

(No. 119.)



1871.

T A S M A N I A.

H O U S E O F A S S E M B L Y.

CROSS AND BYE ROADS ACT.

REPORT OF THE SELECT COMMITTEE, WITH EVIDENCE.

Brought up by Mr. James Scott, and ordered by the House to be printed,
December 6, 1871.



REPORT of the Select Committee appointed, on the 14th November, to enquire into and report upon the working of the present "Cross and Bye Roads Act."

MEMBERS OF THE COMMITTEE.

MR. MILLAR.
MR. LEWIS.
MR. WILSON.

MR. MOORE.
MR. SCOTT. (*Mover.*)

DAYS OF MEETING.

21st, 28th, and 30th November.

WITNESSES EXAMINED.

CAPTAIN LANGDON, R.N.
MR. GEORGE LUCKMAN.

MR. JOHN LEES LIVINGSTON.
MR. RICHARD SHOORBRIDGE.

R E P O R T .

THE evidence shows that there are several Districts levying tolls which do not raise a revenue by a rate on property within such District, but maintain the roads entirely from tolls collected.

That in many instances a great part of the revenue of such tolls is derived from outlying or surrounding Districts, and no portion of such revenue or toll-money is spent on the roads of the Districts thus laid under contribution.

That some Districts receive contributions from other Districts under a threat of erecting a toll-gate, in order to compel the surrounding Districts to assist in maintaining the roads which intervene between those Districts and the main road.

Your Committee would therefore recommend—

1st. That no toll shall be levied, or toll-gate erected, in any District where a rate of not less than Sixpence in the Pound on the assessed annual value of the property in such District is not made and levied.

2nd. That where a loan is raised upon the security of any tolls or special rate, for any of the purposes of "The Cross and Bye Roads Act," the revenue accruing from any such toll or special rate shall go in the first place to pay the interest on such loan, and shall be of such an amount as to ensure the payment of such loan and interest within fifteen years; and when the loan thus raised shall have been paid off, the toll or special rate shall cease.

3rd. That where a toll is deemed desirable to be levied for the purpose of constructing and maintaining or repairing any road in a District, permission to erect such must first be granted by Parliament.

4th. Where a bridge or bridges are required to be erected or to be kept in repair between two or more Districts, that each District shall contribute to the cost of the same in such proportions as may be assessed by Arbitrators appointed in the manner provided by "The Lands Clauses Act."

JAMES SCOTT, *Chairman.*

Committee Room, 5th December, 1871.

MINUTES OF THE MEETINGS.

No. 1.

TUESDAY, 21 NOVEMBER, 1871.

The Committee met at 10 A.M.

Present—Mr. James Scott (Chairman), Mr. Millar, Mr. Lewis, Mr. Wilson, Mr. Moore.

1. Captain Langdon was called in and examined.
2. *Ordered*, That the Chairman of the Queenborough Road Trust be summoned for next Meeting.
3. *Resolved*, That the Chairman do draw up certain Questions to be put to the Chairmen of the Road Trusts of Carrick, Dorset, Leslie, and North Esk.

The Committee adjourned at 11.15 to Tuesday next, at 11 A.M.

No. 2.

TUESDAY, 28 NOVEMBER, 1871.

The Committee met at 10 A.M.

Present—Mr. Millar, Mr. Lewis, Mr. Moore, Mr. J. Scott (in the Chair).

1. The Minutes of the previous Meeting were read and confirmed.
 2. The Chairman produced Answers from the Chairmen of the Carrick, Dorset, and North Esk Road Trusts. Mr. George Luckman called in and examined.
 3. *Ordered*, That the Chairmen of the Leslie and Augusta Road Districts be summoned for Thursday, the 30th instant, at 11.
- Adjourned until Thursday, the 30th, at 11 A.M.

No. 3.

THURSDAY, 30 NOVEMBER, 1871.

The Committee met at 10.

Present—Mr. J. Scott (in the Chair), Mr. Millar, Mr. Wilson, Mr. Moore.

1. Minutes read and confirmed.
 2. Letter from Chairman of Leslie Road Trust read.
 3. Mr. J. L. Livingston examined.
 4. Mr. R. Shoobridge examined.
 5. Draft reported read.
- Resolved*, That the Committee do adjourn till 3 P.M. to-morrow, to adopt Report.

EVIDENCE.

TUESDAY, NOVEMBER 21, 1871.

THE HON. WM. LANGDON, M.L.C., *called in and examined.*

By the Chairman.—You are Chairman of the Hamilton Road Trust? I was, for more than 20 years, but resigned a short time ago.

Can you state for the information of the Committee what effect the erection of Toll-gates in districts adjoining yours has upon that District? The effect is most injurious. Under the Cross and Bye Roads Act in 1838 New Norfolk and Hamilton formed one Road District, and a good road was made between them.

About seven years ago the Districts were divided, and part of the road to New Norfolk (about 10 miles) was placed under the Road Trust of New Norfolk.

Hamilton has 310 miles of road to keep in repair, and it has also six bridges.

Under the 50th Clause of 33 Vict. No. 8, the New Norfolk Trust has availed itself of a right to erect a Toll-gate on the boundary of the two Districts, and no traffic can pass from Hamilton to New Norfolk without paying toll to that District.

The majority of the Hamilton Trustees consider they have a right to subsidise the funds of the New Norfolk Trust to the extent of £56 a year out of our Rates to induce them to remove this Toll-gate. Two of our Road Trustees reside near the Toll-gate,—within two miles, and the Post Office is on the other side of the Toll-gate, so that they have to pay toll on going through for their letters. This I believe induced them to vote the £56 out of the Hamilton Assessment.

Our rate amounts to £500 a year, and the greater part of our roads are in bad repair.

It is of importance to the Hamilton Ratepayers that this gate should be removed.

The Road Trust of Broad Marsh has intimated an intention of placing a Toll-gate on the boundary of that Trust and Hamilton, which will thus completely isolate Hamilton.

What remedy would you suggest? I would recommend that Clauses 64, 65, and 67 of the present Cross and Bye Roads Act should be repealed, and that Clause 66 should be amended, so that no Toll-gate shall be erected in such cases without the sanction of Parliament. At present we are barred out; the small farmers cannot send their produce to market without additional expense; the whole of the toll being paid by the Hamilton people.

Whilst we have, as I have said, 310 miles of road to maintain, the Lower Derwent has only 10, and the Broad Marsh from 15 to 20.

Would it not be better to unite two small Districts into one large one? No. I could not recommend it. Some Districts are too extensive.

By Mr. Moore.—How would you propose to recompense smaller Districts for the expense of roads used by the larger? I have no objection to a Road Trust assisting another in a case where a bridge which was used by both districts needed it, or any injury to the roads by floods, but I object to toll-gates as being a serious loss to small farmers in the district. We have three roads to the City, one by New Norfolk, one by Broad Marsh, and a third by Bothwell. Bothwell might, if it liked, put up a toll-gate on its boundary, and thus Hamilton would be completely shut in.

MR. GEORGE LUCKMAN *called in and examined.*

By Mr. Scott.—Your name is George Luckman, and you are Chairman of the Queenborough Road Trust? Yes.

There is a toll-gate at Sandy Bay? Yes; £367 8s. 1d. is the rent of it. It was let last year by auction; previously it was let by tender.

Is there any money borrowed on the tolls? No.

When was a rate last levied? There is no rate, nor has there been any for the last 23 years.

By Mr. Millar.—Do you make bye-roads from the proceeds of rent? The tolls do not make enough. We are in want of money; this is caused by the falling off in traffic.

By Mr. Scott.—What extent of road is there beyond your district? About 32 miles in the Brown's River and North West Bay districts. All the traffic comes through our district from there, but they could come by Proctor's Road, which is shorter, but out of repair; Proctor's Road was in the Brown's River Trust.

By Mr. Lewis.—Is Proctor's Road suitable for heavy traffic from Brown's River? Yes, if it was in repair. The greater part of the land is barren, only occupied by wood carters and charcoal burners; they generally use the Waterworks Road.

By the Chairman.—Would it be any use levying a rate? It would only produce about £150.

If the district were joined to the North West Bay District, would not a rate be sufficient? No.

By Mr. Millar.—What is the toll? 1d. for a saddle horse, and 3d. for each horse attached to a vehicle. All the inhabitants approve of the toll in preference to a rate. If the toll was done away with the road would have to be abandoned.

By Mr. Millar.—£80 is contributed by the inhabitants of Hobart Town and Brown's River.

What salaries are paid? £20, to the Road Overseer.

By Mr. Moore.—When was the road made? The road was originally made by the Government, the inhabitants giving the land, about 23 or 26 years ago. Necessity may compel a 6d. rate this year—hitherto we have done without one. I prefer the district to remain as it is, the inhabitants are content. The Brown's River Road District formerly included Proctor's Road and Sandy Bay Road, and was separated by petition of the inhabitants of Proctor's Road.

MR. JOHN LEES LIVINGSTON *called in and examined.*

By the Chairman.—Your name is John Lees Livingston, and you are Chairman of the Leslie Road Trust? Yes.

Do you levy a rate? No, we used to do so, and only lately have discontinued it; prior to 1867 the rate has never been levied under Leslie Road Trust, it was formerly Summerleas.

Did the Government make the road? Yes; in 1867 it was handed over to us.

Is the toll-gate erected upon that road? Yes.

What length is the road? 10 miles.

Why do you levy no rate? Because two-thirds of the rate would be levied near town on people who would not use the road. At one shilling in the pound the rate would amount to a little over £30.

How much of the tolls are from the Huon District? Not one-third—about a fourth perhaps; the remainder from traffic from Hobart Town and the district.

What objection would there be to a 6*d.* rate? None, except the cost of collection.

What is the cost of collecting the tolls? A man at 4*s.* per diem who works on the road, and his wife, who has about 5 per cent. on the tolls collected.

RICHARD SHOOBRIDGE, ESQ., *called in and examined.*

By the Chairman.—Your name is Richard Shoobridge? Yes.

You are Chairman of the Augusta Road Trust? I was up to very lately; the last tender for the toll was about £90. The rate is 3*d.*—it was for some time 1*s.* Some part of the road was made by Government. The Trust was mismanaged, but I believe is now properly administered. The roads are all in good order.

Does the branch toll at the *Maypole* belong to the district? No, that is a side bar of the Main Road toll.

Why did you erect a toll-bar? Principally because the colliers, who paid scarcely any rate, used the road and cut it up.

Would there be an objection to a 6*d.* rate? No, I do not think so.

Can you offer any suggestion as to your district? I would suggest that the land on the right hand side of the main road should be put into the Augusta Road District, the money raised in that part to be spent there.

Is the Risdon Road kept by the Government? Yes.

How far does your district extend on the Main Road? To the New Town Creek.

Hobart Town, 30th November, 1871.

SIR,

AFTER leaving the Committee Room to-day, I thought of another reason why a rate in the Leslie Road District was objected to, namely,—that the Corporation Water Works being within the said District were only rated at a nominal sum of about £20 a year. The Trustees considering the works ought not to set down in the Valuation Roll at less than £300 a year, and that all attempts to set the matter right failed in consequence of the local influence at the Appeal Court in favour of the Corporation.

I have, &c.,

(Signed) J. L. LIVINGSTON, *Chairman Leslie Road Trust.*

JAS. SCOTT, *Esq., M.H.A., &c.*

QUESTIONS to be answered by the Chairmen of the following Road Trusts; viz.,—*Carrick, Dorset, and Leslie.*

1. What amount of Toll is collected in your District?
2. For what purpose is the Toll levied? Is any part expended otherwise than in paying off the interest and principal?
3. What amount of rate is levied on the District?

Answers to Questions.

1. The amount of Tolls collected in the Road District of Carrick amounts to £710.
2. The Tolls are levied for the purpose of keeping the Main and Cross Roads in repair, and also for the purpose of paying off the mortgages upon the said tolls and the interest. The moneys collected by tolls are not expended otherwise than as above stated.

The only mortgage now upon the Tolls is one of £300.

During the last three years mortgages to the amount of £700 have been paid off.

3. The rate levied is Sixpence in the Pound.

Hobart Town, November 28th, 1871.

THOMAS W. MONDS, *Chairman.*

Dorset Road Trust, 23rd November, 1871.

SIR,

I WAS honored with your note with list of enquiries yesterday, and in reply beg to inform you as follows; viz. :—

1. Our Toll-gate at Invermay is let at £300 for the present year.
2. The proceeds are applied in paying the interest on the loan, the ordinary expenses of the Trust, and the balance in road repairs only.
3. No rates have as yet been levied for the present year.

I have, &c.

(Signed) A. M. MILLIGAN, *Chairman.*

JAS. SCOTT, *Esq., M.H.A.*

Leslie Road District, 28th November, 1871.

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 22nd instant, submitting certain queries to which I beg to give the following replies:—

1. The amount of Toll collected in the Leslie Road District from 1st January, 1870, to 28th February, 1871, (14 months) £316 4s. 3d.; from 1st March to 31st October, 1871, (8 months), £167 4s. 11d.
2. The Toll is collected solely for the purpose of repairing the Road.—No debt.
3. No rate is levied on the above-named District.

I have, &c.,

(Signed) J. L. LIVINGSTON, *Chairman Leslie Road Trust.*

JAS. SCOTT, *Esq., M.H.A.*

Answers to Questions by the Chairman of the North Esk.

1. What effect has the Toll erected on the road leading from the North Esk District to Launceston on the roads in your District? The effect is that, whereas upwards of three-fourths of the money received at the Hobler's Bridge Toll-gate is extracted from landholders of the North Esk Road District, not one shilling of the money so obtained is spent upon the roads of the district. Paterson's Plains levy no rate in consequence. North Esk a shilling in the pound.

2. What would you recommend to meet the difficulty? Amalgamate the two Road Districts so that the toll money, after debts are paid, may be expended upon the roads used by the parties who pay the tolls.

RONALD C. GUNN, *Chairman to North Esk Road Trust.*
24 November, 1871.