

No. XI.

An Act to provide for the repairing of Parish CUMBERLAND PARISH
Roads in the County of Cumberland in the ROADS.
Colony of New South Wales. [9th October,
1835.]

WHEREAS by an Act of the Governor and Council passed in Preamble.
the fourth year of the reign of His present Majesty King
William the Fourth intituled “*An Act for making altering and im-* 4 Gul. IV. No. 11.
“*proving the Roads throughout the Colony of New South Wales and*
“*for opening and improving the Streets in the Towns thereof*” after
reciting That it was expedient to define what roads should be main-
tained at the public expense and what at the expense of the
parishes

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parishes through which they pass as far as the said parishes could in the present state of the survey of the Colony be determined it was amongst other things thereby enacted That all the roads in their whole length as set forth in a Schedule annexed to the said recited Act marked A should be deemed to be and should be called Public Roads and should be maintained repaired or altered at the public cost and charge by payments from the Colonial Treasury whether there be toll collected on the said road or otherwise and it was thereby further enacted That in the County or reputed County of Cumberland in the said Colony any road heretofore made at the public expense and not included in the Schedule A aforesaid and any road in common and general use passing from a road now maintained or hereafter to be maintained at the public expense as aforesaid to another of the same description or connecting different parts of the same public road or any road leading from any township duly notified as such by the Governor and Executive Council to any road maintained at the public expense as aforesaid shall be deemed to be and shall be called a Parish Road And whereas it is expedient that provision should be made for maintaining repairing and amending the said Parish Roads in the said County or reputed County of Cumberland in the said Colony Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That the expenses of the maintaining repairing and amending of the parish roads and bridges thereon in all parts of the said County or reputed County of Cumberland (save and except in the Town of Sydney) shall be paid borne and defrayed by a toll or tolls to be appointed assessed and levied as hereinafter mentioned.

The expense of repairing parish roads and bridges in the County of Cumberland to be paid by toll.

Preliminary proceedings to be adopted in respect to the repair of any parish road.

2. And be it further enacted That after the passing of this Act upon application in writing made by one-half of the householders of any parish within the said County of Cumberland to the nearest Court of Petty Sessions to have any parish road within such parish or bridges thereon repaired it shall be lawful for such Court consisting of not less than three Justices of the Peace to enquire into the same at a time to be appointed and publicly notified for that purpose and upon being satisfied that the road for the repair of which or of any bridge thereon such application is made is a parish road according to the true intent and meaning of the said recited Act and that it is the desire of not less than one-half of the householders of the said parish to have such road or bridge repaired to report the result of such enquiry to His Excellency the Governor for his approval especially setting forth in such report the line of road or bridge thereon intended to be repaired the amount and scale of tolls proposed to be levied respectively thereon and place where it shall be proposed to place a toll-bar for the collecting of the same and if the report of such Petty Sessions shall be approved by His Excellency the Governor with the advice of the Executive Council it shall and may be lawful for His Excellency the Governor by a notice in the "*New South Wales Government Gazette*" to notify the same to the inhabitants of the said parish and the length of time for or during which the said toll shall continue to be collected and thereupon it shall be lawful for the said Justices in Petty Sessions to cause a toll-bar to be erected upon the place so approved of and to appoint some fit and proper person to attend the said toll-bar and to collect and receive the tolls thereat.

Appointment of collector.

Allowance to collector his removal and appointment of another.

3. And be it further enacted That it shall be lawful for the said Justices in Petty Sessions to allow to the person so appointed to collect the said toll a fit and reasonable allowance for his trouble in collecting such toll and from time to time as to such Justices shall seem meet and proper to remove such person from the collection of the

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the said toll and to appoint some other fit and proper person in his place to collect the same.

4. And be it further enacted That when and so soon as the said toll-bar shall be so erected as aforesaid the said Justices of the Peace shall cause to be put up and continued in some conspicuous place at or near to the said toll-bar a table painted in distinct legible black letters on a board with a white ground containing at the top thereof the name of the gate or toll-bar where the same shall be put up and also a list of all the tolls or dues payable thereat distinguishing severally the amount of tolls and the different sorts of cattle beasts carriages and other vehicles for which they are severally to be paid where there shall be any variation therein and the said Justices shall cause to be placed on some conspicuous place near to such board the christian and surname of the collector of the said toll or dues who shall be on duty for the time-being and shall continue the same during the whole time such collector shall be on duty and the said collector shall provide tickets denoting the payment of toll and on every ticket shall be specified the name of the gate at which the same shall be issued and also the names of the several gates (if any) freed by payment of toll thereat.

Justices to cause a table of tolls to be put up.

Collector to provide tickets of payment of toll.

5. And be it further enacted That the several sums of money received by such collector as aforesaid for and on account of the toll demandable by him at such toll-bar shall be accounted for and paid over to the said Bench of Petty Sessions and that the said Justices in such Petty Sessions after paying or allowing thereout the necessary expenses for the collecting of such toll shall cause the net proceeds thereof to be expended and applied in the keeping of the said road and the bridges thereon in sufficient repair to render the same passable under the control and direction of the Justices of such Petty Sessions.

Collections to be paid to Petty Sessions and applied for the repair of roads.

6. And be it further enacted That the said Justices shall cause books of account to be kept of the receipts of the amount of toll received on such road and of the money paid laid out and expended for the receiving of such toll and for the necessary repairing of the said roads and that such books of account shall be kept in the said Court of Petty Sessions for the inspection of all persons interested therein and to be open at all convenient times during the holding of such Court of Petty Sessions.

Books of account to be kept by Justices for the inspection of all persons interested.

7. And be it further enacted That all fines penalties and forfeitures imposed incurred and declared by the said recited Act and to which persons are by the said recited Act declared to be liable for any nuisances committed on any turnpike roads and for refusing to pay the toll thereon or for any other offences mentioned in the said recited Act and for any offences committed by the collectors of the tolls as therein-mentioned the same are hereby declared to be applicable and to be applied to the same and similar offences committed upon the several or any roads appointed and repaired under this present Act so far as the same are applicable and can be applied respecting the same and that it shall and may be lawful to and for any one or more Justice or Justices of the Peace to hear and determine all or any complaints made against any person or persons on account thereof and impose such fines penalties and forfeitures against the party or parties offending as in the said recited Act are directed and awarded against any person or persons offending as therein-mentioned and to enforce and cause such fines penalties and forfeitures to be levied and paid as in and by the said recited Act is directed as fully and to the same effect as if the same were herein again repeated and enacted.

Offences against Act punishable by the fines imposed by 4 Gul. IV. No. 11 for similar offences.

Wheat &c. Exemption from Duty.

Appeal to Quarter
Sessions the same as
in former Act.

8. And be it further enacted That the party or parties convicted of any offence or offences under this present Act before any one or more Justice or Justices of the Peace shall have and be entitled to the same and the like appeal from the decision of such Justice or Justices as is in and by the said recited Act given to any person or persons convicted of any offence or offences against the said recited Act.
