

(No. 24.)



1860.

T A S M A N I A.

CROSS AND BYE ROADS BILL.

CORRESPONDENCE.

Return to an Order of the House. (Mr. Houghton, 2 Aug.)

Laid upon the Table by Mr. Colonial Treasurer, and ordered by the House to be printed, 3 August, 1860.



Jordan Bank, July 23rd, 1860.

SIR,

NOT having seen a draft of the Consolidated Cross and Bye Roads Act, I take the liberty of drawing your attention to what was, or is, wanting in the present one,—a section prohibiting Trustees from becoming Contractors, directly or indirectly. Publicans becoming Trustees should not be allowed to sign any cheque for payment. I have seen jobbing by such parties, and it may occur again.

In the present Act there is every facility given Trustees in cases of obstruction, &c. ; while I am not so certain that proprietors or occupiers have the same means, for trespass or irregularity, as against Trustees.

A case occurred last week, where Complainant sued under 7 & 8 Geo. cap. 30. sec. 23, and was dismissed, defendant supporting himself by Trustees under Cross and Bye Roads Act. Query, is a Summary Trespass Act not very much wanted here? Some of the other Colonies have such means of dealing with trespass. All anxious for some Act of the sort, in the interior.

I have the honor to be,

Sir,

Your obedient Servant,

A. FINLAY.

The Hon. F. SMITH, Esq., Attorney-General.

Quamby, Hagley, July 17th, 1860.

SIR,

As Chairman of the Westbury Road District, I have the honor to acknowledge the receipt of a draft of "A Bill to consolidate and amend the Laws relating to Cross and Bye Roads."

I think it right to inform you that a Meeting has been called in this district for the purpose of petitioning the Government to regulate the width of the tire of the wheels, and to fix a scale for the weights of the loads of Carriers' waggons. Also to enforce the payment of toll of all loaded waggons, whether drawn by return teams or otherwise.

A very great disinclination exists on the part of the Ratepayers to pay any assessment whatever this year, in the several districts from Deloraine to Launceston, unless some such measures are adopted. And there is no doubt that the roads, especially at this period of the year, are so much cut up by the heavy loads on the narrow tire, that the funds at the disposal of the Trustees are quite inadequate to keep them in repair. And it is the desire of the Trustees to go along with the Ratepayers in requesting the Government to take this matter into consideration.

The latter part of the Petition is rendered necessary in consequence of a practice now existing among some of the Carriers, of starting loaded waggons from Launceston and Westbury on the same day, meeting half-way, and exchanging horses, thereby enabling each load to be conveyed for the last half of the journey free of toll; in other words, paying single toll for two separate loaded waggons.

The Bill proposed to be introduced provides for the repeal of the Westbury Road Act, (13 Vict. No. 6.)

This entirely meets the views of the Trustees, as it will enable the different districts to keep their part of the Road in better repair, and enable any one of them to raise money, if necessary, on the security of the Tolls in that district; but a debt at present exists, incurred by the Trustees of the Westbury Road District, secured on all the Tolls in the three different districts between Deloraine and Launceston; therefore, I presume some provision must be made for this debt before the old Act can be repealed.

This, I think, might easily be effected by the Trustees in these different districts being empowered to raise their share of the debt, and thus have it paid off.

I have the honor to be,

Sir,

Your most obedient Servant,

R. C. D. HOME,

Chairman of the Westbury Road District.

To the Hon. the Attorney-General.

Franklin, 21st July, 1860.

MEMO.

THE Huon Road Trustees have the honor to forward the Attorney-General the enclosed suggestions with regard to the new Road Act, which they respectfully request may receive immediate consideration.

JOHN LLOYD, JUNR., *Chairman Huon Road Trust.*

THE Landlord as well as the Tenant should vote, because he has to pay a share of the Rates, and in some cases the whole of the Rates. The Landlord's qualification to be regulated by the total amount he may pay, or be liable to pay, where he has several tenants, and not by each individual tenancy.

Clause 7. It is very desirable that the Government should send a Surveyor to survey any Cross Road which may have been laid out by the Trustees of any Road District, in order to give the Survey more effect, and relieve the Trustees from the expense.

Clause 8, line 4. Ten Landholders *duly qualified.*

Clause 12. The qualification for One vote is too high: as a householder paying £10 per annum can vote for a M. H. A., he ought to be able to vote for a Road Trustee.

Clause 17. This Clause most certainly requires alteration. The end of December is too soon for the Trust to retire from office. The Rates can be made payable to the end of the year, but the Trustees could not finish the business of the year, or complete the works on the Roads, before the 1st of March.

Clause 35. Not sufficiently explicit with regard to encroachments on the width of Road.

Clause 41. The owners of pigs, negligently allowing them to be at large on the Road, ought to be liable to a penalty, as they dig up and destroy the Road considerably. We think that Trustees elected for three years would be in a better position to carry out and complete the road-making operations.

J. LLOYD, JUNR., *Chairman.*

Dorset Road Trust, Launceston, 20th July, 1860.

SIR,

I HAVE the honor to inform you that a special meeting of the Dorset Road Trustees was called to take into consideration your communication of the 6th instant, together with the draft of the consolidated and amended Cross and Bye Roads Bill, No. 4; and that I have been requested to forward you the following reply:—

Exception was unanimously taken to clause 125, regarding the large amount of penalty to be incurred in case of any Trustee neglecting any duty, or infringing in any manner the provisions of the said Act.

This clause, as it stands, is likely to prohibit many efficient and responsible gentlemen from taking office under the Act; and the Trustees of this Road District consider that a penalty of £5, to be recovered in a summary manner before one or more Justices of the Peace in the usual mode, will be quite sufficient to serve the purpose required.

From inadvertence or some other unforeseen causes, a neglect might ensue which would render one or all the Trustees liable, on the information of some vindictive individual, to a penalty of £100 each and expenses, recoverable by action in the Supreme Court.

I beg to submit to you also, that some alteration or amendment is necessary regarding the changes of occupancy and subdivisions which generally take place on property yearly in the month of March,

so that the Trustees should be empowered to recover rates from the new tenant or tenants, as the case may be, although the new occupant's name should not have then been inserted in the Valuation Roll in existence for the time being.

I have the honor to be,
Sir,

Your most obedient Servant,
A. M. MILLIGAN, *Trustee and Treasurer.*

*The Hon. FRANCIS SMITH, Esq.,
Attorney-General, Hobart.*

Oatlands, 19th July, 1860.

SIR,

I AM directed by the Chairman of the Oatlands Road Trustees (who is unable to write from indisposition) to acknowledge the receipt of the Attorney-General's letter, enclosing two Drafts of the proposed Cross and Bye Roads Act; and, in reply, to state that a Special Meeting of the Trustees was called for Wednesday last, and was a complete failure in consequence of the prevailing Influenza, which prevented the gentlemen attending to take the substance of the Attorney-General's letter into consideration.

I have the honor to be,
Sir,

Your obedient Servant,
G. CUPPAIDGE, *Clerk to Trustees.*

H. BUCKLAND, *Esq.*

Deloraine, 18th July, 1860.

SIR,

AT a Meeting of the Deloraine Road Trustees, held on the 16th instant, for the purpose of passing their opinion on the Draft of a new Bill forwarded to their Chairman, they would beg to suggest the following:—

In Clause 6—That all streets within the boundaries of the Township be brought under the provisions of this Act as Cross Roads.

In Clause 11—That no ratepayer be allowed to vote in respect of property for which he is liable to pay rates who has not paid his rates for the current year.

In Clause 12—That the maximum number of votes allowed to any voter be 7 instead of 10.

In Clause 19—That the Chairman be bound in the sum of £20 to cause the names &c. of Trustees newly elected, as well as proceedings of Meeting, to be advertised in two numbers of the *Government Gazette* in accordance with the Act.

In Clause 21—That any Trustee absenting himself from three consecutive Meetings, after receiving due notice, without showing good and sufficient reason for so doing, shall cease to be a Trustee.

In Clause 61—That One Shilling in the Pound be the maximum rate the Trustees are empowered to raise as assessment.

I am, Sir,

Your obedient Servant,
MARTIN BLAKE,
Chairman of the Deloraine Road Trustees.

The Hon. the Attorney-General.

Spring Bay, 17th July, 1860.

SIR,

I HAVE the honor to inform you, in reply to your Letter of the 6th July, that I have perused, with my brother Trustees, a copy of a Draft of a Bill for consolidating and amending the Laws relating to Cross and Bye Roads; and I have to acquaint you that the Bill has given us every

satisfaction, and appears to meet all requirements and responsibilities expected from Trustees; and also for their protection and guidance in carrying out their various duties, and simplifying all matters under the Road Act.

I have long seen the necessity of having a Road Act without amendments: nevertheless, all the amendments to the original Road Act are valuable, and have been of great service to the Trustees of this District; but I would suggest that there should be a Road Act passed without any amendment whatever.

The only alterations and suggestions the Trustees of this District wish respectfully to bring under your notice are the following:—

Clause 61—"Amount of Road Rate left blank." We suggest that the maximum Rate should not be more nor less than One Shilling in the Pound.

Clause 125—"If any Trustee neglects or refuses to perform any duty, &c., Fine of not less than £20 nor more than £100." We propose that the Fine should be reduced to not less than £5 nor more than £50.

We are of opinion, that few persons would care to undertake the duties of a Trustee, if such a stringent Clause as the above came into force.

That Sections 6 and 7 of 22 Vict. No. 27, be embodied in the Draft of the Bill.

I have the honor to be,

Sir,

Your very obedient Servant,

H. J. VICARY, *Chairman N. P. R. District.*

*The Hon. FRANCIS SMITH, Esq.,
Attorney-General.*

Morningside, Macquarie River, 17th July, 1860.

SIR,

As Chairman of the Trustees of the Northern Macquarie River Road District, I have the honor to reply to your communication enclosing the Draft of a Bill to consolidate the Laws relating to Cross and Bye Roads; and beg to inform you that, the Draft having been carefully considered at a meeting of the Trustees called for that purpose, we have unanimously arrived at the following conclusions:—

Clause 12—Scale of Votes. We consider this Scale of Votes a fair one; and, in reply to a statement publicly made, "that it is in the power of a few large proprietors to stop improvement," we beg to state that, so far as our experience goes, the smaller holders have been more opposed to rates than the larger ones.

In clause 17 we desire to see "31st day of the month of December" altered to the "30th day of the month of June:" the latter period of the year being generally more convenient to country residents for the transaction of public business, as interfering less with agricultural and pastoral operations so pressing in the summer season.

In considering clause 24, our attention was naturally drawn to "The Land Clauses Act;" and we were unanimously of opinion that an appeal to the Supreme Court and a Special Jury is required in arbitration cases; arbitrations being sometimes settled upon no principle of law or justice, at the caprice of a single individual whose predilections may be known to one of the parties in the case.

In the 67th clause, in the absence of any information as to the grounds for the exemption of leased Crown lands from rates, such exemption was not considered equitable. The same objection was taken to the exemption of Government property in clause 79.

Clauses 80 to 94 inclusive decidedly objected to; loans being considered dangerous and unnecessary.

In the 99th clause, the necessity for an appeal from umpires' awards to some higher tribunal again presents itself.

In clause 105 we would desire to cross out the words "other than a Trustee."

In clause 115 we would recommend the substitution of 30th June for 31st December, and the substitution of July for January.

In clause 116 we would suggest the substitution of July for December, for reasons previously given.

With these alterations we consider the proposed Bill a useful and safe measure, adapted to the requirements of the community, and calculated to ensure permanent benefits.

On behalf of the Trustees,

I have the honor to be,
Sir,

Your most obedient Servant,
P. H. GELL, *Chairman.*

The Hon. F. SMITH, Esq.

Bothwell, 16th July, 1860.

SIR,

I HAVE the honor to acknowledge the receipt of your lithograph letter of the 6th July instant, accompanied by two copies of a Bill for consolidating and amending the Laws relating to Cross and Bye Roads, &c.

In reply, I beg to state, on behalf of myself and Co-Trustees, after a careful perusal of the Draft Act in question, that its provisions appear to us to comprehend all matters that can legitimately be brought within the scope of a Cross and Bye Roads Act, and that we are unable to suggest any amendments.

I have the honor to be,
Sir,

Your obedient Servant,
E. NICHOLAS, *Chairman.*

The Hon. the Attorney-General.

Clarence Plains, 16th July, 1860.

SIR,

I BEG to acknowledge the receipt of yours, dated 6th July, enclosing two copies of a Bill for consolidating and amending the Laws relating to Cross and Bye Roads. I have now to inform you that I lost no time in consulting with the other Trustees on the subject. Taking the whole Bill, there is but little that we differ from the draft, as it is. That little I enclose for your consideration. Allow me to remark for your information that a Road Trustee is a troublesome, thankless, and expensive honor, if you can call it one; I conceive that to be the reason why so few who are better qualified than your humble servant aspire to the so called honor. If you can agree with the enclosed observations, you will much oblige,

Your most obedient humble Servant,

JAMES YOUNG,
Chairman Ralph's Bay Road Trustees.

The Honorable F. SMITH, Esq., Attorney-General.

SUGGESTIONS of the Ralph's Bay Road Trustees for the Alteration of several Clauses of the Cross and Bye Roads Bill, about to be introduced during the ensuing Session of the Legislature.

Clause 8 and others for convening Meetings.--The Trustees consider it unnecessary to publish in the Launceston newspapers. That the *Gazette*, and copied into one of the Hobart Town newspapers, is sufficient for all purposes. There is always a difficulty in settling the Launceston accounts, which seldom amount to one pound per annum; and the Trustees seldom have an opportunity of knowing if their advertisements are published or not.

12.—Consider Five Votes ought to be given by one person the most, instead of Ten, whatever much property he may have; all the votes under Five to remain as they are. In this district alone, a few of the large proprietors combined could have everything their own way, as the votes are at present.

16.—That some limited number, say Five Trustees, would answer better; and Two to retire annually; as it would secure more attention to works commenced, than by (as might be the case) all new Trustees; certainly the 15th Clause provides against neglect there, but the Ratepayers in general will not take the trouble to interfere if they do not get such and such a piece of Road, most convenient to this, that, and the other; all they do is to say they must have other Trustees next year. They appear to think they do a great deal if they attend the election of Trustees, and fix the Rates, or oppose any Rate at all; the latter, we are much better pleased to see, according to Clause 61st, is to be settled by the Trustees.

24th.—That any of the Land Clauses Act referred to should be inserted in the Road Act. It is often a great inconvenience to the Trustees when they have to refer to that or any other Act not in their possession or at their immediate command.

35th.—Does not define what Cross Roads they are bound to fence in, (such as making a new line of Road,) either cultivated or bush Land, open or enclosed. The 100th Clause is explicit; it says Bye Roads must be fenced on both sides by the requisitionists. The Trustees consider either Cross or Bye Roads, except through cultivated land, ought not to be fenced on more than one side, and then only if they consider it necessary; or that it might be left to the arbitrators.

48th.—One mile is considered too far a distance for a Toll-gate from a town in the country; the Trustees would rather have it close to the town, if parties residing within one mile were exempt from Toll. There are, for example, the Cambridge and Ralph's Bay Roads, which meet at Kangaroo Point; a Toll might pay if erected at the junction of the two roads, but not for either separately for years to come. It is very likely the two districts will be one soon, as a Municipality.

60th.—Alludes to publishing in the *Gazette*, which we consider useless in that instance, as well as all other advertisements, unless they are copied into one of the Hobart Town newspapers; and that all advertisements on this side be published in Hobart Town, and all on the other side in Launceston.

67th.—We are most decidedly opposed to occupiers of Crown Land being rated at one-half Road-rate. The Lands in general are held at a nominal rent; and if the property on the Land were valued in proportion as the agriculture, they would have to pay treble Rates, instead of one half. Some of your Trustees are owners of sheep and occupiers of Crown Lands, and would gladly be rated for both, than on their expensive and hard earned cultivated land, whose returns are in general small, and very uncertain.

100th.—Is alluded to in 35th Clause, where we have taken notice of both Cross and Bye Roads.

The above suggestions were unanimously agreed to at a Meeting of the Ralph's Bay Road Trustees, held at Rokeby, on Saturday last, the 14th day of July, 1860.

JAMES YOUNG, *Chairman*.

The Honorable F. SMITH, Esq., Attorney-General.

North West Bay Road District, Kingston, 17th July, 1860.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 6th instant, and the Draft of a proposed new Cross and Bye Roads Act sent therewith; and on behalf of the Trustees of the Road District I have to thank you for the same.

My brother Trustees and myself have carefully gone through the proposed new Act, and we are unanimously of opinion that it is calculated greatly to improve the existing laws.

We are unable to offer any suggestions, further than that the words "One Shilling" should be inserted in the vacant space in Section 61, and that the maximum penalty in Section 125 should not exceed Thirty Pounds.

It has also occurred to myself, that the provisions for the recovery of rates are not quite so explicitly set forth under Section 68 as might, perhaps, be advisable to prevent any possibility of the power being questioned of any one Justice to take a complaint and issue a summons, and any other Justice to subsequently deal with the case and issue a distress warrant.

I have the honor to be,

Sir,

Your very obedient Servant,

ROBT. WILLIAMSON, *Chairman*.

The Hon. the Attorney-General.

At the Annual Meeting of the landholders and householders of the Road District of Carrick, held at the *Carrick Hotel*, Carrick, on Monday, the 16th day of July, 1860, for the purpose of electing Trustees and fixing the Rate of Assessment for the ensuing year; under and by virtue of *The Cross and Bye Roads Act, 1853*;

John Kinder Archer, Esq., in the Chair.

It was proposed by Mr. F. Rudge, and seconded by Mr. Robert Keating—That Mr. Richard Symmonds, Mr. John Symmonds, Mr. Henry Crockford, Mr. James Pascoe, and Mr. Charles Bricknoll be elected Trustees for the ensuing year. Carried.

Proposed by Mr. Charles Bricknoll—That the maximum Rate of One Shilling in the Pound be levied for the ensuing year. Not seconded.

Proposed by Mr. Price, and seconded by Mr. David Hall—That no Assessment be levied for the ensuing year. Carried.

Proposed by the Ven. Archdeacon Reibey, and seconded by Mr. David Hall—That it is the opinion of this Meeting that the present *Westbury Road Act* be amended, and that a Clause be inserted to restrict more than a certain weight being carried on a cart or waggon unless the tire of the wheel is made according to the English scale. Carried.

A vote of thanks to the retiring Trustees for their services during the past year was unanimously carried.

JNO. KINDER ARCHER, *Chirman.*

Victoria Road District, Huon, 9th July, 1860.

SIR,

I HAVE read the Draft of the "Bill to consolidate and amend the Laws relating to Cross and Bye Roads."

I object to Clause 39, page 7, it is ambiguous. If the Road is fifty feet wide, many a tree standing seventy-five feet from the centre of such Road would, if fell, reach quite across the Road, and consequently would break down both fences, supposing they were there. In fact all damage done by felling the timber, necessary or unnecessary, should be paid for. That will prevent, if anything will, unnecessary damage.

I also object to Clause 125, page 24, upon neglect of duty of Trustees. The penalty for the neglect of duty by a Trustee is not more than £100! and the informer to get the whole of it.

Who compose the generality of Trustees but the most public-spirited individuals in the District, who lose time and money by discharging the duties—the informers will be those who obstruct. And I find by the next Clause, 126, same page, that obstructing the Trustees, or their Officers, is to incur a penalty of not more than £20, only five times less than the other.

Take away Clause 125 altogether. It is quite bad enough to be a Trustee without running the risk of putting £100 into the pocket of your enemy.

I approve of all the rest, and would suggest some additions in the shape of forms for all legal documents rendered necessary by the Act, such as Warrants to Sheriffs to place the Trustees in possession of land.

Deed Polls, to give them a Title to it after put in possession. It would not be a large appendix if forms for every conceivable document rendered necessary by the Act, under one circumstance or other, were added to the Act.

I am afraid you did not expect any Trustees to presume to give advice, but you see I have.

I am, Sir,
Your obedient Servant,

JOHN LINNELL.

F. SMITH, *Esq., Attorney-General.*

Swanport Roads Office, Swansea, 11th July, 1860.

SIR,

I HAVE the honor to acknowledge the receipt of your Circular of the 6th instant, inviting any observations or suggestions on the provisions of "A Bill for consolidating and amending the Laws relating to Cross and Bye Roads."

On behalf of the Trustees I beg to thank you for the opportunity, of which I shall briefly avail myself.

Clause 16.—Does not say that such Landholder need live within the District, nor that he, whether present or absent, should express his willingness to undertake the office.

Clause 37.—It seems that the Ratepayers present may elect whom they please, being Landholders of the District, but there is no compulsory Clause in regard to elections, so that Road Trustees have nothing to keep them to their work but their own feelings of propriety, except Clause 125 meet the matter; which will rarely be acted upon.

Clause 61.—Not to exceed One Shilling in the Pound.

Clause 70.—This is a difficult matter to get over, it is certainly hard that any person's stock straying accidentally should be liable to be distrained; yet a dishonest person might state that none of the stock, goods, &c., belonged to him.

Clause 117.—If all Fences erected by Trustees become the property of the Trustees, then they are assuredly bound to keep them in repair. In some instances in this District fences have been erected by Trustees as *compensation*; taking an instance,—A road was altered and taken through a field; a good fence was demanded by the proprietor, and justly so too, for furze hedges had been planted on each side the former road, and they formed secure fences where they grew but could not be removed to the new road, a post and rail fence was erected by the Trustees, this was accepted as compensation for the loss of the furze hedges. Now by Clause 117, as I read it, the Trustees are bound to keep this fence in repair, it being property vested in them. Such fences as I indicate, I respectfully suggest, should be exempted,—they have already been *accepted as compensation* for loss or damage, and the Trustees ought not to be further liable.

I do not see anything else in "The Cross and Bye Roads Act, 1860" suggestive of alteration. I hope it will become Law; and if you deem my observations worthy of attention, more particularly with reference to "Fences," trust they will receive your consideration.

I have the honor to be,

Sir,

Your obedient Servant,

JOHN MEREDITH, *Chairman.*

*The Honorable the Attorney-General,
Hobart Town.*

Denmark Hill, New Norfolk, 25th July, 1860.

SIR,

As you are preparing an Act for the Cross and Bye Roads, I beg leave to offer a few remarks respecting the bye-roads through private runs; and in my humble opinion I should say that a good swing gate on a bye-road through a run would be desirable, subjecting persons leaving the same open to a small fine, as it may not always be practicable for a fence in some cases.

I am also of opinion that to fence through a run it may cut off the water from the one part of it. I have a bridle track that goes through my run, but was very seldom used until one or two persons bought small lots of land at the back, when I found that they claimed a road and would not shut the gates; and the loss and inconvenience to a settler I leave you to judge, when the sheep got into other flocks and strayed away, some very likely lost altogether. Persons generally think that because it is a road that no gate should be across it or any other obstacle; but in a bye-road I cannot see any objection. I know of many bye-roads, say from Oatlands to Spring Bay for instance, I suppose that there are 30 gates. I always found them shut. It is only persons of the description who purchase those small lots that are likely to leave gates open, and therefore subjecting them to a small fine would make the thing work well.

In the hope that you will take the matter into your favourable consideration,

I have the honor to be,

Sir,

Your obedient humble Servant,

S. GRIFFITHS.

F. SMITH, *Esq., Attorney-General.*

Ellenthorp Hall, 21 July, 1860.

MY DEAR SIR,

MY neighbour Jackson forwarded to me, with your Circular, a Copy of the new Cross and Bye Roads Act to be introduced this Session, it having been sent to him, by mistake, as Chairman of the Great Lake Road Trustees.

I should feel obliged by the last reading of this Bill being postponed for a few days, as I think there are several Clauses on which I should like to consult some of my neighbours; and we are all laid up with the influenza, and cannot leave home.

In the meantime I might draw your attention to Clause 61. I do not see my way clear how we, in the Great Lake Road District, are to assess the Rate-payers unless at so much per acre; for, in the first place, the Valuation Rolls are assessed upon the Police Districts, and not upon the Road Districts. And, again, how are we to come at the assessment to be paid by the holders of these large tracks of Government land?

How are we to carry out Clause No. 67, Cross and Bye Roads Act?

I further think that leaseholders of Government Land, paying Rates, ought to have some power of voting.

I have troubled you with these few remarks, as invited by your Circular to do so. I will, in a few days, consult with my neighbours, and write you again.

I am,
Dear Sir,
Yours faithfully,
G. C. CLARKE.

F. SMITH, *Esquire*.

Launceston, 24th July, 1860.

MY DEAR SIR,

A RATHER severe and lengthened attack of Influenza has delayed my attending to your amended Road Bill.

I have conferred with Mr. Gleadow and with Mr. Adye Douglas—both having had considerable experience in connexion with the working of the Road Act—and shall, in the course of a few days, send you their opinions; but, in the mean time, I send you my own views, supported, I think, as far as they go, by theirs. You can take them for what they are worth.

The new Bill is an exceedingly good one, and seems to meet almost every objection, always bearing in mind that the condition and circumstances of hardly two Road Districts are alike.

Believe me,
Yours very faithfully,
RONALD C. GUNN.

The Hon. F. SMITH, Esq. Attorney-General.

Launceston, 28th July, 1860.

MY DEAR SIR,

IN my last I mentioned having submitted copies of your new Road Bill to Messrs. Gleadow and Adye Douglas for their observations. Mr. Gleadow has acted as Trustee with me for some time. Mr. Adye Douglas has been Solicitor to some five or six different Road Trusts for several years, and has had full opportunity of observing difficulties in working the Act satisfactorily. I myself have been Chairman of a Road Trust since 1853, and for many years Chairman of two.

I have attached the initials J. W. G. or A. D. to the observations respectively of Messrs. Gleadow and Douglas.

Yours very faithfully,
RONALD C. GUNN.

The Hon. F. SMITH, Esq., Attorney-General.

REMARKS of Messrs. J. W. GLEADOW and A. DOUGLAS on Cross and Bye Roads Bill.

Section 1.—*Bridges.* To include bridges connecting one Road District with another. Who are to be responsible for the maintenance of Bridges over rivers uniting two Road Districts? J. W. G.; A. D.

Landholder.—If not intended to apply to *females*, the definition should be limited to persons whose names are on the Valuation Roll. A. D.

Section 8.—Query. If females may attend and vote? A. D.

Section 10.—Query. If a person had property in the District, but name not on Valuation Roll, could he not act? A. D.

Section 11.—Should not the Valuation Roll be conclusive evidence of right to vote. A. D.

I think the Valuation Roll in respect to the Road Act ought to be placed on a similar footing to the Electoral Roll. R. C. G.

Section 12, line 40.—£15 should be reduced to £10, and the maximum of Votes to 7. A. D.

Section 13, line 1.—After occupier add “or Owner and Occupier.” A. D.

Section 16.—*Landholders.* These should be confined to those on the Valuation Roll. A. D.

Section 18.—After first election Trustees should be bound to call Meeting for new Election in month of January of each year. If not done by them, then the Landholders. A. D.

I think this a good suggestion that the Trustees should call the Meetings for the election of their Successors. It thus makes it some one's *duty* to call the Meetings instead of being no one's. R. C. G.

Section 23.—Chairman of Trustees to have a Casting Vote. A. D.

Section 25 line 41.—Served upon the Occupier "or left at his usual place of residence; if absent from the Colony, by notice in *Gazette*." A. D.

Section 35.—Messrs. Gleadow and Douglas both concur in suggesting 66 instead of 50 feet as maximum width of road.

Fences, when once made, to be kept in repair by the owner. A. D.

Section 36.—Query. J. W. G.

Section 53, line 4.—For 15 miles read 10. A. D.

Section 55, line 43.—Add, after "Stipendiary Magistrate," "*on duty*."

Line 44.—So the words "on duty," after Police Officer, are better than "going on or returning from duty." A. D.

Section 61.—Better done as at present. J. W. G.

Two shillings suggested as maximum Road Rate. A. D.

Section 63.—In cases of *sub-tenancies* the same course to be adopted. See Police Rate. A. D.

Section 67.—Why should not the Crown pay? The Crown property is rendered more valuable by the roads being made. A. D.

Section 69, line 33.—"Or by written or printed (or both) notice left at (or posted to) the usual or last known, &c." The words within parentheses suggested to be added, by A. D.

In case of Absentees how would you act? A. D.

Section 77, line 23.—For "summons" read "warrant." A. D.

Line 25.—For one year Mr. Gleadow suggests *three months*.

Section 79.—Public Schools. J. W. G.

Section 101.—By whom are the Road and fencing afterwards to be kept in repair? A. D.

Section 103, line 20.—Add "*Treasurer or Collector of Road Rate, but shall not vote in respect to the Salary or allowance of such officers*." A. D. I think this desirable. R. C. G.

Section 106, line 29.—Books, "*provided by the Trustees*," and add at the end of Section, "and being the property of the Trustees for the time being." A. D.

Disputes have arisen in some districts as to the books having been provided by the officers of the trust, and carried off by them. R. C. G.

Section 125.—Messrs. Gleadow and Douglas concur in recommending the minimum penalty to be struck out, and "not exceeding one hundred pounds" left.—R. C. G.

Sections 132, lines 23 to 27.—This is going too far. A. D.

No provision is made for distribution of the existing mortgages and incumbrances in cases where there are large debts due, as for instance the Westbury Road District. The Governor should have power to apportion the existing debt in case the district is divided. A. D.

A Clerk should be appointed to the Trustees, who should keep the books; &c. The Governor should have power to proclaim the place of meeting for election of Trustees in each District, in order to avoid the attempts which are frequently made of appointing local Trustees who are known to have peculiar views. A. D.

Ellenthorp Hall, 30th July, 1860.

MY DEAR SIR,

SINCE writing you on the 21st I have gone carefully through the new Cross and Bye Roads Act, which I think in most points is very clear and straightforward, and will do credit to the present Ministry; at the same time I beg to draw your attention to the few following remarks; viz.—

Clause 18. Is it necessary that Trustees should be elected or re-elected, as the case may be, annually; or can they continue to hold office for a term of years, without an election, always providing they are not called upon to resign? This is not clearly expressed.

Clause 24. Referring to the *Lands Clauses Act*, wherein it appears that the Trustees must make a bargain with the owners of the land agreeably to notice, letter A, supplied by Mr. Pitcairn. This survey entails an immense expense upon the Trust; and, in fact, it is a very difficult matter to get it done at all. If this could be simplified in any way, it would be most desirable; it is almost impossible to carry out this survey; nor is it one Surveyor in fifty who is competent to form the slightest idea of the amount of damage done to the proprietor by 150 or 200,000 sheep passing over his land twice a year and spreading out at least half a mile.

Clause 61. I am still of the same opinion with regard to this Clause, as expressed to you in my letter of the 21st instant. I do not see how the Trustees are to determine the assessment to be paid by the ratepayers; for in the first place the Valuation Rolls are assessed upon the Police Districts, and not upon the Road Districts; again, how are they to come at the assessment to be paid by the holders of these large tracts of Government land? In fact, how are they to carry out Clause 67?

For instance, my estate of Ellenthorp is assessed as being in the Campbell Town Police District. Now part of this is in the Great Lake Road District, and part in the Southern Macquarie Road District, as Mr. Maclanachan can explain.

How are the Trustees of these two Districts to divide the value of these properties? And this will apply to hundreds.

In fact I see clearly that Mr. Gell's idea must be carried out to make the *Valuation Act* work,—that is, by dividing the Island into Districts, which Districts are to apply to all assessments, such as Police, Road, &c. But as the Act stands at present, I cannot see that the assessment can be levied in any other way than at so much per acre.

I beg to remain,

My dear Sir,

Yours faithfully,

G. C. CLARKE.

F. SMITH, *Esq.*

A.

(COPY.) To ROBERT QUAYLE KERMODE, of *Mona Vale*, in *Tasmania*, *Esquire*.

WE, the undersigned; G. C. Clark, of Ellinthorp, in Tasmania, Esquire, James Maclanachan, of Ballochmyle, near Tunbridge, in Tasmania aforesaid, Esquire, and Thomas Jillet, of the Great Lake District, in Tasmania aforesaid, farmer, being three of the Trustees of the Great Lake Road District, do hereby, in pursuance of the provisions of the "Cross and Bye Roads Act, 1858," give you notice, that we, as such Trustees as aforesaid, require to purchase and take for the purpose of making a part of the new line of road from to Interlaken, in Tasmania aforesaid, and within the said Great Lake Road District; and which said land, so required, is part of the 640 acres of land situate in the County of Westmoreland, in Tasmania aforesaid, granted or located to the late William Kermode; and which said land, so required as aforesaid, is of the length of 82 chains, and of the width of 100 feet throughout, and the south-west boundary thereof commences at a point in the south boundary of the said 640 acres, which is 3 chains 10 links distant from the south-west angle of the same 640 acres, and proceeds in a straight line in a north-western direction to a point in the northern boundary of the said 640 acres, which is 30 links distant from the north-west angle of the said 640 acres; and, in pursuance of the said Act, we, as Trustees as aforesaid, do hereby demand the particulars of your estate and interest in the said land so required by us, as Trustees as aforesaid, and of the claims made by you in respect thereof; and we further give you notice that, as such Trustees as aforesaid, we are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the making of the said Main line of Road on the said land so required as aforesaid.

Dated, &c.

Chudleigh Road Trust, 30th July, 1860.

SIR,

I HAVE the honor to acknowledge the receipt of your Circular, enclosing Draft of a proposed Bill to consolidate the several Cross and Bye Roads Acts, addressed to me as Chairman of Trustees of this District; and, agreeable to the request contained therein, beg to forward several proposed alterations suggested by the Trustees; and have the honor to request that such suggestions will meet with your attention previous to the passing of the said Bill; viz.—

1. We consider that, in Country Districts, the qualification of a Landholder should be reduced to £10 per annum.

2. That clause 15 in the proposed Bill should be expunged, and one more modified substituted; as, in our opinion, the power given to any parties who may think proper to call a public meeting to

control the acts of the Trustees would tend more to retard their usefulness as a body than to promote the advancement of the District. We should therefore suggest, that any Trustee or Trustees failing in his or their duty, in the opinion of a majority at such public meeting, should be called upon to resign, and shall resign accordingly.

3. That One Shilling in the Pound shall be the maximum rate of assessment to be fixed in each year.

4. That the Government having recently sold a large quantity of land in various Country Districts, and more particularly in the westward, shall pay a portion of money in aid of such Districts, as, in consequence of such sales of land, new roads are required; and that such aid shall be paid by the Government either as a fixed rate of assessment on all unappropriated Crown lands, or, as last year, the amount of the moiety of the assessment collected.

5. That, in consequence of the present Valuation Roll requiring considerable alterations and revisions, the Trustees of each District are, in our opinion, the most fit persons so to revise and alter such lists, and that they be empowered to do so.

I have the honor to be,
Sir,

Your obedient Servant,

JAMES RITCHIE, *Chairman.*

The Hon. the Attorney-General.

Broad Marsh Road Trust, 4th August, 1860.

SIR,

I HAVE the honor to acknowledge the receipt of your Circular of July, enclosing a draft of a new Road Act, and requesting that the Trustees would express their opinion as to the Bill, or offer any suggestions they might wish to make.

I beg to apologise in not answering the communication earlier. The illness of many of the Trustees prevented them from attending to the subject.

The Trustees are of opinion that the new Act is much wanted, and hope that it will pass the Honorable House, with the amendments necessary or required.

The Trustees wish to bring under the notice of the Government the mistake made as to the Crown lands, in not reserving a right of road through the adjoining lands. Great dispute has arisen in this District lately, by occupiers of land refusing to allow any road through their land unless compensated under the Road Act.

Several families have located in the Dromedary Tiers lately by purchase from the Crown, and cannot reach the public road unless they buy a right of road and fence it in. Now, to expect a poor man, who, perhaps, has saved a little money and bought, say 50 acres of land, before he can go on the land must buy a right of way, is preposterous.

The Trustees consider that the Government are bound to find the parties whose money they have received a right of way; and any expenses should be paid from the Land Fund.

We consider that the Clauses 99, 100, and 101 should be amended, and that it should not be compulsory to fence bush land, unless the Trustees saw fit to allow it through any piece of valuable pasture.

We have to request that the boundaries of this district may be altered, as great injustice is done to some parties, paying for roads they never see; namely, the upper end of the Broad Marsh and Hunting Ground. People pay the Hamilton and Bothwell Road Trusts; the road used by them is the Elderslie road to Bridgewater.

Trusting that I am not presuming,

I have the honor to be,
Sir,

Your obedient Servant,

EDWARD CHAPLIN, *Chairman of Trust.*

Honorable FRANCIS SMITH, Esq.