities mentioned in the Schedule "C" Roads transferred to Municipalities.  
 hereto are hereby severally charged and made chargeable with the care construction repair and management of so much and such part of the roads in the said Schedule mentioned as are severally situated within the said respective Municipalities and the duties liabilities rights and  
 15 privileges of the said Commissioner with respect to such roads or parts of roads shall henceforth cease.

9. The production of a *Government Gazette* containing a notice Facilitating proof of leasing of Tolls.  
 published by the said Commissioners or any of them and stating that the said tolls have been leased to a person or persons to be therein named  
 20 shall be conclusive evidence that such tolls have been leased to such person or persons and it shall not be necessary to produce the lease or leases of such tolls or to prove that any conditions precedent or the requirements of any Act of Council have been performed or complied with.

10. If any person liable to the payment of toll under this or any Penalty for neglect or refusal to pay tolls.  
 25 other Act relating to the said roads shall neglect or refuse to pay the same or shall avoid or evade payment of the same or any part thereof such person shall forfeit and pay a sum not exceeding Five pounds to be recovered before any Justice of the Peace in a summary manner by distress and sale of the offender's goods according to the provisions of  
 30 the Act of Council fourteen Victoria number forty-three and the Acts of the Imperial Parliament thereby adopted.

11. This Act shall come into operation on the Title.  
 day of \_\_\_\_\_ in the year One thousand eight hundred  
 and seventy- \_\_\_\_\_ and shall be styled and may be cited as "The  
 35 South Head Roads Trust Amendment Act."



### SCHEDULE "A."

1. The Old South Head Road from the Boundary of the City of Sydney to the Light House.
2. The New South Head Road from the Boundary of the City of Sydney to its junction with the Old South Head Road.

### SCHEDULE "B."

SCALE OF TOLLS for each time of passing in the same day. No tolls payable on returning on same day.

Omnibuses Carriages and Vehicles on springs carrying passengers only are to pay full toll the first time of passing and only half toll for every subsequent journey during the same day.

For every sheep lamb pig or goat ... ..	½d.
For every ox or head of neat cattle ... ..	1d.
For every horse mare gelding ass mule or colt ... ..	2d.
For every cart dray spring-cart gig chaise or other such vehicles with two wheels drawn by one horse or other animal ... ..	6d.
For every additional horse or other animal drawing such vehicle with two wheels ... ..	3d.
For every gig chaise buggy coach chariot or other such vehicle with four wheels drawn by one horse or other animal ... ..	6d.
For every additional horse or other animal drawing such vehicle ... ..	3d.
For every wain waggon or other such vehicle with four wheels drawn by one horse or other animal ... ..	9d.
For every additional horse or other animal drawing such wain waggon or other such vehicle with four wheels ... ..	3d.
For every wain waggon or other such carriage with four wheels and which shall be laden with stone bricks or iron and which shall be drawn by not more than two horses or other animals ... ..	1s. 6d.
And if drawn by three horses or other animals ... ..	2s.
And if drawn by four horses or other animals ... ..	2s. 6d.
And for every extra horse beyond four drawing such vehicle ... ..	1s.

For every empty two-wheeled vehicle tied or secured to any other vehicle the same toll as if drawn by one horse and every empty four-wheeled vehicle the same rate of toll as if drawn by two horses but if such vehicles have goods conveyed in them other than the harness they shall pay double this sum.

No extra toll on Sunday.

### SCHEDULE "C."

**THE BOROUGH OF WOOLLAHRA.** The whole of the Darling Point Road of the Watson's Bay Road of the Bellevue Road and such part of the Old Point Piper Road as is situated within this Borough.

**THE BOROUGH OF PADDINGTON.** The whole of the Glenmore Road and such part of the Old Point Piper Road as is situated within this Borough.



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A BILL

To Amend the Law Relating to the  
South Head Roads Trust.

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ICETON & FAITHFULL,  
SOLICITORS FOR THE BILL.







Legislative Council.

40<sup>o</sup> VICTORIÆ, 1877.

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# A BILL

To amend the Law relating to the South Head Roads Trust.

(As agreed to in Select Committee.)

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**W**HEREAS the tolls now taken by the South Head Roads Trust Preamble.  
Commissioners are insufficient for the purposes of their Trust  
And whereas it is expedient to give further powers to the said Commis-  
sioners for effectually maintaining and repairing the said roads And  
5 whereas it is expedient to transfer the care construction repair and  
management of the branch roads mentioned in the Schedule C hereto  
annexed (or such parts of the said roads as are situate within the  
boundaries of certain Municipalities) to the Councils of the respective  
Municipalities within the boundaries of which such roads or parts  
10 thereof do pass Be it therefore enacted by the Queen's Most Excellent  
Majesty by and with the advice and consent of the Legislative Council  
and Legislative Assembly of New South Wales in Parliament assembled  
and by the authority of the same as follows :—

1. It shall be lawful for the said Commissioners by notice to be  
15 published in the *Government Gazette* to appoint and direct the erection Commissioners may  
erect toll-gates and  
regulate the tolls to  
be paid.  
of toll-bars and toll-gates on any part or parts of the roads mentioned  
in the Schedule A hereto annexed and also the rate of tolls to be levied  
demanded paid and taken at the said gates and upon the said roads  
and



and from time to time in like manner to alter the position of said toll-bars or toll-gates and also to alter the rate of said tolls and such tolls shall thereupon be payable. It shall also be lawful for the said Commissioners (if they shall deem it necessary to prevent evasion of tolls) to erect toll-bars and toll-gates and to collect tolls at the junction of 5 or upon any parts of any road or roads running into or diverging from the said roads mentioned in Schedule A. Provided that such tolls so appointed shall not exceed the respective rates of tolls mentioned in the Schedule B hereunto annexed.

Tolls payable even if gates not passed through.

2. The said tolls shall be payable not merely for passing through 10 the said turnpike gates but for the use of or passing along the said roads or part thereof without passing through the said gates and payment of the same may be demanded by and shall be paid to the said Commissioners or the lessee of the tolls or any person appointed by either of them either at a turnpike gate or at any other part of or 15 place on the said roads.

Gazette evidence that notice was duly published.

3. The production of the *Government Gazette* containing any notice published as aforesaid shall be *prima facie* evidence that such notice was duly made and published by the direction of the said Commissioners. 20

Tolls payable on each time of passing out.

4. Save as hereinafter mentioned such tolls shall be paid upon each occasion of passing through any of the said gates or along the said roads or any of them.

Payment of tolls to clear the return on the same day.

5. Whenever toll has been paid at any one turnpike gate or on any of the said roads under the provisions of this Act for passing 25 through the said gate or along the said roads no further tolls shall be payable on the same day for merely passing back again through the same or any other gate or on the said roads.

Repeal of 2 Will. IV No. 12 s. 8 partly.

6. So much of the eighth section of the Act of Council second William the Fourth number twelve as provides that no toll shall be 30 demanded for any horse beast carriage or other vehicle which shall not pass on any turnpike road above the distance of two hundred yards shall be and the same is hereby repealed so far as concerns the roads mentioned in the said Schedule A.

Commissioners may borrow money on security of the tolls.

7. It shall be lawful for the said Commissioners to borrow and 35 take up at interest on the credit of the tolls arising on the roads mentioned in Schedule A such sums of money as they shall think fit either by issuing debentures or by mortgaging the said tolls or any parts thereof (the costs and charges of issuing such debentures or mortgages shall be paid out of the said tolls) as a security to any 40 persons or their trustees who shall advance such sums of money. And it shall be lawful for the said persons respectively holding any debentures issued by the said Commissioners or to whom any mortgage shall be made as aforesaid or who shall be entitled to the money thereby secured to assign or transfer their right title and interest in and to such 45 debentures or mortgages and the principal money and interest thereby secured to any other person. Provided always that the sums of money so borrowed shall not exceed three times the amount of the tolls received on the said roads on the credit of which such sums shall be intended to be secured during the year ending on the thirty-first day of December 50 immediately preceding. And provided also that no sums of money be so borrowed which would if added to any previous debt of the said trust make the aggregate of the debts of the trusts to exceed three times the amount of the tolls so received within the year immediately preceding as aforesaid. 55

Roads transferred to Municipalities.

8. The several Municipalities mentioned in the Schedule C hereto are hereby severally charged and made chargeable with the care construction repair and management of so much and such part of the roads in the said Schedule mentioned as are severally situated within the



the said respective Municipalities and the duties liabilities rights and privileges of the said Commissioner with respect to such roads or parts of roads shall henceforth cease.

5 9. The production of a *Government Gazette* containing a notice published by the said Commissioners or any of them and stating that the said tolls have been leased to a person or persons to be therein named shall be conclusive evidence that such tolls have been leased to such person or persons and it shall not be necessary to produce the lease or leases of such tolls or to prove that any conditions precedent or the 10 requirements of any Act of Council have been performed or complied with.

Facilitating proof of leasing of tolls.

10. If any person liable to the payment of toll under this or any other Act relating to the said roads shall neglect or refuse to pay the same or shall avoid or evade payment of the same or any part thereof 15 such person shall forfeit and pay a sum not exceeding *five* pounds to be recovered before any Justice of the Peace in a summary manner by distress and sale of the offender's goods according to the provisions of the Act of Council fourteen Victoria number forty-three and the Acts of the Imperial Parliament thereby adopted.

Penalty for neglect or refusal to pay tolls.

20 11. This Act shall come into operation on the \_\_\_\_\_ day of \_\_\_\_\_ of \_\_\_\_\_ in the year one thousand eight hundred and seventy- and shall be styled and may be cited as the "South Head Roads Trust Amendment Act."

Title.



SCHEDULES.

SCHEDULE A.

1. The Old South Head Road from the boundary of the City of Sydney to the Light-house.
2. The New South Head Road from the boundary of the City of Sydney to its junction with the Old South Head Road. 5

SCHEDULE B.

SCALE of Tolls for each time of passing in the same day No tolls payable on returning on same day.

Omnibuses carriages and vehicles on springs carrying passengers only are to pay 10 full toll the first time of passing and only half toll for every subsequent journey during the same day.

	s.	d.	
For every sheep lamb pig or goat ... ..	0	0 $\frac{3}{4}$	
For every ox or head of neat cattle ... ..	0	1	15
For every horse mare gelding ass mule or colt ... ..	0	2	
For every cart dray spring-cart gig chaise or other such vehicles with two wheels drawn by one horse or other animal ... ..	0	6	
For every additional horse or other animal drawing such vehicle with two wheels ... ..	0	3	20
For every gig chaise buggy coach chariot or other such vehicle with four wheels drawn by one horse or other animal ... ..	0	6	
For every additional horse or other animal drawing such vehicle ... ..	0	3	
For every wain waggon or other such vehicle with four wheels drawn by one horse or other animal ... ..	0	9	25
For every additional horse or other animal drawing such wain waggon or other such vehicle with four wheels ... ..	0	3	
For every wain waggon or other such carriage with four wheels and which shall be laden with stone bricks or iron and which shall be drawn by not more than two horses or other animals ... ..	1	6	30
And if drawn by three horses or other animals... ..	2	0	
And if drawn by four horses or other animals ... ..	2	6	
And for every extra horse beyond four drawing such vehicle ... ..	1	0	

For every empty two-wheeled vehicle tied or secured to any other vehicle the same toll as if drawn by one horse and every empty four-wheeled vehicle the same rate of toll 35 as if drawn by two horses but if such vehicles have goods conveyed in them other than the harness they shall pay double this sum.

No extra toll on Sunday.

SCHEDULE C.

*The Borough of Woollahra.*

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The whole of the Darling Point Road of the Watson's Bay Road of the Bellvue Road and such part of the Old Point Piper Road as is situated within this Borough.

*The Borough of Paddington.*

The whole of the Glenmore Road and such part of the Old Point Piper Road as is situated within this Borough. 45