



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1874.

No. 12.

An Act to Amend and Consolidate the Law relating to Main Roads in South Australia.

[Assented to, 6th November, 1874.]

WHEREAS it is expedient to amend and consolidate the law relating to the making, improving, and maintaining of main roads in the Province of South Australia—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as the “Main Roads Act, 1874.” Short Title.

2. The several Acts mentioned in the First Schedule hereto, so far as the same in anywise whatever relate to or affect main roads, shall be and the same are hereby repealed; but, in so far as the same define and relate to or affect district roads the said several Acts shall be and remain in full force and effect, provided as follows:— Repeal.

Firstly—That no Act heretofore repealed by the Acts in the said Schedule specified, or any of them, shall be revived by virtue of such repeal:

Secondly—That the Central Board of Main Roads, the Local Board of Main Roads for the District of Port Augusta, the Local Board of Main Roads for the District of Mount Gambier, and the Local Board of Main Roads for the District of Port Lincoln shall not, nor shall any or either of them, be subjected to any disability whatsoever by reason of such repeal:

Thirdly

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Thirdly—That no suit or other proceeding shall be prosecuted against the said last-mentioned boards, or the officers thereof, respectively, or against any person acting in the execution of the repealed Acts, for anything heretofore legally done thereunder :

Fourthly—That all proceedings which may have been commenced under such Acts, or any of them, before this Act shall come into operation, may be continued, and completed under such Acts.

Division of Act.

3. The subject matter of this Act shall be divided into the following parts—

PART I.—Abolition of existing Central and Local Boards of Main Roads :

PART II.—Declaration of Road Districts :

PART III.—Declaration of Main Roads :

PART IV.—Proclamation of Road Districts :

PART V.—Local Boards :

PART VI.—Commissioner of Main Roads, Powers and Functions :

PART VII.—Saving of Actions, Vesting of Roads :

PART VIII.—Qualification and Disqualification for Members of Local Boards ; Declaration to be made ; Vacancies and how to be filled up :

PART IX.—Elections :

PART X.—Proceedings of Boards :

PART XI.—Officers and By-Laws :

PART XII.—Contracts :

PART XIII.—Revenue :

PART XIV.—Auditors :

PART XV.—Accounts :

PART XVI.—Duties, Powers, and Privileges of Commissioners of Main Roads and Local Boards :

PART XVII.—Miscellaneous Provisions.

PART I.

PART I.—Abolition of existing Central and Local Boards of Main Roads :

Abolition of Central Road Board.

4. From and after the commencement of this Act the Central Board of Main Roads for the Province of South Australia shall no longer have the care, control, and management of main roads within the

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the said Province, and the said board, and all the powers and authorities heretofore vested in and exercised and enjoyed by them, shall, subject to the provisions herein contained, absolutely cease and be determined.

PART I.

5. From and after the commencement of this Act, the Local Board of Main Roads for the District of Port Augusta, the Local Board of Main Roads for the District of Mount Gambier, and the Local Board of Main Roads for the District of Port Lincoln, shall no longer have the care, control, and management of Main Roads within the limits of the Road Districts for which they have been severally appointed; and all the powers and authorities heretofore vested in and exercised and enjoyed by the said several Local Boards shall, subject to the provisions herein contained, absolutely cease and be determined.

Abolition of Local Road Boards.

PART II.—Declaration of Road Districts:

PART II.

6. The districts set forth and described in the Second Schedule to this Act, shall be and they are hereby declared to be Road Districts of the Province of South Australia.

Declaration of Road Districts.

7. The formation of any Municipal Corporation or District Council within the limits of any Road District, or the alteration of the boundaries of any existing municipality or of any district formed under and by virtue of the District Councils Act, 1858, or any Act amending the same, shall not cause the land comprised within any municipality or district now existing, or hereafter to be formed as aforesaid, to cease to form part of the Road District within the limits whereof the same may be situated, except so far as is next hereinafter contained, nor cause the same to cease to be subject to the provisions of this Act

Constitution of Municipalities and District Councils, &c., not to cause same to cease to be part of Road Districts.

8. Whenever the boundary, or boundaries, of any two or more municipalities or districts in the last preceding section mentioned shall also form the boundary, or boundaries, of two or more Road Districts, the alteration of the boundary, or boundaries, of any one or more of such municipalities, or districts, shall be and be deemed to be, to the extent of such alteration, the altered boundary or boundaries of such Road Districts; and the Governor shall, immediately after such alteration shall have been effected, by Proclamation, declare and define the altered boundary, or boundaries, of such Road Districts accordingly.

Alteration of boundaries in certain cases.

PART III.—Declaration of Main Roads:

PART III.

9. The lines of road set forth in the Third Schedule hereto, together with all bridges and other public works connected therewith, shall be, and they are hereby declared to be, main roads of the said Province, notwithstanding that portions of some of such roads are situated within the boundaries of certain Municipal Corporations.

Declaration of main roads.

10. Main

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Width of main roads.

10. Main roads shall be in all places not less than sixty-six feet in width, including footpaths, and any bank, ditch, or fence on either side thereof.

PART IV.

Proclamation of Road Districts.

PART IV.—Proclamation of Road Districts :

11. The Governor by Proclamation in the *Government Gazette*, may declare and define one or more Road Districts, not being within the limits of any of the Road Districts in the said Second Schedule set forth and described.

Governor may add to Road District land not in a district.

12. The Governor may, by Proclamation in the *Government Gazette*, from time to time, if he shall deem fit, alter the boundaries of any Road District, or add thereto any portion of the said Province actually adjoining such district, and not lying within the limits of any Road District ; and every such portion so added shall thereupon become, and be part of, such first-mentioned District, to all intents and purposes.

PART V.

Appointment of Local Board, and incorporation.

PART V.—Local Boards :

13. At any time after the passing of this Act, the Governor may appoint, in and for each Road District of the Road Districts declared by section six of this Act, and from and after the Proclamation of any Road District or Districts, as provided by section eleven of this Act, may appoint in and for each proclaimed Road District, a Local Board consisting of five members, for the term of one year, and the said Local Boards so appointed shall form the first Local Boards respectively for such several Road Districts ; and the Governor from time to time may remove any member, and may appoint any person to fill any vacancy that may occur in such Board during such term of one year, whether caused by any such removal or by any other cause ; and the said members, and all succeeding members of every such Local Board, whether appointed or elected, shall be, and they are hereby incorporated ; and shall be capable, for the purposes and subject to the provisions of this Act, of taking, purchasing, acquiring, holding, selling, and conveying lands, and of doing and suffering such acts and things as bodies corporate may by law do or suffer.

Corporate name of Local Board.

14. The corporate name of each Local Board appointed or elected under the provisions of this Act shall be "The Local Board of Main Roads for the District," such blank being filled in with the distinctive name of the particular Road District, as set forth in the Second Schedule hereto, using such name, and every such Local Board of Main Roads by its corporate name may sue and be sued.

Governor to appoint two members of board.

15. Of the five members by this Act required to constitute each Local Board, two shall from time to time be appointed by the Governor.

16. Every

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16. Every Local Board constituted under this Act shall have and use a seal with the words "The Local Board of Main Roads, District," engraved thereon, and such seal shall only be affixed to deeds, instruments, or documents, in the presence of the chairman and secretary of the board using the same, or of two members of such board and such secretary; and to every deed, instrument, or document to which such seal shall be affixed, the said chairman, or two members (as the case may be) and the said secretary shall add their names as witnesses.

PART V.

Seal.

PART VI.—Commissioner of Main Roads, Powers and Functions :

PART VI.

17. The Commissioner of Public Works for the time being of the said Province from and after the commencement of this Act, shall be the Commissioner of Main Roads for the said Province, and, in the exercise and execution of the powers given by this Act, shall be styled "The Commissioner of Main Roads."

Commissioner of Public Works to be Commissioner of Main Roads.

18. The Commissioner of Main Roads may make and enter into, and be or become a party to any contract or agreement, and may make and execute, seal, and deliver and become a party to any instrument or document whatsoever which may in anywise howsoever be required or be requisite or necessary to be entered into for the purpose of carrying into effect all or any of the provisions of this Act, and may take security by bond, obligation, or otherwise, and sue or be sued, implead or be impleaded, before any Court or tribunal whatsoever, and in every such contract, agreement, deed, or instrument, bond, obligation, and pleading, and in all notices, orders, certificates of title or other writings whatsoever, in which it shall be necessary to mention the Commissioner of Public Works acting as Commissioner of Main Roads, it shall be sufficient to designate such Commissioner in the manner in the last preceding clause directed.

Commissioner may enter into contracts, deeds, obligations, &c., and sue and be sued.

19. From and after the commencement of this Act, and from and after the proclamation of any Road Districts, and until the appointment of Local Boards for such Districts under the powers hereinbefore contained, the Commissioner of Main Roads, shall have, use, exercise, and enjoy, in reference to such Road Districts, and to the main roads therein, all the powers and authorities, rights and remedies, and shall perform and do all the duties and acts which might have been had, used, exercised, enjoyed, performed, or done by the Local Boards of Main Roads for the said Road Districts, as fully and effectually, to all intents and purposes, as if such boards had been duly appointed or elected, as the case may be.

Commissioner of Roads to act till boards appointed.

20. Whenever a Road District shall be Proclaimed, and a Local Board appointed therefor, the powers, authorities and duties of the Commissioner of Main Roads, shall cease within the limits of such Road District immediately after the appointment aforesaid.

When board appointed, functions of Commissioner to cease.

PART VII.

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Saving of actions.

21. All rights, liabilities, contracts, and engagements existing, and all actions, suits, and other proceedings pending at the commencement of this Act, of, or by, or against the said Central Board of Main Roads, or the Local Boards, mentioned in section five of this Act, or any of them, or of, or by, or against any person or persons in the right or on behalf of such Central Board, or of the hereinbefore mentioned Local Boards, or any of them, shall be vested in and attach to and be enforced, carried on, and prosecuted by or against the Commissioner of Main Roads, instead of such Central Board, or Local Board, as the case may be; and no such action, suit, or other proceeding shall abate or be discontinued or prejudicially affected by the abolition of the said Central Board, or Local Boards, or any of them, or by reason of this Act.

Vesting of roads.

22. All roads hereby declared to be main roads, and which hereafter may be declared to be main roads, together with the timber growing thereupon, and together with the bridges thereof, and all public works connected therewith, and the right, title, property, and interest therein, and in all lamps, direction boards, mile-stones, posts, rails, walls, chains, fences, and other erections and buildings, with the appurtenances thereto respectively belonging or appertaining, and the materials of which the same shall consist, and all materials, tools, and implements which the Central Board of Main Roads, or the Local Boards mentioned in section five of this Act, or any of them, is or are now seized or possessed of, or well entitled to, shall be, and are hereby vested in the Commissioner of Main Roads, until the appointment, as hereinbefore provided, of Local Boards of Main Roads; and from and after the appointment of every such Local Board so much of the said main roads, together with the bridges thereof, and of the public works connected therewith, and of the lamps, direction boards, mile-stones, posts, rails, walls, fences, and other erections, and buildings, and appurtenances, and of the materials of which the same consist, and of the materials, tools, and implements as are, or shall be, within the limits of the Road District thereof, and all materials, tools, and implements thereafter provided by such Local Board shall be, and they are hereby vested in and under the care, control, and management of such Local Board.

PART VIII.**PART VIII.—Qualification and Disqualification for Members of Local Boards; Declaration to be made; Vacancies, and how to be filled up:**

Qualification of member of board.

23. In order that any person may be qualified to be a member of a Local Board of a Road District, he must be possessed of freehold or leasehold property of the rateable annual value of Fifty Pounds at the least, within the Road District for which he may become a member, and must reside within the district for which he may be elected.

24. No

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24. No Special Magistrate, or Stipendiary Magistrate, or person holding any publican's general licence or wine licence, no uncertificated bankrupt or insolvent, no person attainted of treason or convicted of felony or any infamous crime, no person of unsound mind, and no person convicted of any misdemeanor for which sentence of imprisonment otherwise than for the non-payment of any fine, shall be passed, shall be capable of being or continuing a member of the Local Board of any Road District.

Disqualification of member.

25. No person who shall hold any office or place of profit under or in the gift of the Local Board of any Road District, or who shall be concerned or participate in anywise in any contract with such board, or in the profit of such contract, or of any work to be done under the authority of such board, shall be capable of being or continuing a member thereof: Provided that nothing in the preceding part of this section shall extend or apply to any contract entered into with the board of any district by any company, partnership, or association consisting of more than twenty persons, where such contract shall be entered into for the general benefit of such company, partnership, or association, or to any lease, sale, or purchase of any land, or to any agreement for any such lease, sale, or purchase, or for the loan of money, or to any security for the payment of money only, or to any materials which may be quarried and taken from any land at the expense of any person other than the owner or occupier thereof, but no member shall vote or take part in the discussion of any matter in or before the Local Board in which such member shall directly or indirectly, by himself or his partners, have any pecuniary interest.

No officer of, or contractor under, board to be member.

26. Any member of a Local Board, who knowingly and wilfully shall vote upon or take part in the discussion of any matter in or before the board in which such member shall directly or indirectly, by himself or his partners, have any pecuniary interest shall, on conviction, forfeit and pay for every such offence a sum not exceeding Fifty Pounds.

Penalty on interested member voting.

27. No person shall be capable of acting as member of any Local Board, except in administering the declaration hereinafter mentioned, until he shall have made and signed, before one of the members, a declaration to the following effect:—"I, _____, do hereby declare that I will faithfully and impartially, according to the best of my skill and judgment, execute all the powers and authorities vested in me as a member of the Local Board of Main Roads for the Road District of _____, by virtue of the Main Roads Act, 1874, and also that I am not disqualified as a member in terms of the same Act."

Declaration to be made by members.

28. Any person who shall falsely or corruptly make and subscribe the declaration aforesaid, knowing the same to be untrue, shall be guilty of misdemeanor.

Falsely declaring made misdemeanor.

29. Every

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Penalty for acting as member when incapacitated.

29. Every person who acts as a member of a Local Board, being incapacitated under the provisions hereof, for being or continuing such member, or before he has made and subscribed such declaration as aforesaid shall (save in case of incapacity arising from unsoundness of mind) be liable for every such offence to a penalty of Fifty Pounds, and such penalty may be recovered by any person in manner hereinafter provided, without any other evidence being required from the informant than that such person had acted as a member of such board in the execution of this Act; nevertheless all acts as a member, of any person incapacitated as aforesaid, or not having made and signed the declaration aforesaid, done previously to the recovery of the penalty, shall be as valid as if such person had been capable, and had made and subscribed such declaration.

Causes of vacancies.

30. The following causes shall create an extraordinary vacancy in any Local Board—

Death or Lunacy:

Non-attendance at the meetings of the board for a period of six consecutive ordinary meetings:

Disqualification as hereinbefore defined:

Resignation by notice, in writing, by the member resigning delivered to the chairman or secretary of the board:

Refusal to make or sign the declaration hereinbefore prescribed:

Judgment of ouster of the Supreme Court of the said Province:

And, when any extraordinary vacancy shall occur in such board, the chairman shall cause all necessary proceedings to be taken, as hereinafter provided, for the purpose of filling such vacancy or vacancies.

Vacancies by whom filled up.

31. All vacancies in the office of member of any Local Board shall be filled up in manner herein provided from such persons as are qualified for membership.

PART IX.**PART IX.—Elections:**

Members to be elected for three years.

32. Members of every Local Board, except the first members who may be appointed pursuant to section thirteen of this Act, and except as is provided by section fifteen, shall be elected as herein provided, or be appointed by the Governor as herein provided, for the term of three years, in manner herein contained.

Members, how elected.

33. The Municipal Corporations and District Councils within the Road District for which any Local Board shall have been appointed, shall elect the members of such board, or such of them as by the next clause is provided; and, in case any Road District shall

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shall have no such Corporation or Council within its limits, then, and in such case, the Governor shall appoint the members of the board for such district, and the persons so appointed shall be members thereof accordingly, to all intents and purposes, as if elected for the term of three years aforesaid.

34. In case any part of any Road District, by this Act declared, or which may hereafter be declared and defined by the Governor, as hereinbefore provided, shall not be comprised within the limits of any Municipal Corporation or District Council, then, and in every such case, it shall be lawful for the Governor to limit and declare the number of members of the Local Board of such district to be elected by the Corporations and Councils within such Road District, and such Corporations and Councils shall elect the number of members so limited and declared as aforesaid, and no more; and the Governor shall nominate and appoint the other member or members for such Road District, who, with the member or members so to be elected as at last aforesaid, will together constitute the number of members by this Act required to form the said board; and the persons so nominated and appointed by the Governor as last aforesaid, shall be members thereof accordingly, to all intents and purposes, as if elected for the term of three years from the date of any such last-mentioned election.

Governor to limit number of members to be elected in certain cases and to appoint the remainder.

35. Three calendar months before the expiration, by effluxion of time, of the period for which a Local Board shall have been appointed or elected for any Road District, every Municipal Corporation and District Council within the limits of such Road District shall transmit, to the chairman of such board, a paper in the form in the Fourth Schedule hereto, or as near thereto as circumstances will permit, nominating five persons, or such less number (if any) as the Governor may have declared to be the number to be elected, as members of such board, signed by the Mayor and Town Clerk of each Corporation on behalf of the Corporation, and by the District Chairman and the District Council Clerk on behalf of each District Council; and the chairman of the board, at the first ordinary meeting of the board, held after the time hereinbefore appointed for nominating the persons aforesaid, shall, in the presence of the board present at such meeting, inspect such nomination papers, and shall declare those persons to be elected who shall have received the largest number of votes, according to the scale hereinafter provided; and such nomination papers shall be preserved by the chairman of the board, and shall be open at all reasonable hours for inspection by any member of a Municipal Corporation or District Council during the period of three months next succeeding such election; and the chairman of the board shall publish the names of the persons nominated, and the number of nomination papers in which such names were contained, and the number of votes given, in the *Government Gazette*.

Election, how conducted.

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Scale of voting

36. Every Municipal Corporation and every District Council within a Road District shall be entitled to have, and shall give at every election of a Local Board one vote for each person so nominated for a member of the board for such district; but in case the rateable property of any such Corporation or Council shall be assessed at the annual value of more than Ten Thousand Pounds, then such Corporation or Council shall be entitled to an additional vote for each such person so nominated as aforesaid in respect of every Ten Thousand Pounds, or fractional part of that sum, in excess of every Ten Thousand Pounds after the first Ten Thousand Pounds; Provided always, that no Corporation or Council shall be entitled to more than two votes for any such person so nominated for member of the board of the number of persons for whom they may be entitled to vote.

If no election held, or insufficient number elected, Governor may nominate.

37. If at any such election as aforesaid, no members of the Local Board, or a less number of members of the board, than hereby required, shall have been elected, it shall be lawful for the Governor to appoint the members of such board, or a number of duly qualified persons equal to the number so deficient, to be members of such board, and such persons shall be members thereof accordingly, to all intents and purposes, as if elected as herein provided: Provided that in cases of an equal number of votes being given for two or more candidates for a seat upon any board, the chairman shall determine by lot which shall be chosen.

Election to fill extraordinary vacancy.

38. Whenever any extraordinary vacancy in the office of member of any Local Board, who shall have been elected in manner herein-after provided shall occur, the Municipal Corporations and District Councils, shall, upon a day to be appointed by the chairman of the board, or by the said board in the event of the chairman refusing or being incapable to act, and to be forthwith notified in some public newspaper, generally circulating within the district, not being less than twenty nor more than twenty-five clear days from the occurrence of such vacancy elect from the persons capable of being such members, another person to fill such vacancy; and every such election shall be held and the voting and other proceedings shall be conducted in the same manner and subject to the same provisions as are hereinbefore provided with respect to the ordinary elections of members; and whenever any vacancy shall occur in the office of member of any such board who shall have been appointed in manner hereinbefore provided by the Governor, the Governor shall forthwith cause such vacancy to be filled by appointing such person as he shall deem fit to be a member; and the person so elected or appointed shall, unless disqualified, hold office for the term for which the person was elected or appointed in whose place he shall be so elected or appointed.

PART X.

Election of chairman.

PART X.—Proceedings of Boards:

39. At the first meeting of every Local Board after the appointment,

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appointment, or the election, as the case may be, and at every annual meeting thereafter, the majority of the members of such board then present shall elect a chairman, who shall continue in office till the ensuing annual meeting; and in case such chairman shall die or resign, or cease to be a member of such board, or otherwise become disqualified to act as such, the members of such board, at their next ordinary meeting, shall appoint another chairman, and the chairman so appointed shall continue in office so long as the person in whose place he was appointed would have been entitled to continue chairman; and if at any meeting of the said board, the chairman be not present, one of the members present shall be elected chairman of such meeting, by the majority of the votes of the members present at such meeting: Provided that if, at any meeting, whether annual or otherwise, there shall be an equality of votes in the election of the chairman, it shall be decided by lot, which of the members having an equal number of votes shall be the chairman.

40. The Local Board of every Road District shall hold their first meeting at some convenient place within the Road District for which such board is appointed or elected, within one calendar month after the appointment or election, as the case may be, of the members of such board, at the hour of eleven of the clock in the forenoon, and shall proceed to put this Act into execution.

Board meetings.

41. All meetings of every Local Board shall be open to the public, unless it shall become necessary to exclude strangers on account of their disorderly conduct; Provided always, that at all ordinary meetings of a Local Board, the Mayor of each Corporation and the Chairman of each District Council respectively, situated within the limits of the Road District of such Local Board, shall, *ex officio*, be entitled to attend and be heard, and take a part in all proceedings, except that they shall as such have no right of voting.

Meetings to be open to public.

42. Each member of a board present within five minutes of the time appointed for any meeting, and remaining until the business is concluded, shall be paid the sum of Sixpence per mile in going from his place of residence to such meeting, and Twenty-one Shillings for every such attendance: Provided that none of such payments shall be made for more than one meeting in each month: Provided, however, that if any special visit by any of the members of the board to any road shall be deemed advisable by resolution of the board, reasonable travelling expenses, as approved by the Commissioner of Main Roads, shall be paid.

Remuneration of members.

43. At all meetings of any Local Board the questions there considered shall be decided by open voting by the majority present, and if there be an equal division of votes upon any question, the chairman, or any member acting as chairman at such meeting, shall, in addition to his own vote as member, have a second or casting vote.

Questions at board meetings to be decided by open voting.

44. All

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44. All powers vested in any Local Board under this Act may be exercised by any three or more of the members present at any meeting holden in pursuance of this Act; and no business shall be transacted at any meeting of the board, unless three members be present.

Annual and other meetings.

45. Every Local Board shall, some time within the last seven days of January in each year, hold an annual meeting, at a time and place to be by them appointed, within the Road District for which such board is appointed or elected; and they shall also hold one meeting at least in each month for the transaction of general business; and the said meetings shall be held at such places within the Road District for which each such board is appointed or elected, and on such days as the said boards respectively shall from time to time appoint; and when any such appointment is made, the secretary shall give notice thereof to each member of the said board, and they shall afterwards, until the time or place of such meeting is changed, and notice of such change duly given, attend such meetings without notice.

Meetings may be adjourned.

46. The members present at such first meeting, or at any annual or ordinary meeting, or at any adjourned meeting, may from time to time adjourn such meeting; and if at any meeting of any Local Board there be not present, within one hour after the time appointed for such meeting, the number of members hereby authorised to exercise the powers vested in the board, the members present, or any one member, if only one be present, or the secretary of the board, if no member be present, may adjourn such meeting to another day, not being more than fourteen days from the day of such adjournment, and of which notice shall be given.

Ordinary meetings.

47. The ordinary meetings of a Local Board shall be held for transacting the general business of the board under this Act, and for giving such directions as from time to time may be necessary for carrying into effect the purposes of this Act.

Special meetings.

48. The chairman or any two members of any Local Board may, at any time, by writing under his or their hand or hands require the secretary to convene and call a special meeting of such board, and shall therein state the business proposed to be transacted at such meeting; and thereupon such secretary shall convene such meeting by forwarding to the members of such board, at their usual place of business, notice of the day and hour thereof, and stating the business for which such meeting is called, at least four days before the time appointed; and, at such meeting, no business shall be transacted other than that stated in such notice.

Resolutions of board, how revoked.

49. No resolution at any meeting of a Local Board shall be revoked or altered at any subsequent meeting, unless notice of the intention to propose such revocation or alteration be given by the secretary

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secretary to each of the members, seven days at least before holding the meeting; nor unless such revocation or alteration be determined upon by a majority consisting of three-fifths of the members present at such subsequent meeting, if the number of members present at such subsequent meeting be not greater than the number present when such resolution was come to, or by a majority, if the number of members present at such subsequent meeting be greater than the number present at such former meeting.

50. A Local Board may at any meeting from time to time appoint committees for any purposes which, in the opinion of the board, would be better regulated and managed by means of such committees; and they may fix the quorum of such committees, and they may continue, alter, or discontinue such committees or any of them.

Committees may be appointed.

51. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment; but no business shall be transacted at any meeting of the committee unless the quorum of members (if any) fixed by the Local Board (and if no quorum be fixed, unless three members) be present: At all meetings of the committee, one of the members present shall, by the majority of voices, and if they be equally divided, by lot, be appointed chairman, and all questions shall be determined by the majority of the votes of the members present; and in case of an equal division of votes, the chairman shall have a casting vote in addition to his vote as a member of the committee.

Committees, quorum, how to conduct their business.

52. No proceeding of a Local Board or of a committee shall be invalidated or be illegal in consequence only of there being any vacancy in the number of members at the time of such proceeding.

Proceedings not invalidated by vacancy.

53. All proceedings of a Local Board, or of a committee thereof, or of any person acting as a member thereof, shall, notwithstanding it afterwards appear that there was some defect in the election or appointment of the members of the board or persons acting as aforesaid, or that they or any of them were incapable of being such members, be as valid as if every such person had been duly elected or appointed and was capable of being a member of the board.

Proceedings of boards and committees validated.

54. A Local Board may from time to time provide and maintain fit and convenient public offices within the Road District for transacting such public business relating to the district as the board shall, from time to time under the powers of this Act, direct or allow to be held or transacted therein.

Public office of board.

55. A Local Board shall cause entries of all the proceedings of the

Minutes of proceedings.

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the board, and of every committee appointed by them, with the names of the members who shall attend each meeting to be duly made from time to time in books to be provided for the purpose, which shall be kept by the secretary under the superintendance of the board, and every such entry shall be signed by the chairman of the meeting at which the proceedings took place, and every entry purporting to be such entry as aforesaid and to be so signed, shall be received as evidence in all Courts, and before all Judges, Justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the board or of any committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all which last-mentioned matters shall be presumed until the contrary be proved, and such books shall at all reasonable times be open to the inspection of any of the members of the Local Board.

PART XI.**PART XI.—Officers and By-Laws:**

Board may appoint officers.

56. Subject to the approval of the Commissioner of Main Roads, any Local Board shall and may appoint and employ a secretary, treasurer, surveyor, valuator, and all such other officers to assist in the execution of this Act, as the said board may deem necessary or expedient, at fair salaries or remuneration, payable out of the revenue of any such board; and shall and may from time to time remove any of such officers, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices.

Members of board not to be officers of board.

57. No member of a Local Board shall be capable of being or continuing secretary or treasurer, or any other officer, as in the last preceding section mentioned, of any Local Board.

Officers to give security.

58. Before the secretary or any person entrusted by a Local Board with the custody or control of moneys by virtue of his office shall enter upon such office, the said board shall take sufficient security to the satisfaction of the said board for the faithful execution of such office, and for the due accounting for, application, and payment of all such moneys, according to the provisions of this Act.

Officer of board exacting fee, &c., liable to penalty.

59. Every officer employed by a Local Board, who shall exact on account of anything done by virtue of his office or in relation to the matter to be done under this Act, any fee or reward whatsoever, other than the salary or allowances allowed by the said board, or who shall be in anywise concerned or interested in any bargain or contract made by the said board, shall be incapable of being afterwards employed by any Local Board, and shall forfeit a penalty not exceeding the sum of Twenty Pounds.

Officers when required to account.

60. Every officer appointed or employed by a Local Board under the authority hereof, shall, from time to time, when, and in such manner

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manner and form, and to such person as shall be required by such board or by any by-law thereof, make out and deliver a true and perfect account in writing under his hand of all moneys received by him on behalf of such board, and such account shall state how and to whom and for what purpose such moneys shall have been disposed of; and together with such account such officer shall deliver the vouchers and receipts for all payments, and every such officer shall pay to such board, or to any person authorised to receive the same, all moneys which appear to be owing from him upon the balance of such accounts.

61. All claims by or on the part of any Local Board to any moneys due and owing from any such officer, or to any vouchers, receipts, papers, writings, property, and effects whatsoever retained or not duly accounted for by any such officer, may be heard and determined by any two or more Justices of the Peace in a summary way; and such Justices may order the delivery of any account, and the payment of any sum of money appearing due from, and the delivery of any vouchers, receipts, papers, property, and effects retained or not accounted for by such officer, or the payment of any sum of money upon the non-payment or non-delivery thereof; and such order may be enforced in the same manner as a summary conviction by any two or more Justices; and any moneys, vouchers, receipts, property, and effects mentioned in any order shall, when received or recovered, be paid and delivered to such board.

Officer retaining funds or vouchers, &c., may be proceeded against summarily.

62. If any such officer shall, when ordered by any Justices as aforesaid, refuse to make out such account in writing, or to produce and deliver the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things in his possession or power, belonging to a Local Board, it shall be lawful for such Justices, at their discretion, to commit such offender to gaol, there to remain until he shall have made out such account, and delivered up all the vouchers and receipts in his possession or power relating to such accounts, and the books, papers, writings, property, effects, matters, and things in his possession or power belonging to the said board.

Justices may commit to gaol.

63. If any person entrusted with the receipt or disposal of money under this Act, shall fraudulently dispose of, or retain in his own possession, or apply to his own use, any money, with the receipt or disposal of which he shall have been so entrusted as aforesaid, such person shall be deemed and taken to have stolen the same, and shall be guilty of larceny.

Persons entrusted with money fraudulently disposing of same guilty of larceny.

64. Every Local Board may, from time to time, make such by-laws and regulations as they may think fit for the purpose of regulating the conduct of their officers and servants, and for providing for the due management of their affairs, and for carrying the purposes of this Act into execution; and may from time to time alter or repeal any such by-laws and regulations, and make others, provided such

by-laws

Board may make by-laws.

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by-laws and regulations be not repugnant to the laws of the Province, or to the provisions of this Act; and such by-laws and regulations shall be reduced into writing, and shall be signed by the chairman of the said board, and shall be published in the *Government Gazette*.

Governor may revoke by-laws.

65. The Governor may at any time revoke any such by-laws, and every order by which any such by-laws shall be revoked shall be published in the *Government Gazette*, and shall take effect from the time of such publication.

By-laws may impose penalties.

66. Every Local Board may, by such by-laws, impose such reasonable penalties upon all persons whomsoever offending against such by-laws or regulations as the said board may think fit, not exceeding Five Pounds for any one offence, and every such penalty shall be recoverable before any two or more Justices of the Peace in a summary way.

Justices may order part of penalty only to be paid.

67. It shall be lawful for the Justices before whom any penalty by any such by-law or regulation imposed may be sought to be recovered, to order a part only of such penalty to be paid if such Justices think fit.

PART XII.

PART XII.—Contracts:

Local Board may contract.

68. A Local Board, or the Commissioner of Main Roads, may enter into contracts with any person or persons for the execution of any works directed or authorised by this Act, or for furnishing materials, or for any other things necessary for the purposes hereof, and every such contract shall be in writing, and shall specify the work to be done and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof; and every such contract shall be executed by the chairman in the name and on behalf of and under the seal of the board or by the said Commissioner, and, being duly executed by the persons contracting to perform the works therein comprised respectively, shall be effectual in law, and shall be binding on the board or the said Commissioner; and all parties thereto, their successors, heirs, executors, and administrators respectively, as the case may be.

Tenders.

69. Before any contract for carrying out any of the purposes of this Act, to the amount of Fifty Pounds or upwards, shall be entered into by any Local Board or the Commissioner of Main Roads, ten days' notice at the least shall be given in the *Government Gazette*, expressing the purpose of such contract and inviting any person willing to undertake the same to make proposals for that purpose to such board or said Commissioner, and the board or Commissioner shall accept the proposal which, upon a view of all the circumstances, shall appear to be most advantageous, and shall take security for the due and faithful performance of every such contract.

70. Any

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70. Any Local Board, or Commissioner of Main Roads, may compound with any person who has entered into such contract, or against whom any action or suit has been brought for any penalty contained in any such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of any such contract, bond or security for such sums of money, or other recompence, as the board or the said Commissioner may think proper.

PART XII.

Compounding
breaches of contract.

PART XIII.—Revenue :

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71. The revenue of each Road District shall consist of the moneys apportioned to each such District by the Government, out of the sum or sums of money which may be voted by the Parliament of the said Province for the construction and maintenance of the main roads of the said Province; and all such moneys shall be carried to the account of a fund to be called "The Road District Fund," and such fund shall, subject as aforesaid, be applied by the Local Board towards the construction, maintenance, and keeping in good repair of the main roads within the Road District of every such board, and in the payment of all expenses necessarily incurred in carrying this Act into execution, and of doing and performing all acts and things which the said board are or shall be by this or any other Act empowered or required to do or perform out of their revenue.

Revenue.

72. Each Local Board shall, as soon as convenient after any money shall have been voted, as in the last preceding section is mentioned, give one week's notice to each Corporation and District Council comprised within the Road District for which such board is appointed or elected, of its intention to appropriate the money so voted to the roads within such district, and of the day on which such appropriation is to be made; and upon the day named in such notice, or at an adjournment of such board, of which meeting notice shall be given and not before, the said board shall appropriate such money accordingly; and the money appropriated to any particular road or portion of a road, shall, so far as possible, be spent upon such road only.

Appropriation of
moneys voted.

73. All moneys of the Local Board shall, within three days after they shall have come to the hands of the officer appointed by the board to receive the same, be paid into such Bank as the board shall from time to time have appointed for that purpose; and no such money shall be drawn out of such Bank save by cheque signed by the chairman of the board and one other member thereof, and countersigned by the treasurer of the board, or by such other person as the board may appoint.

Moneys to be paid
into a bank.

PART XIV. --Auditors :

PART XIV.

74. The Governor shall from time to time appoint for each
Road

Governor may appoint
auditors.

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Road District two auditors of accounts of such Road District, and may from time to time remove such auditors from office.

Auditors' duty.

75. The auditors shall carefully examine the accounts and balance-sheet of the Local Board with the books, papers, and vouchers of the board, and correct or alter the same, as may be found necessary, and may call for and require the production of all books, papers, documents, and vouchers, the property of or in the possession or under the control of the said board or any officer thereof.

PART XV.

PART XV.—Accounts :

Books to be kept, and to be open for inspection.

76. Proper books of account, according to a form to be supplied by the Commissioner of Main Roads, shall be kept by every Local Board, for the purpose of entering all sums of money received and paid by every such board, under and by virtue of this Act, which books shall at all times be open to the inspection of the members of such board, and to the said Commissioner, and to any person authorised by him.

Accounts to be kept of receipts and disbursements, which shall be open for inspection.

77. Every Local Board shall cause to be kept true and regular accounts of all sums of money received and paid by the board under and by virtue of this Act, and of the several purposes for which such sums of money shall have been received and paid, which accounts shall, at all reasonable times, be open to the inspection of every member of the said board, and also to the Commissioner of Main Roads, and any person authorised by him ; and such accounts shall be balanced once at least in every year, and be delivered to and be audited by the auditors of the said board, and, being so audited, shall be produced at the annual meeting of the said board, or at some adjournment thereof.

Statement of accounts to be prepared, and be open for inspection.

Annual accounts to be made up and transmitted to the Commissioner of Main Roads, and to be open to inspection.

78. Every Local Board shall, every year, cause an annual account in abstract to be prepared, showing the total receipt and expenditure of all funds received by virtue of this Act, for the year ending on the day down to which their accounts shall have been made up as aforesaid, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the chairman of the board, and also by the auditors ; and shall send a copy of the said account to the Commissioner of Main Roads for the said Province within one month after the same has been duly audited, and the said account shall be open to the inspection of the public, at all reasonable hours ; and a copy of such account shall be published in the *Government Gazette*.

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PART XVI.—Duties, Powers, and Privileges of Local Boards and Commissioner of Main Roads :

Boards to construct main roads.

79. Every Local Board shall, out of such moneys as shall from time to time be voted by the Parliament of the said Province, and so far as such moneys will enable them to do, construct, form, drain,

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drain and metal such of the main roads of the said Province set forth in the said Third Schedule, as are comprised within the district under the control of such board.

80. From and after the commencement of this Act the Local Board of every Road District shall, out of and so far as their revenue will enable them so to do, repair and maintain and keep in good repair all main roads within the district for which such board shall have been appointed or elected, and all bridges and public works thereupon or connected therewith.

Local Boards to repair and maintain in good repair main roads.

81. The Governor, if it shall appear to him that any Local Board refuses or neglects to perform the duties and functions by this Act imposed and conferred upon Local Boards, or refuses or neglects to repair, maintain, and keep in good repair the main roads within the district for which any such Local Board may have been appointed or elected, may, by Order in Council, to be published in the *Government Gazette*, suspend the powers and functions of the Local Board mentioned in any such Proclamation; and immediately after the publication of such Order in the *Government Gazette*, the powers, duties, and functions of the last-mentioned Board shall absolutely cease, and shall become vested in and be exercised and exercisable in all respects by the Commissioner of Main Roads until the Governor shall, by Order in Council, declare the lastly hereinbefore mentioned main roads to be in a state of repair; and from and after the publication of such last-mentioned Order in Council in the *Government Gazette*, the said Local Board shall resume and exercise its powers, functions, and duties as if the same had not been suspended. And in the event of any board refusing or neglecting to resume and exercise its powers, functions, and duties, the Governor may abolish such board and appoint a fresh board for the period of time and in the manner directed for the appointment of the first Local Boards to be appointed under this Act.

Defaulting Local Boards.

82. Whenever any road or roads, or portion of a road, shall cease to be a main road, such road or roads shall be transferred to the different District Councils or Corporations, within the limits of which such road or roads may pass: Provided also, that if any parts of such road or roads shall be the boundary or boundaries of any District Councils or Corporations, such District Councils or Corporations shall jointly take charge of the aforesaid road or roads.

Main roads when no longer main roads, to be handed over to District Councils.

83. Local Boards, or the Commissioner of Main Roads, may, at their discretion, let and entrust the maintenance and repairs of any portion not exceeding ten miles in length of any main road within their respective districts, for any period not exceeding five years, to any person or persons, and may from time to time pay such person or persons out of the ordinary revenue of the Local Board, or out of such other funds as may be available to the said Commissioner, the amount agreed to be paid for such maintenance and repair: Provided

Maintenance of portions of main roads may be let by contract for a term of years.

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vided always, that the maintenance and repair of such portions of main roads shall be let by tender, as provided by section sixty-nine of this Act.

Proceedings to open main roads.

84. Whenever the Commissioner of Main Roads, or any Local Board, shall have finally determined on the exact course and bearing of any deviation of any main road or portion of a main road, not heretofore gazetted in the *Government Gazette* as a main road, such Commissioner or Local Board, respectively, shall cause to be deposited in the office of the Surveyor-General, survey maps and plans describing the course and bearings and admeasurements of the same, and when, and so often as any such survey maps and plans are deposited, shall cause notice therefore to be published by advertisement in the *Government Gazette*, setting forth such particulars as may be sufficient generally to describe such road or portion of a road, and referring to the survey map and plan, deposited as aforesaid, and such maps and plans shall be open to public inspection, and the same, or copies thereof, certified under the hand of the Surveyor-General, shall be evidence in all legal proceedings: Provided that it shall not be necessary for the said Commissioner or Local Board to cause any maps and plans to be deposited in reference to any roads or portions of roads, of which maps and plans shall heretofore have been deposited under the provisions of the sixth section of the Act No. 17 of 1852, or of the sixth section of the Roads Amendment Act, 1863, and such maps and plans so heretofore deposited shall have the same force and effect as if the same had been deposited under the provisions hereof.

Powers of closing and opening, &c., main roads.

85. Any one or more of the following acts may be done by the Commissioner of Main Roads, or by any Local Board, at any one time by one proceeding, or from time to time, that is to say—Land required for main roads after a main road shall have been declared by Act of Parliament, may be taken, and new roads may be opened through the same; existing roads, or any part thereof, may be altered or added to, or partly closed; partly closed roads, or any part thereof may be exchanged for lands required for new roads or alterations, or may be sold, and deeds of exchange, conveyance, memoranda of transfer, or other assurance may be duly executed therefor, or where within the jurisdiction of a Corporation or District Council, may be retained as the property of the Corporation or Council, and at any time sold or exchanged for other land required for roads, or corporate or district purposes, or may be dedicated to corporate or district purposes.

Garden, park, avenue, &c., not to be taken.

86. Nothing in this Act shall authorise the Commissioner of Main Roads, or any Local Board, to take or make use of, or order or direct any road to be made in or through any garden, yard, park, planted walk, or avenue to a house, or any enclosed ground planted as an ornament or shelter to a house, or planted as a nursery for trees, or any part thereof respectively, without the consent, in writing, of the owners and occupiers thereof, first had and obtained.

87. For

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Incorporation of
Lands Clauses Con-
solidation Act.

87. For all purposes relative to the acquisition of lands required for works undertaken under the authority hereof, and to the compensation to be made for the same, the Lands Clauses Consolidation Act, and any Act amending the same, shall be deemed to be incorporated with this Act, and shall be construed together herewith as forming one Act.

No order for exchange
of roads to be made
without written agree-
ment.

88. No order for the exchange of any land required for new roads shall be made unless an agreement for that purpose shall first have been entered into with the owners and occupiers (if any) of the land so required, which agreement shall be in the form in the Fifth Schedule to this Act, or as near thereto as circumstances will permit.

Proceedings to open,
alter, add to, close,
sell, &c., roads by
Local Board.

89. The proceedings of any Local Board to open new roads, or alter, add to, close, sell or exchange existing roads shall be as follows:—A survey plan shall be deposited with the Surveyor-General, at his office, in Adelaide, showing the exact position, boundaries, bearings, and admeasurements of proposed new roads, alterations, additions, and the roads or parts proposed to be closed; and the names of owners or occupiers of lands affected by the proposed alterations, shall, so far as known, be shown upon the plan, in a tabular form, which plan shall be open to public inspection at all reasonable times; and at the time of depositing the said plan as aforesaid, a fee of Five Pounds Five Shillings shall be paid to the Surveyor-General for the use of Her Majesty.

Proceedings before
Commissioner of
Roads to open, alter,
&c., roads.

90. The proceedings of the Commissioner of Main Roads to open roads, and alter, add to, or close existing roads, or sell and effect exchanges, shall be the same as are prescribed by the preceding clause of this Act, except that instead of the meeting of any Local Board, hereinafter directed to be held, the said Commissioner, together with the Surveyor-General, shall hold a public sitting at the time and place fixed by the notice, to be given as aforesaid, and shall then and there consider the proposed order, and any objection of which notice has been given, and any person objecting may, personally, or by his counsel or agent, attend such sitting, and support his objections.

Duties of Surveyor-
General on receiving
plans.

91. On receipt of such plan the Surveyor-General shall cause to be prepared and inserted in the *Government Gazette*, a notice, for four consecutive weeks, containing the following information, namely:—A general description of the proposed alterations showing the boundaries, bearing, and admeasurements of the land proposed to be taken for new roads, alterations, or additions, and of the portion or portions of old roads proposed to be closed, as the case may be, and referring to the survey plan, the names of owners or occupiers of any land affected (so far as known), the date and place of meeting of the Commissioner of Main Roads, or of the Local Board, as the case may be, to decide upon effecting the object stated in such notice, and printed copies of such notices shall, as soon as possible, be forwarded by the Surveyor-General

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General to the persons whose names appear on such notice as owners or occupiers of any land affected by the proposed alterations, such notices being forwarded through the medium of the General Post Office, directed to such persons at their last or most usual known place of abode in the said Province, or if that be not known, then to the place where such proposed alterations are to be made; and any person may, within forty days after the first publication of the notice by writing, addressed and served on the said Commissioner or on the Local Board, his or their secretary, or delivered at his or their office, as the case may be, give notice of any objection: Provided also, that a copy of such notice shall be forwarded to the Surveyor-General.

Proceedings before
Local Board and
Commissioner.

92. At the time and place fixed by such notice, the Commissioner of Main Roads, together with the Surveyor-General, or the Local Board, shall hold a meeting, and shall then, or at any adjournment of such meeting, consider the opening of the proposed new road, or alteration of or addition to old road, or closing of road or portion or portions of old road, and any objections thereto; and any person objecting, who shall have served or delivered such notice as aforesaid, hereinbefore provided, may personally, or by counsel, attend any meeting and support his objections.

Proceedings if
opening, alteration,
additions, &c.,
allowed.

93. Should the opening of the proposed new road, or proposed alteration of or addition to old road, or proposed closing of portion or portions of old road, or any portion thereof respectively, be allowed by the Local Board at such meeting, or any adjournment thereof, or by the Commissioner of Main Roads at such public sitting or at any adjournment thereof, they or he shall make an order to that effect, which order shall be in duplicate, and shall be in one of the forms Nos. 1, 2, or 3, in the Sixth Schedule to this Act, or as near thereto as circumstances will permit; and such order shall be forthwith forwarded to the Commissioner of Crown Lands and Immigration for confirmation by the Governor, and unless such order shall be duly confirmed by the Governor, within a period of three calendar months of the date of the meeting at which such order was made, the same shall be utterly void to all intents and purposes whatever.

Notice of confirma-
tion to be published in
Government Gazette.

94. On the confirmation by the Governor of any such order as aforesaid, a notice of such confirmation shall be forthwith published in the *Government Gazette*, which notice shall be in the form No. 4 in the Sixth Schedule to this Act, or as near thereto as circumstances will permit; and the publication of such notice shall be sufficient evidence of the due confirmation of any such order, and thereupon any land or area to be taken for a new road or part of a road shall become dedicated to the public and be under the control and management of the Commissioner of Main Roads or the Local Board, as the case may be, who shall also then be authorised to pay or receive any money agreed on for equality of exchange, and any land by the order ordered to be vested shall be vested in the person and for the estate therein mentioned; but should such order

Effect of confirmation.

not

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not be confirmed within the time above limited, any agreement for exchange shall be absolutely void.

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95. In the event of any portion or portions of road being ordered to be closed as aforesaid, it shall be lawful for the owner or owners of the adjoining lands, if they shall think fit to acquire the same road or such part thereof as may adjoin their land respectively, either in exchange or at such price as may be fixed by agreement or by the said order ; or in the event of any difference, by arbitration, as provided in the Lands Clauses Consolidation Act ; and it shall be lawful for the Commissioner of Crown Lands and Immigration of the said Province to make and issue to the person acquiring such land a certificate of title in the form in the Seventh Schedule to this Act, which shall, upon being signed, be delivered to the Registrar-General ; and the purchase-money, deducting the necessary expenses (if any), shall be paid to the Local Board of the Road District wherein such lands shall be situated, or to the Treasurer of the said Province, as the case may be.

If road closed owner may acquire same.

96. All orders intended to operate to vest any estate or interest in lands under or by virtue of this Act, shall be in duplicate, and one copy thereof, shall forthwith be transmitted by the Local Board, or by the Commissioner of Main Roads, as the case may be, who shall have made such order, to the Surveyor-General: Provided that no order so made shall be so transmitted until after confirmation by the Governor.

Orders when made to be in duplicate.

97. Upon the receipt of any order under the provisions of this Act, vesting land, the Commissioner of Crown Lands and Immigration shall, on being satisfied that the proceedings are regular, cause separate certificates of title, on parchment, in the form prescribed in the Eighth Schedule to this Act, to be issued in duplicate to whomsoever shall be entitled thereto, and the said Commissioner, after signing such certificate, shall deliver the same to the Registrar-General.

Certificate of title to be signed by Commissioner of Crown Lands.

98. Upon receipt of any certificate of title under the provisions hereof, the Registrar-General shall, after the expiration of three calendar months, from the date of the order, bind up one of the certificates of title as a separate folium of the register book, and shall register the same under the provisions of the Real Property Act for the time being, and shall deliver the other of such certificates of title to whomsoever shall be entitled thereto.

Duties of Registrar-General.

99. After registry of any such certificate of title as hereinbefore provided, the provisions of the Real Property Act for the time being shall be applicable to the land therein mentioned to all intents and purposes whatsoever, as fully as if the said land had been brought under the provisions of such Act upon the application of a proprietor, and it shall be conclusively held in every Court of Law and Equity, that the certificate of title shall vest such land and estate in the person therein mentioned.

Real Property Act to apply to land for which certificate of title has issued.

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No order upon which certificate of title granted to be removed into Supreme Court.

100. No order purporting to be made under the provisions of this Act shall, after the registration of any such certificate of title, as aforesaid, be removed or removable into the Supreme Court; but before making any order, the Local Board, or Commissioner of Main Roads, may reserve any question of law for the consideration of the Supreme Court, and if any such question be reserved no certificate of title shall be granted until after the decision of the said Supreme Court thereupon.

Compensation.

101. Any proprietor or occupier of any land through which a road or part of a road is ordered to be made, in the original grant of which land no power of making roads has been reserved, or any person who is not a party to the agreement for exchange, who shall, after confirmation of any order for exchange, or for opening a new road without any agreement for exchange, have any estate, right, title, or interest in the land taken, may serve a notice in writing on the Commissioner of Main Roads, or on the Local Board, within eighteen calendar months from the date of the *Government Gazette* in which notice of confirmation of the order shall have been published, claiming compensation for damages for land required for the said road or part of a road, and so taken or exchanged, and in default of service of notice as aforesaid, the proprietor and owner, and all persons claiming by, through, from, or under them, or claiming the estate, right, title, or interest, in the land so taken or exchanged, shall be for ever foreclosed from any benefit or claim whatsoever, to any compensation for any portion of such land.

Boundary Main Road, bridges, or other public works, how maintained and repaired.

102. Whenever a main road, bridge, or other public work thereon, or connected therewith, so far as it forms the common boundary of any part of two Road Districts, ought, in the opinion of the Local Board having the care, control, and management of either half of such main road, to have any repairs or work done thereon or thereto it shall be lawful for such Local Board to give to the Local Board having the care, control, and management of the other half of such main road notice in writing, specifying such repairs or work, and requiring the said last-mentioned Local Board to concur with them in executing the same; and if such two Local Boards shall not, within three months after service of such notice, enter into an agreement for executing the said work, the Local Board giving such notice may execute the same at their own costs and charges, and may recover by action of debt from the Local Board to whom the said notice shall have been given, such portion of the said costs and charges as shall have been actually and reasonably expended on the said last-mentioned half of such main road: Provided always, that in determining the reasonableness of such expenditure, regard shall be had not only to the state of such main road, but also to the comparative necessity for the work, and the manner in which the same shall have been executed.

Main road, bridge, or other public work,

103. Whenever a main road, so far as it forms the common boundary

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boundary of a Road District and land other portion of the said Province not within a Road District, it shall be lawful for the Local Board of such district, and for the Commissioner of Main Roads respectively, to execute, exercise, and enjoy the powers and authorities, and respectively be liable and subject to the actions and proceedings in the last preceding clause given, conferred, and created.

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forming boundary of Road District, and not in a district, how repaired.

104. It shall be lawful for any Local Board, or the Commissioner of Main Roads, as the case may be, in and upon the main roads under their care and management, to erect and cause to be erected, placed, and put up, such and so many lamps, lamp-posts, bars, direction boards, mile-stones, posts, rails, walls, and fences, and other things as any such board or Commissioner may judge necessary or expedient.

Power to put up lamp-posts and mile-posts.

105. If any person shall knowingly and wilfully dig up, break, or pull down, spoil, destroy, injure, or damage any lamps, bars, direction boards, mile-stones, posts, rails, walls, fences, or any culvert, covered drain, or other work, for the sustentation of any road made, erected, or put up by or under the care of any Local Board, or the Commissioner of Main Roads, as the case may be, he shall be guilty of a misdemeanor, and shall be punished by fine and imprisonment at the discretion of the Court before which such person shall be tried.

Wilful destruction of road property a misdemeanor.

106. It shall be lawful for any Local Board, or the Commissioner of Main Roads, as the case may be, and for every person acting under their or his orders, to make use of any uncultivated land for the purpose of constructing a temporary road while any road is undergoing repair: Provided always, that such temporary road shall be fenced in or otherwise so secured as to afford to the person through whose land the same may pass, an equal protection against trespass as was possessed by such person previously to the construction thereof, and that a fair and reasonable compensation shall be paid by any such board or Commissioner for any damage done by them.

Power to use uncultivated lands.

107. In all cases where an alteration in a road is made through lands previously fenced, such lands shall be fenced on both sides of the road with a substantial fence before such road is opened for public use.

Alteration of road to be fenced.

108. It shall be lawful for any person acting under the authority of a Local Board, or the Commissioner of Main Roads, as the case may be, with all necessary cattle and carriages, to enter upon land adjoining any road under the care and management of such Board or Commissioner, for the purpose of constructing or repairing any drains or culverts, or performing any repairs, that may be required to the road, and for the purpose of tracing out or making any alteration of the line of road.

Power to go upon land adjoining a road.

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Materials where, and in what manner to be taken.

109. It shall be lawful for every person acting under any such authority as last aforesaid, to enter in and upon any waste or unenclosed land, or any river, or creek, whereon or wherein stones, gravel, sand, or other materials are likely to be found, and there to search for, gather, dig, get, and carry away so much of the same as may be required for making or for the repair of any road, so that such person doth not thereby divert or interrupt the course of any such river or creek, or prejudice, or damage any building, road, or ford, or the bank of any such river or creek, nor dig, nor get the same materials out of any river or creek within the distance of one hundred and fifty feet from any bridge, dam, or weir.

If sufficient material cannot be found in waste lands, may be taken from enclosed lands or grounds, making satisfaction to owners.

110. It shall be lawful for any person acting under the authority of a Local Board, or the Commissioner of Main Roads, as the case may be, if sufficient materials cannot be had conveniently within any such waste or unenclosed lands, rivers, or creeks, and such materials can or may be procured in or upon any enclosed lands or grounds (such lands or grounds not being a garden, yard, avenue to a house, lawn, park, paddock, or enclosed plantation or wood, not exceeding one hundred acres in extent) lying near to the road for which such materials shall be required, to give fourteen days' notice of his intention to enter upon any such enclosed land, in order to search for, dig, and carry away such materials, and to cause such notice to be left at the usual or last known place of abode of the owner of such land, or his agent, if known, and also of the occupier of such land, which notice shall express the quantity and nature of the materials proposed to be taken, and the precise place from which it is proposed to take the same, and if within such period of fourteen days such owner, agent, or occupier shall give notice to such board, or to their secretary, or to such Commissioner, or to his secretary, as the case may be, of any objection to the entry upon such land, and taking such materials, then such objection shall be heard and decided before and by any two Justices of the Peace or Special Magistrate, at a time and place to be appointed by such Justices or Magistrate, and whereof four days' notice at the least shall be given; and if no such objection shall be made, or if the same shall be overruled by such Justices or Special Magistrate, it then shall be lawful for any person so acting under the authority of the said board or Commissioner to enter upon such land and to take and carry away so much of the said materials as shall be necessary to be employed in the amendment of the said roads or as may be authorised by such Justices or Special Magistrate: Provided, that it shall be lawful for such Justices or Special Magistrate, if they or he shall overrule any objection as aforesaid, to direct that a compensation shall be paid to such owner or occupier for the value of any materials so to be taken and carried away, and for any damages to be occasioned to any lands to be entered as aforesaid, and to fix the amount of such compensation, and any money so ordered to be paid by way of compensation shall be payable and paid by such Board or Commissioner out of any funds which may come to their hands applicable to the purposes of this Act.

111. It

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111. It shall be lawful for any owner or occupier of such enclosed lands or grounds, who may have omitted to give such notice of any objection as hereinbefore lastly provided, and also for the owner of any waste and unenclosed ground, at any time within six calendar months from any such entry upon any enclosed lands or grounds, to claim compensation for any loss or damage occasioned thereby; and such claim shall be heard and determined by any two or more Justices in a summary way, and such Justices may award compensation for any damage occasioned to such owner or occupier by such entry and removal of materials, and such compensation, when so awarded, shall be paid by the Local Board or the Commissioner of Main Roads out of any moneys which may come to their or his hands applicable to the purposes of this Act.

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Compensation may be awarded though no objection made.

112. If any person acting under such authority as aforesaid, shall, by reason of searching for, digging, or getting any materials for repairing any roads, make any pit or hole in any waste or unenclosed lands, rivers, or brooks, as aforesaid, wherein such materials shall be found, he shall forthwith cause the same to be sufficiently fenced off, and such fence to be supported and repaired during such time as the said pit or hole shall continue open; and where no materials shall be found, shall cause such pit or hole to be forthwith filled up, levelled, and covered with turf or clod, which was dug out of the same; and where any materials shall be found, shall, within fourteen days after having dug up sufficient materials in such pit or hole, cause the same to be filled up, or sloped down, and fenced off, if required, by the owner of the land or ground, and so continued; and in case such person shall neglect to fill up, slope down, or fence off such pit or hole in manner and within the time aforesaid, it shall be lawful for any two Justices of the Peace, upon due proof before them, to order that such pit or hole shall be filled up, fenced, or sloped down; and that the expenses thereby occasioned, and the costs of and attending any such order shall be paid by the Local Board, or the Commissioner of Main Roads, under whose authority any such person shall be acting; and such Board or Commissioner shall, forthwith pay the same out of any moneys which may come to their or his hands applicable to the purposes of this Act.

Pits or holes made in getting materials shall be filled up, or sloped down, and fenced off.

113. If any person acting under such authority as aforesaid, shall knowingly dig, or cause to be dug, materials for the roads, whereby any bridge, mill, building, dam, road, ford, mine, or other works may be damaged or endangered, he shall forfeit, for every such offence, on conviction, any sum not exceeding Fifty Pounds, at the discretion of the Justices before whom the complaint thereof shall be made, notwithstanding and without in anywise limiting his liability to any civil action to which he may make himself liable by such act.

Persons damaging bridges or works, by digging materials, to forfeit not exceeding £50.

114. If any person acting under such authority as aforesaid shall lay, or cause to be laid, any heap of stones, or any other matter or thing whatsoever upon any road, and allow the same to remain there at night, to the danger or to the personal damage of any person passing

Penalty for danger at night.

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passing thereon, all due and reasonable precaution not having been taken to guard against the same, he shall forfeit, for every such offence, any sum not exceeding Fifty Pounds.

Penalty for taking
away material
collected for road.

115. If any person shall take away any materials which shall have been gotten, dug, or gathered for the repair or use of any road, or shall dig, get, or raise any materials out of any pit, hole, or quarry, which shall have been made, dug, or opened for the purpose of getting materials for the same, before the person having the care and management of such road, and the workmen employed for getting such materials, shall have discontinued working therein for the space of one month; except in the last-mentioned case, the owner or occupier of the land upon which such quarry shall be made, and persons authorised by him to get materials for his own private use, and not for sale, every person so offending shall, for every such offence, forfeit and pay any sum not exceeding Five Pounds.

Power to remove
annoyances to roads.

116. It shall be lawful for any person authorised by a Local Board or the Commissioner of Main Roads, as the case may be, in that behalf, to remove and prevent all annoyances on any part of the main roads of any Road District, by filth, dung, ashes, rubbish, or any other matter or thing whatsoever being laid or thrown upon any such road, and to dispose of the same for the benefit of such Board or Commissioner in case the owner thereof shall neglect to remove the same within twelve hours after notice, in writing, given to such owner, or, in case the owner is not known, then after a like notice affixed for three days on some conspicuous place on the property, and to turn any watercourses, sinks, or drains running into, or along, or out of any road, or any part thereof, to the prejudice of the same, and to make, open, scour, and cleanse any watercourses or ditches adjoining any road, and make the same as deep and large as such persons shall think proper and necessary, in case the owner or occupier of the adjoining land shall neglect to make, open, scour, or cleanse such watercourses or ditches after seven days' notice, in writing, given to either of them for that purpose, and the charges thereof, and of removing any annoyances, and of making or turning any watercourses, sink, or drain as aforesaid, shall and may be settled by any two Justices of the Peace, and such charges shall be reimbursed to such Board or Commissioner, and may be recovered in a summary way in like manner as any penalties under this Act; and if, after the removal of any such annoyances, and person shall offend again in like manner, every such person shall, for every such offence, forfeit and pay a penalty not exceeding Five Pounds.

Power to remove all
buildings and fences
which obstruct breadth
of road, and penalties
for injuries to road.

117. If any person shall erect or make, or cause to be erected or made, any dwelling-house or other buildings, or any hedge or other fence, on, or at the sides of, any road now existing or hereafter to be constructed, in such manner as to reduce the breadth or confine the limits thereof; or shall fill up, or obstruct any ditch at the side thereof; or shall make any drain, gutter, sink, or watercourse across, or otherwise

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wise break up or injure any such road, or any part thereof; or shall in any manner whatsoever obstruct the free use of any such road, every such person so offending shall forfeit and pay, for every such offence, a sum not exceeding Twenty Pounds; and it shall be lawful for a Local Board or the Commissioner of Main Roads, as the case may be, to cause such dwelling-house or other building, hedge, ditch, or fence, drain, sink, watercourse, gutter, or other encroachment or obstruction to be taken down or filled up, and the expense of taking down, filling up, or clearing such dwelling-house or other building, hedges, ditches, drains, sinks, watercourses, gutters, or other encroachments or obstructions as aforesaid, may be recovered from the person making or causing such obstruction before any two Justices of the Peace in a summary way.

118. If any road is in any manner prejudiced by any tree growing near the same, or if any obstruction is caused to such road by anything growing or being on adjoining land, it shall be lawful for any two or more Justices to hear and determine in a summary way any complaint made on account thereof by or by the authority of a Local Board or the Commissioner of Main Roads, as the case may be, and if they or he see fit to make an order for the removal of such tree, or part of such tree, or other obstruction, and in default of compliance with such orders within eight days after a copy thereof shall have been served on the owner or occupier of the land on which such tree or other obstruction may be, or on his agent, or servant, such owner or occupier shall, on conviction, forfeit and pay a penalty not exceeding Forty Shillings, and such board or Commissioner, if the order of the said Justices is not complied with, may remove such tree, or part of such tree, or other obstruction, at the cost of the person who may be so ordered to recover the same.

Growing trees injuring road may be removed.

119. If any person shall ride upon any footpath or causeway by the side of any road made or set apart for the use or accommodation of foot passengers, or shall lead or drive any horse, ass, mule, swine, or cattle, or carriages of any description, or any wheelbarrow, or truck, or any single wheel of any wagon, cart, or carriage, apart therefrom upon any such footpath or causeway, or shall cause any injury or damage to be done to the same, or shall haul or draw, or cause to be hauled or drawn, upon any part of any road, any timber, stone, or other thing otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon such road, or shall use any instrument whatsoever for the purpose of retarding the descent of any cart or other carriage down any such road in such manner as to destroy, injure, or disturb the surface thereof, otherwise than by shoeing, locking, or dragging the wheels, or if any person driving any horse or other beast on any such road, carrying any iron bar, or rod, basket or pannier, or any other matter or thing shall place such bar, rod, basket, or pannier, matter or thing so that the same or any of them shall project more than thirty inches from the side of such horse or other beast, or so as in any manner

Prevention of injuries to road, and regulation for safety of passengers.

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manner to impede or obstruct the passage of any person, or any horse, beast, or carriage travelling along such road, or if any person shall make, or assist in making any bonfire, or set fire to, or let off any firework whatsoever within thirty feet of the side of any such road, or shall make any fire upon any such road, or if any person shall leave any carriage upon any such road, or on the side thereof, without any proper person in the sole care or custody thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such carriage during the time of loading or unloading the same, or of taking refreshment as near to one side of the road as conveniently may be with or without any horse or beast of draught, harnessed, or yoked, thereto, or shall lay any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, broken glass, or other matter or thing whatsoever, upon any such road, or on the side or sides thereof, or the footpaths or causeways adjoining, to the prejudice of such road or footpaths, or to the prejudice, annoyance, interruption, or personal danger of any person travelling, or shall suffer any water, filth, dirt, or other offensive matter or thing whatsoever to run or flow into, or upon such road, or footpaths, from any house, building, erection, lands or premises adjacent thereto, or if any person shall, after having blocked or stopped any cart, wagon, or other carriage in going up or going down a hill, or rising ground, cause, or suffer to be, or remain on such road, the stone or other thing with which such cart or other carriage shall have been blocked or stopped, or if any person shall wantonly extinguish the light of any lamp erected or placed in, or near the side of any road, by authority of this Act, every person offending in any of the cases aforesaid, shall, for each and every such offence, forfeit and pay a penalty not exceeding Five Pounds.

Animals suffered to wander about road to be impounded.

120. If any horse, ass, sheep, swine, or other cattle of any kind shall be found wandering, straying, or lying upon any road, or by the sides thereof, except on such parts of the said road as pass through any unenclosed ground, it shall be lawful for any person appointed under the authority of a Local Board, or the Commissioner of Main Roads, as the case may be, to seize and impound every such horse, ass, sheep, swine, or other cattle, and to detain the same until the owner shall pay the sum of Five Shillings to the person impounding the same, for the use of such board or Commissioner, together with the charges of impounding and keeping the same; and in case the said penalty, charges, and expenses shall not be paid within the time by any law now or hereafter to be in force, allowed for payment of the costs and charges of impounding such animals, it shall be lawful for the poundkeeper in whose pound such animals, or any of them, shall be impounded, to sell the same, after giving such notice of sale as by law is or shall be required, and out of the money arising from such sale, after deducting the said penalty, charges, and expenses of impounding, keeping, and selling any such animals as aforesaid, to pay to the person impounding the same

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same the sum of Five Shillings; and the overplus, if any, to the owner thereof: Provided that no greater sum than Five Shillings shall be paid to any person so impounding any number of animals under this Act by each owner of such animals.

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Proviso.

121. It shall not be lawful for any person to erect, or cause to be erected, after the passing of this Act, within fifty yards of any road, any windmill or steam-engine, unless such windmill or steam-engine shall be within some house or other building, or behind some wall or fence sufficient to secure the same from the road, so that the same may not be dangerous to passengers, horses, or cattle; nor shall it be lawful for any person to make any fire for burning or calcining limestone, bricks, clay, or the making of coke or charcoal within the distance of twenty-five yards of any such road, unless the same shall be within some building, or behind some wall or fence, sufficient to screen the same from such road; and in case any person shall offend in any of the cases aforesaid, every such person so offending shall forfeit and pay, for every such offence, a sum not exceeding Five Pounds.

Penalty for erecting any steam-engine, or burning lime within fifty yards of road.

122. No cart, wain, or wagon, travelling on any road, shall be driven by any person who shall not be of the full age of thirteen years, under a penalty not exceeding Ten Shillings, to be paid by the owner of such cart, wain, dray or wagon.

Carts not to be driven by children.

123. If the driver of any wagon, dray, or cart of any kind, shall ride upon any such carriage on any road, not having some other person on foot or on horseback to guide the same (except such as are usually driven with reins, and are conducted by some person holding the reins of the horse or horses drawing the same), or if the driver of any licensed vehicle used or employed in carrying passengers for hire, shall leave the box or seat used by the driver of such vehicle while driving the same without first giving the reins of the horses attached to such vehicle to some male adult; or if the driver of any carriage whatsoever upon any road, shall not keep his carriage or other vehicle on the left or near side of the road, or shall, by negligence or wilful misbehaviour, cause any hurt or damage to any person or carriage passing or being on any such road, or wilfully be at such distance from such carriage, or in such a situation whilst it shall be upon such road that he cannot have the direction and government of the horses and cattle drawing the same; or if any person shall wilfully prevent any other person from passing him, or any carriage under his care, upon such road, or by negligence or misbehaviour prevent, hinder, or intercept the free passage of any carriage of Her Majesty's subjects on any road, every such driver so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of the Peace, or by the oath of one or more credible witness or witnesses, shall for every such offence, forfeit and pay a penalty not exceeding Forty Shillings, in case such driver shall not be the owner of such carriage; and in case the offender be the

For prevention of accidents by negligent conduct.

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the owner of such carriage, then any sum not exceeding Five Pounds; and every such driver offending in either of the said cases, and refusing to discover his name and dwelling-place, or giving a false description thereof, may, by the authority of this Act, with or without any warrant, be apprehended by any constable who shall see such offence committed, and be conveyed before two Justices of the Peace, to be dealt with according to law; and if any such driver, in any of the cases aforesaid, shall refuse to discover his name and dwelling-place, it shall and may be lawful for the Justice, before whom he shall be taken, or to whom any such complaint shall be made, to commit him, by warrant under his hand and seal, to any Gaol, to be kept to hard labor for any period not exceeding three months, by a description of his person and the offence only, without adding any name or designation, but expressing in the proceeding that he refused to discover his name and dwelling-place.

Proprietors of carriages to be summoned to appear and produce driver.

124. When information or complaint shall be made before two Justices of the Peace against the driver of any carriage for any offence committed by him against the provisions of this Act, such Justices may forthwith summon the proprietor of such carriage personally to appear, and produce the driver of such carriage, to answer such information or complaint; and if such proprietor being duly summoned, shall neglect or refuse personally to appear, or to produce such driver according to such summons, such proprietor shall forfeit Forty Shillings until such driver be produced: Provided always, that if such proprietor shall neglect or refuse to appear and produce such driver, on the second or any subsequent summons requiring him so to do without reasonable excuse to be allowed as aforesaid, it shall be lawful for such Justices to proceed to hear and determine the said information or complaint, in absence of the said proprietor and driver, or either of them, and upon proof of such offence, by the oath of one or more credible witness or witnesses, to give judgment against the proprietor for the penalty incurred by reason of such offence.

Penalty 40s.

On neglect of second summons, Justices may proceed.

Penalties if not paid by drivers may be levied on proprietors.

125. All pecuniary penalties and costs incurred by reason of any offence committed by the driver of any carriage against the provisions of this Act, shall, unless such driver shall pay the same, be recovered from the proprietor of such carriage in a summary way, before any two or more Justices of the Peace.

Proceedings to recover from drivers.

126. Every such proprietor who shall pay any penalty or costs incurred by reason of any such offence as aforesaid, committed by such driver shall be entitled to deduct the amount of such penalty and costs from any wages then due to such driver; or, if no such wages be due, recover the same from such driver in a summary manner, and upon complaint made in the premises before two Justices of the Peace, by the said proprietor against the said driver, such Justices shall inquire into the same, and shall cause the sum which shall appear to have been so paid as aforesaid by the said proprietor, to be levied by distress and sale of the goods of the said driver; and for want of sufficient distress, such Justices shall commit the said

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said driver to the common gaol, there to remain for any time not exceeding two calendar months, unless the owner shall be sooner paid; and every such imprisonment shall be with or without hard labor, as such Justices shall direct: Provided always, that if the said driver shall have been previously convicted of the offence for which the said penalty or costs shall be as aforesaid paid by the said proprietor, then such proceedings shall be had and taken against the said driver, upon such conviction for the recovery of the penalty and costs in which he shall have been convicted, as might have been had and taken thereon, in case the said penalty or costs had not been paid by the said proprietor, and upon recovery thereof, the sum so paid by such proprietor shall be repaid to him.

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127. In case of any dispute between the proprietor of any carriage and the driver thereof, then, upon complaint made before two Justices of the Peace by such proprietor against such driver, or by such driver against such proprietor, such Justices shall inquire into and determine the same, and shall award and order such compensation to be made to either party as to such Justices shall seem proper, to be recovered in a summary way.

Justices to determine disputes between proprietors and their drivers.

128. No Commissioner of Main Roads, nor any Local Board, being a party to or executing in such capacity any contract or other instrument, or otherwise lawfully executing any of the powers hereby given, shall be subject to be sued or prosecuted by any person whomsoever, and the bodies, goods, and lands of any Commissioner of Main Roads, and of every member of every Local Board, appointed as well as elected under this Act, shall not be liable to execution of any legal process, by reason of any contract or other instrument entered into, signed, or executed, by them, or by reason of any other lawful act done by them in the execution of any of the powers aforesaid, and the Commissioner of Main Roads, and the members of Local Boards severally and respectively, their heirs, executors, and administrators shall be indemnified out of the rates and other moneys coming to the hands of the persons aforesaid, applicable to the purposes of this Act, for all payments made, or liability incurred, in respect of any acts done by them, and of all losses, costs, and damages which they may incur in the execution of the powers granted to them.

Protection to Commissioner, and to members of board against process.

129. Execution upon every judgment or decree against the Commissioner of Main Roads, or against any Local Board in any action or suit, shall be levied on the goods, chattles, or personal effects, belonging to such Commissioner, or such board respectively, by virtue of his or their office, and shall not in any manner extend to charge or make liable the person, or private lands, or goods, of any such Commissioner, or such board, or the heirs, executors, or administrators of any of them.

Judgments and decree against Commissioner and Local Boards how to be satisfied.

PART XVII.—Miscellaneous Provisions:

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130. Whenever any day provided or appointed by or under this Act for any purpose shall in any year happen on a Sunday, New Year's

Sundays and public holidays.

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Year's Day, Good Friday, or Christmas Day, or any day proclaimed as a public holiday, then such provision and appointment shall take effect as for the day following.

No suit of *quo warranto* allowed to try title to any officer.

131. No writ of *quo warranto*, or information in the nature of a *quo warranto*, or other proceeding, shall issue, or be filed, or had or taken in the Supreme Court to try or question the title of any person to be chairman, member, auditor, or officer of any Local Board to his office or place.

No *mandamus* to issue from Supreme Court to compel District Council to admit, restore, or elect members of any Local Board.

132. No *mandamus* shall issue from the Supreme Court to admit or restore to office, or to compel any Local Board to proceed to the election or appointment of any member of such board, or of any chairman, auditor, or other officer, or to compel any person to proceed to any ballot, or to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession whereof any Local Board or person may be entitled under this Act.

Proceedings for trying title of Councillor, &c., to his office, to be decided by two or more Justices in a summary way.

133. The proceedings for trying the title of any one to be chairman, member, auditor, or officer of any Local Board to his office or place, or for trying the right of any person to hold any such office or place, shall be had and taken before, and determined by, two or more Justices of the Peace in a summary way.

Jurisdiction of Justices.

134. The information may be laid at the instance of any Local Board, or by any Corporation or District Council of the Road District for which such board is appointed or elected, or by any person interested, and the Justices may make an order declaring any person not entitled to the office or place then possessed by him, and that such office or place is vacant; but no order to admit or restore any person to any office or place shall be made while any other person is in possession of such office or place.

On non-compliance with order, Justices may inflict punishment.

135. On non-compliance with any order made by any Justices of the Peace, under the provision hereof, on information laid at the instance of any Local Board, or by any person interested, any two or more Justices of the Peace may order any sum of money to be paid by or to any such board or officer, or person, as compensation for any injuries sustained by reason of the non-compliance with any order, and may order any person to be imprisoned, either for a specified time, not exceeding six calendar months, or until the order aforesaid is obeyed, and such imprisonment may be ordered in addition to or without any order for payment of money as aforesaid; and on non-compliance with any order commanding anything to be done by a Local Board, any two or more Justices of the Peace may order the payment of any sum of money by, or the imprisonment of, any person who would, before the passing of this Act, have been liable to attachment, or subject to process of contempt for disobedience to any peremptory writ of *mandamus* issued out of the Supreme Court commanding the Road Board to do the act directed by such order.

136. No

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136. No proceedings to try the title of any person to any office or place in, or in the gift of, a Local Board, shall be had or taken except upon an information laid within three calendar months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person shall be liable to be ousted, which shall last happen ; and no proceedings to try the validity of any assessment, rate, or loan, shall be had or taken, except upon an information laid within three calendar months from the time at which notice of the assessment, rate, or loan first appeared in the *Government Gazette*.

Time within which proceedings may be taken.

137. The proceedings before Justices shall be conducted as appointed by, and shall be regulated under the Ordinance No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders."

Proceedings before Justices to be regulated by Ordinance No. 6 of 1850.

138. There shall be an appeal from any order of Justices of the Peace, made under the provisions hereinbefore contained, which appeal shall be to the Local Court of Adelaide, of full jurisdiction only, and the proceeding of such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, but the Local Court of Adelaide aforesaid may make such order as to payment of costs of appeal as they shall think fit, although such costs may exceed Ten Pounds.

Appeal from order made by Justices to Local Courts.

139. If any person shall obstruct, or attempt to obstruct, a Local Board, or the Commissioner of Main Roads, or any person authorised by them or him, acting in the performance of any act or thing whatever which such Board, Commissioner, or person is authorised to do or perform under or by virtue of this Act, such person shall, upon conviction, forfeit and pay, for every such offence, a penalty not exceeding Fifty Pounds.

Obstruction to carrying out of this Act.

140. No conviction, order, warrant, or other proceeding, which shall be made, or shall purport to be made, by virtue, or in pursuance, or in execution of this Act, shall be quashed, or deemed to be void, or voidable for want of form, or be impeached or affected by reason of any mistake, defect, or omission therein, provided the person or property charged or intended to be charged or affected by any such proceeding, be designated therein to common intent and understanding, and such proceeding to be in substance and effect in conformity with, or according to the intent and meaning of, the said Act.

Proceeding not to be void for want of form, or affected by any mistake, therein.

141. All proceedings under this Act, in so far as not otherwise expressly provided, may be had and taken, and all summonses to parties and witnesses, and warrants (where necessary) for enforcing the same, may be issued and served or executed respectively, and all fines imposed, and all sums of money ordered to be paid, may be recovered before any two Justices; and every person feeling aggrieved by

Penalties and appeals.

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by the imposition of any such fine, or by any conviction under this Act, shall be entitled to appeal therefrom in manner and form, and on the terms respectively which are prescribed by the laws of the Province in force for the time being, for regulating summary proceedings before Justices of the Peace.

Appropriation of moneys.

142. All fines and penalties under this Act shall be paid, one half to the informant or complainant, and the other half shall be paid to the Commissioner of Main Roads, or to the Local Board, as the case may be, in aid of the revenue of the Road District wherein the offence was committed, in respect whereof such fines and penalties became recoverable.

As to proceedings against persons acting under this Act.

143. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be commenced within two calendar months after the fact was committed, and not otherwise, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of such action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, together with the costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff become nonsuited, or discontinue any such action on issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

Notice of action.

General issue.

Tender of amends.

If judgment be against plaintiff.

Commencement of Act.

144. This Act shall commence and take effect from the first day of July, one thousand eight hundred and seventy-five.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

A. MUSGRAVE, Governor.

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SCHEDULES REFERRED TO.

FIRST SCHEDULE.

No. and Year of Act.	Title of Act.
No. 17 of 1852	An Act for the making and improving of Roads in South Australia.
No. 13 of 1860	An Act to declare the Main Lines of Road in South Australia.
No. 11 of 1863	An Act to repeal an Act No. 17 of 1861, "To amend an Act No. 17 of 1852 for the making and improving of Roads in South Australia," and to make other provisions in lieu thereof.
No. 16 of 1865	An Act to amend an Act No. 13 of 1860, intituled "An Act to declare Main Lines of Road in South Australia."
No. 5 of 1865-6	An Act to amend the Main Roads Amendment Act, 1865.
No. 15 of 1865-6	An Act to amend an Act No. 17 of 1852, "For the making and improving of Roads in South Australia, and for other purposes."
No. 17 of 1866-7	An Act to authorise the raising of moneys for the construction of Main Roads.
No. 27 of 1866-7	An Act to declare the Main Lines of Road in Port Lincoln and Port Augusta District.

SECOND SCHEDULE.

Main Road Districts.—Definition of Boundaries.

1.—CENTRAL DISTRICT.

Commencing at a point on the eastern shore of Gulf St. Vincent, true west of the south-western corner of Section 414, Hundred of Port Gawler; thence east to said corner; thence in a north-easterly direction along the centre of the River Light to the western side of Main North Road near Section 592, Hundred of Light; thence in a northerly direction along the western side of said road to the southern boundary of the Hundred of Gilbert; thence easterly along said boundary to its south-eastern corner; thence in a south-easterly and north-easterly direction along the south-western and south-eastern boundaries of the Hundred of Kapunda to the north corner of the Hundred of Belvidere; thence easterly along the northern boundary of the Hundred of Belvidere, and northerly along the western boundary of the Hundred of Dutton, to its north-western corner; thence east to the north-eastern corner of the Hundred of Dutton and south to the north-western corner of the Hundred of Anna; thence east along the northern boundaries of the Hundreds of Anna and Skurray to the centre of the River Murray; thence in a southerly direction following the centre of the river, and south-westerly along the south-eastern boundaries of the Counties of Sturt and Hindmarsh to the seacoast; thence in a westerly, and northerly direction along the seacoast to the point of commencement.

2.—MIDLAND DISTRICT.

Comprising the Electoral Districts of Wooroora and Light, excepting that portion comprised in the Central District, the Hundreds of Stuart, Saddleworth, Apoinga, Kooringa, and Hanson; those portions of the Hundreds of Waterloo and Stanley included in the Electoral District of Burra; that portion of the Hundred of Kingston south of the northern side of road south of Sections 132, 275, and 358; that portion of the County of Burra south of a true east line running from the south-eastern corner of the latter Section to the eastern boundary of said County; and all that portion of the Electoral District of Yatala north of the River Light.

3.—PENINSULA DISTRICT.

Comprising the whole of the Electoral District of Wallaroo.

4.—NORTH

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4.—NORTH DISTRICT.

Comprising those portions of the Electoral Districts of Burra and Flinders north of the County of Victoria; west of the east boundary of County Dalhousie and its production north to a point true east of Patawarta Trigonometrical Station; south of a true west line from said point to the eastern shore of Lake Torrens, and east of Lake Torrens; east of the Lakes south of Lake Torrens, and east of Spencer's Gulf.

5.—NORTH MIDLAND.

Comprising the Electoral District of Stanley, the Hundreds of Ayers, Anne, Reynolds, Whyte, Belalie, and Caltowie; the County of Kimberley, and that portion of the County of Burra north of District No. 2.

6.—FLINDERS DISTRICT.

Comprising the County of Flinders and all that country lying to the south and west of a line drawn from the north end of Streaky Bay to Parla Trigonometrical Station; thence to Mount Southam, thence to Darke's Peak, and thence true east to the western shore of Spencer's Gulf.

7.—VICTORIA.

Comprising the whole of the Electoral District of Victoria.

8.—ALBERT.

Comprising the whole of the Electoral District of Albert.

 THIRD SCHEDULE.
Main Roads.

1. *Glenelg Road.*—From the junction of South and West-terraces, Adelaide, to eastern boundary of Glenelg Municipality.
2. *Port Road.*—From the junction of North and West-terraces, Adelaide, to the south-eastern boundary of Port Adelaide Municipality.
3. *LeFevre's Peninsula Road.*—From the western boundary of Port Adelaide Municipality to the Semaphore Jetty.
4. *Grand Junction Hotel and Port Causeway Road.*—From Grand Junction Hotel, on the North Road, to the north-east angle of Alberton, thence to the Causeway on the Port Road.
5. From Thebarton Bridge, by the Heart-in-hand and Grand Junction, by Smithfield and Gawler, to Kapunda, *vid* Sheaoak, Daveyston and Greenock.
6. *Dry Creek Road.*—Old North Road, from O'Connell-street, North Adelaide, by the Windmill Corner, by Gepp's Cross, to the Junction of the Main North Line at the Dry Creek.
7. *Gepp's Cross and Port Gawler Road.*—Port Gawler Road, from Gepp's Cross to Waterloo Inn.
8. *Adelaide and Port Wakefield.*—From Adelaide, by Virginia Bridge to Port Wakefield.
9. *Virginia Bridge Road.*—From Railway Station, Salisbury, by Virginia Bridge to Two Wells, and Mallala, and the Redbanks, with branch from Two Wells to Port Gawler.
10. *Old North Road.*—From Gawler, by Templer's, Light Bridge, and Forrester's to Auburn.
11. From Gawler Railway Station, *vid* Willaston, to Pinkerton's Plains.
12. From Wasley's Railway Station to the Redbanks.
13. From Hamley Railway Station, *vid* Alma Plains Post Office, to Balaklava Railway Station, and from Stockport Railway Station to Anstey's Corner.
14. From Railway Station, Kapunda, to Koorunga, *vid* the Railway Station, and fifty miles north, *vid* Mount Bryan and Gottlieb's Wells.
15. From Kapunda Railway Station to the Railway Station at Tarlee.
16. From Black Springs to Manoora Railway Station; from Mintaro Railway Station, *vid* Leasingham, to Hoyleton Railway Station.
17. From Farrell's Flat Railway Station to Clare.
18. From Farrell's Flat Railway Station to Booborowie, and thence by Candowie, James Town, and Caltowie to the Stone Hut.

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19. From Marrabel to Riverton Railway Station thence to Rhynie.
- 19A. From Marrabel to Saddleworth, to connect the Old North Road.
20. From Saddleworth Railway Station, *vid* Auburn and Clare, to Melrose, *vid* Yacka, George Town, and Laura.
21. *North Road (North-Eastern Branch)*.—From Railway Station, Freeling, to Blanchetown, through Greenock and Truro.
22. *Angaston Branch*.—From near Nuriootpa, on the north-eastern branch of the North Road, through Angaston to North Rhine River at Section 450, Hundred of North Rhine, and thence to Sedan.
23. *Angaston Branch to South Rhine*.—From Petra's Corner, by Section 431, through Terrawatta, up Flaxman's Valley, to Young's Corner, and to Section 583.
24. *Kapunda and Truro Road*.—From Kapunda to Truro.
25. *Kapunda and North-West Bend Road*.—From Kapunda to North-West Bend, *vid* Bagot's Well, Handsborough, Eudunda, Point Pass, and Robertstown, with a branch to Government Well.
26. *Lyndoch Valley Road*.—From Railway Station, Gawler, across South Para Bridge, to Lyndoch Valley and Tanunda, to join Blanchetown Road, No. 21, at or near Nuriootpa.
27. *Mount Crawford Branch*.—From near Sandy Creek and Lyndoch Valley Road by Mount Crawford, to South Rhine, with branch from Williamstown to Blumberg.
28. *North-Eastern Road*.—From the junction of North and East-terraces, Adelaide, to the River Murray, *vid* Teatree Gully, Gumeracha, and Stony Creek, with branch through Golden Grove, *vid* Snake Gully, to Sampson's Flat.
29. *Dry Creek Branch*.—From Teatree Gully, *vid* the tenth mile-stone, on the North-Eastern Road, South Branch, until it joins main line near Grand Junction Hotel.
30. *Smithfield Branch*.—From Railway Station, Smithfield, by Maidstone, to join North-Eastern Road, No. 28, at Philp Town, Chain of Ponds.
31. *North-Eastern Road (South Branch)*.—Diverging from the North-East Road, at the boundary of the Park Lands, at Bailey's Garden, by MacDonnell Bridge, to join the Main North-Eastern Road, No. 28, at Inglewood.
32. *Stony Creek Branch*.—From Stony Creek, by Mount Pleasant, to South Rhine.
33. *Continuation of Stony Creek Branch*.—From Howard's Corner, South Rhine, by Eden Valley to Flaxman's Valley.
34. From Keyneton to Eden Valley, and thence to Junction with Sedan Road.
35. *Murray Flats Branch*.—From termination of Main Road, No. 34, *vid* Sedan, to the Murray Flats.
36. *Maidstone Branch*.—From No. 30 Main Road, near Maidstone, to No. 27 Main Road, near Williamstown.
37. *Main Eastern Road*.—From the Maid and Magpie, through Magill, Lobethal, and Mount Torrens, till it joins No. 28, near the twenty-eighth mile-post.
38. *Balhanna Road*.—The Green Hill Road, from the south-east corner of the City of Adelaide, by way of the Green Hill, to Balhannah.
39. Road running northwards from the Glen Osmond Road at the junction of the new Lunatic Asylum grounds to the junction of DeQuetteville-terrace and Brownhill Creek Road, Kent Town.
40. From near the nineteenth mile-post on the North-Eastern Road, *vid* Cudlee Creek, and Lobethal, to join Road No. 50.
41. *South-Eastern Road*.—From South-terrace, Adelaide, *vid* Glen Osmond, Crafers, Echunga, with a branch from Echunga to Hahndorf, and a branch from Echunga to Mount Barker, Macclesfield, Strathalbyn, and Langhorne's Bridge, by Wellington to Meningie.
42. From Meningie to Kingston, Lacepede Bay, and thence to Robe, Guichen Bay.
43. From Robe to Naracoorte.
44. From Robe to Penola, and thence to the Border.
45. From Naracoorte to Penola, Gambierton, and MacDonnell Bay.
46. From Mount Gambier to Millicent, and thence to south end of Rivoli Bay.
47. From Mount Gambier to the Border, near Lindsay.
48. *Nairne Branch*.—From a point on the South-Eastern Road, near the twelfth mile-post, *vid* Hahndorf, Littlehampton, Blakiston, Nairne, Kanmantoo, and Callington, to the River Murray Bridge, crossing the said bridge, and on to the road from Wellington to Meningie, with a branch from Nairne to Woodside.
49. *Mount Barker Branch*.—From a point near the twentieth mile-post, on the Nairne Branch, *vid* Mount Barker, Bugle Ranges, and bridge at Cross's, to meet the road from Strathalbyn to Wellington, with branch from Strathalbyn to Callington.
50. From junction near fifteenth mile-post on Nairne Branch, *vid* Balhannah, Oakbank, and Woodside, to join Main Eastern Road, No. 37.
51. *Milang*

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51. *Milang Branch.*—From a point on the South-Eastern Road, near Belvidere, to Milang.
52. From Fords Railway Station to the junction of No. 5.
53. From near the twenty-ninth mile-post on the Mount Barker Branch to the South-Eastern Road, No. 41, Langhorne's Bridge.
54. *Meadows Branch.*—From Echunga to Bull's Creek Road at the Meadows.
55. *Bull's Creek Road.*—From South-terrace, Adelaide, to Goolwa, *vid* Unley, the foot of Shepley's Hill, Coromandel Valley, Clarendon, Meadows, and Bull's Creek.
56. *Strathalbyn Branch.*—From Strathalbyn to junction with Bull's Creek Road, No. 55, near Currency Creek.
57. *Happy Valley Branch.*—From near Clarendon to junction with South Road, No. 60, at O'Halloran Hill.
58. *Kangarilla and McLaren Vale Road.*—From Bull's Creek Road at Kangarilla, to Willunga Branch of Main South Road, No. 60, at McLaren Vale.
59. *Lower Meadows and Willunga Road.*—The Lower Meadows Road, from its junction with Bull's Creek, Main Road, No. 55, near McHarg's Creek, to Willunga.
60. *South Road.*—From Black Forest Inn, Glenelg Road, to Cape Jarvis, *vid* Mudge's Corner, and through or by Noarlunga, Aldinga Plains, Grant's Corner, and Yankalilla.
61. From Second Valley Township to the jetty at Second Valley.
62. *Willunga Branch.*—From junction near Noarlunga to Willunga, and thence by way of, or by, the Cut Hill and Hindmarsh Valley to Port Elliot, and from the fifty-third mile-post to Port Victor.
63. *Port Willunga Branch.*—From the Township of Willunga to Port Willunga.
64. *On the South Road.*—From Bryant's Corner to the Yankalilla Jetty.
65. *Port Noarlunga Branch.*—From Main South Road, No. 60, near Noarlunga, to Port Noarlunga.
66. From Page's, Willunga, to Main South Road, at or near Myponga.
67. *Encounter Bay Branch.*—From junction with South Road, No. 60, near Yankalilla, to Victor Harbor.
68. *Port Adelaide and Tapley's Hill Road.*—From the foot of Tapley's Hill, *vid* Glenelg, to Port Adelaide.
69. From the Forest Inn, on the South Road, to the Port Road, at or near Thebarton.
70. From Port Lincoln to Franklin Harbor, *vid* Tumby Bay.
71. From Port Lincoln to Streaky Bay, *vid* Lake Wangary and Warrow.
72. From Port Augusta, by way of Horrocks Pass, Beautiful Valley, and Spring Creek, to Melrose.
73. From Port Augusta, by way of Stirling, Pichirichi Pass, to Willochra.
74. From Port Augusta, by way of Western Plains, to Parachilna.
75. *Peninsula Road.*—From Kadina, *vid* Moonta, Maitland, Minalcowie, and Weaner's Flat, to Edithburgh, with branch from Moonta line to Kalkabury.
76. From Moonta to Green's Plains.
77. From Tiparra to Kalkabury.
78. From Minalcowie to Hardwicke Bay, and thence to Sturt Bay.
79. From Weaner's Flat to Stansbury.
80. From Weaner's Flat to Waterloo Bay.
81. From Kadina to Wallaroo.
82. From Wallaroo to Moonta.
83. From Moonta to Moonta Bay.
84. *Barunga Road.*—From Barunga Head Station, keeping to the westward of Bumbunga Lake, *vid* Nannes' Plains, to join the Moonta Road at Green's Plains.
85. From Naracoorte to Border Town.
86. From Kapunda Railway Station, *vid* Trevena's, to Rankine's Corner.
87. *Morphett Vale Branch.*—From the Happy Valley Road, at the foot of Chandler's Hill, by Morphett Vale to Port Noarlunga.
88. From Naracoorte to the Border, near Apsley.
89. From Road, No. 10, *vid* Green's, to the Freeling Railway Station.
90. *Meadows and Willunga Branch.*—From the Bull's Creek Road, at Section 3450, Meadows, to the Willunga Road, at or near Section 3400, Hundred of Kuitpo.
91. *Macclesfield Branch.*—From the Main Bull's Creek Road at Meadows Township to Macclesfield.
92. Road from Kooringa, *vid* Baldina, to the North-West Bend.
93. From Mount Pleasant to South Petherton.
94. From Willochra, by way of Kanyaka and Blinman to Cadnia.

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road having been made: Now, therefore, we [or I] do hereby, by virtue of the powers given to us [or me] by the said Act, order that all that [here describe the road to be discontinued as fully as in the notice, and also by reference to the plan deposited with the Surveyor-General] shall henceforth be discontinued and cease to be used as a road [if the old road has been agreed to be sold add] and we do further order that the said piece of land shall be sold to _____, for the sum of _____, and that the same shall be vested in him, his heirs and assigns, for ever [if the old road has not been agreed to be sold, instead of the above substitute] and we do further order that the said piece of land shall be sold and vested in the purchaser, his heirs, or assigns [or we do further order that the said piece of land shall be set apart and dedicated to the use of the said District of _____, or the Municipal Corporation of the Town of _____, [as the case may be.]

No. 3.—*Order to open New and exchange Old Roads.*

Whereas at a meeting duly held under the provisions of the Main Roads Act, 1874, this _____ day of _____, one thousand eight hundred and _____, it appears to us, the Local Board of Main Roads for the District of _____ [or to me, the Commissioner of Main Roads], that it is expedient and necessary that the lands hereinafter firstly described should be opened as a new line of road, and that the lands hereinafter secondly described are no longer required for the purposes of a road; and it having been proved before us [or me] that the notice required by the said Act has been duly given, and that all other requirements thereof have been complied with, and no valid objection to the opening of such new line of road or to the closing of such old road having been made: Now, therefore, we [or I] do hereby, by virtue of the powers given to us [or me] by the said Act, order that all that [here describe the piece of land to be opened as a road as fully as in the notice, and by reference to the plan deposited with the Surveyor-General] shall henceforth be discontinued and cease to be used as a road; and we [or I] further order that the piece of land lastly described and heretofore used as a road shall be exchanged with _____ for the piece of land firstly described, and that the same shall be vested in the said _____, his heirs and assigns for ever. [If any money is to be paid on either side by way of equality of exchange, alter the form accordingly.]
Dated this _____ day of _____, one thousand eight hundred and _____

4.—*Notice of Confirmation.*

Notice is hereby given that by order, dated the _____ day of _____ 18____, the [here describe whether the Local Board have made order] that [here give a general description of the nature and effect of the order]: His Excellency the Governor has been pleased to confirm the said order, and to direct that the Commissioner of Crown Lands shall issue certificate of title to the person entitled respectively to the lands mentioned in such order.

Dated the _____ day of _____, 18____.

Note.—The above forms are given as a guide in drawing up orders, and are to be adhered to as far as practicable; but they may be departed from should the circumstances of any particular case render it necessary.

SEVENTH SCHEDULE.

Certificate of Title by the Commissioner of Crown Lands.

SOUTH AUSTRALIA.

Pursuant to the Main Roads Act, 1874, and of an order of the Local Board of Main Roads for the District of _____ [or Commissioner of Main Roads as the case may be], made on the _____ day of _____ 18____, in consideration of _____ Pounds paid by _____ to the said Local Board for the District of _____ of _____

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of _____, [or to the Commissioner of Main Roads as the case may
 be], I _____, Commissioner of Crown Lands of this Province,
 do hereby certify that _____ is now seised of an estate in fee simple in
 that [here describe the road to be conveyed.]

 EIGHTH SCHEDULE.

Certificate of Title by Commissioner of Crown Lands under Road Order

SOUTH AUSTRALIA.—Register book, vol. _____, folio _____
 I, _____, Commissioner of Crown Lands, of the said Province,
 pursuant to the direction of His Excellency the Governor, published in the *Government Gazette* of _____ day of _____ in confirming a road order made
 by _____ therein referred to, dated the _____ day of _____,
 do hereby certify that _____ is [or are] now seised of an estate in fee simple
 in that _____