ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof:

For the Making and Improving of Roads in South Australia.

WHEREAS it is expedient to provide for the Making and Improving of Roads in South Australia—

Be it therefore enacted, by the Governor of South Australia, with the advice and consent of the Legislative Council thereof: That, for the purposes of this Ordinance, the great main lines of road, known as the Northern, Southern, Eastern, and Western or Port Roads, as the same are now dedicated and in use, or may be defined under the provisions of this Ordinance, together with the Bridges thereof, and other public works in connection therewith, shall be deemed and taken to be Main Roads; and
that all other Roads now dedicated, and in use, as Public Roads, or which shall hereafter be sanctioned under the provisions of this Ordinance (not including any part of the Main Roads), together with the Bridges thereof, and other public works in connection therewith, shall be deemed and taken to be District Roads; and that in the construction hereof, unless there be something repugnant, the word "Roads" shall be taken to mean and include "Main Roads" and "District Roads," according to the subject matter and the context; and the word "Commissioners," in all matters relating to Main Roads, shall be taken to mean the "Central Board of Main Roads," and in all matters relating to District Roads, shall be taken to mean the "District Board," having the care and management of the respective District Roads to which the subject matter shall relate.

II. AND BE IT ENACTED, that in order to ascertain and define the Main and District Roads already dedicated and set apart for public use, it shall be lawful for the Governor, from time to time, as soon after the commencement hereof as conveniently practicable, to cause to be deposited in the office of the Surveyor-General, survey maps and plans of the several existing Main and District Roads, describing the course and bearings and the admeasurement of the same; and when and as often as such maps and plans are so deposited, to cause notice thereof to be published by advertisement in the South Australian Government Gazette, setting forth such particulars as may be sufficient generally to describe such Roads, and referring to the survey maps and plans deposited as aforesaid, which maps and plans shall be kept in the custody of the Surveyor-General, who shall permit all persons interested, to inspect the same, and which maps and plans, or copies thereof, certified under the hand of the Surveyor-General, shall be evidence in all legal proceedings.

II. Central Board, Central Board of Main Roads.

III. AND BE IT ENACTED, that the care and management, repair and maintenance, of the Main Roads, shall be and are hereby vested in a Board of Commissioners, to be styled the "Central Board of Main Roads;" and that the said Board shall consist of six Members, to be annually nominated and appointed by the Governor, with the advice and consent of the Legislative Council, on or before the First day of January, for the year then next ensuing; and that until the First day of January, One thousand eight hundred and fifty-one, such Board shall consist of the Members designated and named respectively in the Schedule hereto, marked A.: And that, whenever any vacancy shall occur in the said Board, the same shall be filled up on the nomination of the Governor, with the advice and consent of the Legislative Council, if the Council shall be in Session at the time of the occurrence of such vacancy; or on the nomination of the Governor, if the Council shall not then be in Session.
Session; such nominations being respectively notified in the *South Australian Government Gazette*, by direction of the Governor.

IV. *And be it enacted*, that at all meetings of the said Central Board, the Chairmen of the respective District Boards hereinafter mentioned, 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.

V. *And be it enacted*, that for the care, control, management, repair, and maintenance of District Roads throughout the Province, there shall be, and there is hereby constituted and appointed, in and for each and every Hundred now or hereafter to be created, a Board of Commissioners, to be styled the "District Board of Roads," of such Hundred, consisting of five Members. And that the First District Boards of Roads of such several Hundreds, shall be appointed by the Governor, by notice published in the *South Australian Government Gazette*: And the said respective last mentioned Commissioners shall continue and remain in office until the first day of January, one thousand eight hundred and fifty-one, and thereafter until their successors shall be elected, and make the declaration after mentioned.

VI. *Provided always, and be it enacted*, that whenever it shall appear to the Governor, that the number of Ratepayers in any one Hundred is too inconsiderable for carrying out the provisions of this Ordinance, it shall be lawful for the Governor, by Proclamation published in the *South Australian Government Gazette*, to declare such Hundred to be united with any adjoining Hundred, for the purposes hereof, until further Proclamation in this behalf: And such united Hundreds shall, so long as such Proclamation shall remain in force, unrepealed, constitute one District for the purposes of this Ordinance, in the same manner as if they were one Hundred.

VII. *And be it enacted*, that for the purpose of electing the District Boards for the following year, a meeting of the inhabitants of each respective District, qualified as after mentioned, shall be held on the said First day of January, one thousand eight hundred and fifty-one, at some convenient place within such District, of which Meeting, notice shall be given by the respective District Boards or their Clerk, or authorised Officer, at least a fortnight previously, or in default thereof, by any Justice of the Peace, in the *South Australian Government Gazette*.

VIII. *And be it enacted*, that at such meeting for the election of Commissioners, all persons shall be admitted to vote who are occupiers.


**District Boards.** Occupiers, either as owners or tenants within the District for which such election takes place, of not less than twenty acres of land, in respect of which such persons are rated, or liable to be rated, to the Assessments made, or to be made, under the provisions of this Ordinance: And every such person shall have, respectively, the number and proportion of votes according to the scale following, that is to say:—

If the property, in respect of which he is entitled to vote, consist of not less than—

<table>
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<tr>
<th>Scale of votes</th>
<th>20 Acres nor more than 80 Acres</th>
<th>80 Acres he shall have 1 vote.</th>
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<td>80 “</td>
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<td>2 votes.</td>
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<td>160 “</td>
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<td>640 “</td>
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<td>5 “</td>
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<td>1000 “ and upwards</td>
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**Proviso.** Provided always, that no such person shall have more than six votes: And Provided that no person whatsoever shall be admitted to vote at such election, who has not, between the first and twenty-fourth days inclusive, of the month of December immediately preceding such election, registered his qualification to vote with the Clerk or other authorised Officer of the District Board, for which registration such Clerk or Officer shall be entitled to a fee of One Shilling from each Elector, and no more: And Provided, that no person shall be allowed to vote, who has not paid to the person authorised to receive the same, all sums assessed on his land under this Ordinance.

**Proviso.**

**Voters, how returned.** IX. And be it Enacted, that a list of the Voters so registered shall be produced by such Clerk or Officer at the meeting; and the Chairman of the Commissioners for the preceding year, if present, and if not, the Senior Justice of the Peace, if any present, and if no such Justice be present, then such other qualified person as the meeting shall choose, being a Ratepayer within the same District, shall preside at such election.

**Mode of voting at elections.**

X. And be it Enacted, that at every such election, the voting shall commence at nine of the clock in the forenoon of the day fixed for the election as aforesaid, and shall finally close at four of the clock in the afternoon of the same day (unless in case of obstruction or necessary hindrance), and shall be conducted in manner following, that is to say:—Every person entitled to vote, may vote for any number of persons duly qualified (not exceeding the number of Commissioners then to be chosen for the District), by delivering to the Chairman a voting paper, containing a description of his qualification to vote as registered, and also the names of the persons for whom he votes, such paper being previously signed with the name of
of the person voting, and the Clerk or authorised Officer shall thereupon openly record such vote in the Poll Book, and the voting paper shall be carefully preserved by the Chairman, and shall be open to public inspection for six months thereafter.

XI. AND BE IT ENACTED, that, after the close of the Poll, the Chairman shall examine the Poll Book, and, if necessary, compare the entries therein with the Rate Book, and with the voting papers so delivered as aforesaid, for the purpose of ascertaining the number of votes given for each person, and so many of such persons being duly qualified, and being not more than the number of Commissioners then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any two or more such persons, the Chairman shall, if necessary to prevent an excess in the number of Commissioners, decide by lot which of such persons shall be elected; and the Chairman shall, not later than two of the clock in the afternoon of the day next but one following the day of such election, publish a list of the names of the persons so elected; and he shall also send a notice to each person so elected, informing him of his being elected a Commissioner.

XII. AND BE IT ENACTED, that the District Commissioners so elected shall continue and remain in office until the First day of January then next ensuing, and thereafter until their successors shall be elected and make the declaration after mentioned; and at the expiration of such term, a new election shall be had in the manner aforesaid, of Commissioners for each District for the succeeding year; and so from time to time, at the expiration of every year, elections shall be holden in manner aforesaid, of Commissioners for each such District for the succeeding year.

XIII. AND BE IT ENACTED, that if from any causes no election take place on the day appointed for the same, for any District, the election shall stand adjourned until the same day of the following week, or such other day as may be appointed by the Returning Officer, who shall give not less than three days' previous notice thereof, by advertisement, or by placards affixed in public places in the District.

XIV. AND BE IT ENACTED, that in case no election shall take place pursuant to the foregoing provisions, within one calendar month after the time appointed for the same for any District, or in case a sufficient number of members to constitute a District Board shall not be so elected, or in default of any Board being constituted, or in case any such Board being constituted, the same or any member thereof shall refuse or wilfully neglect to act
in execution of this Ordinance, for one calendar month, after being thereunto required, then and in any such case, it shall be lawful for the Governor, by notice published in the South Australian Government Gazette, to nominate and appoint such and so many fit and proper persons, being resident within the District where such Board shall fail, and being qualified according to this Ordinance, as shall be necessary, to be Commissioners, and such Commissioners so nominated and appointed shall have and exercise the like powers and authorities, rights and immunities, as are vested in Commissioners elected by virtue and in pursuance of this Ordinance; and all persons (if any) by whose refusal or neglect to act as Commissioners, any such nomination shall become necessary, shall, from and after such nomination and appointment, cease to be Commissioners.

XV. AND BE IT ENACTED, that no Bankrupt or Insolvent shall be capable of being or continuing a Commissioner, either of the "Central Board of Main Roads," or of the "District Board of Roads."

XVI. AND BE IT ENACTED, that any person who, at any time after his appointment or election as such Commissioner, shall accept or continue to hold any office or place of profit under this Ordinance, or be concerned or participate in any manner in any contract, or in the profit thereof, or of any work to be done under the authority of the same, shall thenceforth cease to be a Commissioner, and his office shall thereupon become vacant. PROVIDED ALWAYS, that no person being a Shareholder or a Member of any Joint-Stock Company incorporated by Royal Charter, or established by any Act of Parliament, or any Act or Ordinance of the Colonial Legislature, shall be prevented from acting as a Commissioner by reason of any contract entered into between such Company and the Commissioners; but no such Commissioner, being a Member of such Company, shall vote on any question relating to the execution of this Ordinance, in which such Company is interested.

XVII. AND BE IT ENACTED, that a person shall not be incapable of acting as Justice of the Peace in the execution of this Ordinance, with reference to the levy ing of any penalty thereunder, by reason of his being a Commissioner.

XVIII. AND BE IT ENACTED, that no person shall be capable of acting as such Commissioner, except in administering the declaration hereinafter mentioned, until he shall have made and signed, before one of the Commissioners, a declaration to the effect following:—

"I, A.B,
“T, A. B., do hereby declare that I will faithfully and impartially, according to the
decree of my skill and judgment, execute all the powers and authorities reposed in me
as a Commissioner of

Meetings and Proceedings.

XIX. AND BE IT ENACTED, that any person who shall falsely or corruptly make and subscribe the declaration aforesaid,
known the same to be untrue in any material particular, shall be
deemed guilty of a misdemeanor.

XX. AND BE IT ENACTED, that if any person duly qualified, who shall be duly appointed or elected a Commissioner under the
provisions of this Ordinance, shall refuse or neglect to take upon
himself the said office, and to act as such Commissioner for and
during the period for which he shall be so appointed or elected, he
shall forfeit and pay such fine as the Commissioners may in their
discretion, by any resolution made in that behalf in every such
case, determine, not exceeding the sum of Twenty Pounds: PROVIDED
that nothing herein contained shall render any such person liable to
serve, or to pay such penalty for not serving, as Commissioner for
more than one district.

XXI. PROVIDED ALWAYS, AND BE IT ENACTED, that no person
who is exempt from serving on Juries according to law, shall
be liable to serve as a Commissioner under this Ordinance.

XXII. AND BE IT ENACTED, that all powers vested in the
Commissioners under this Ordinance, may be exercised by
any two or more of such Commissioners present at any
meeting holden in pursuance of this Ordinance, and no business
shall be transacted at any meeting of the Commissioners, unless the
said number of Commissioners be present.

XXIII. AND BE IT ENACTED, that at the first meeting of the
Commissioners respectively, they shall, by the majority of the votes
of the Commissioners present, elect one of their own body to be the
Chairman for the ensuing year; and annually thereafter, at a meeting
to be holden for such purpose, the Commissioners shall in like
manner elect a Chairman for the ensuing year: And in case the
Chairman dies, or resigns, or ceases to be a Commissioner, or otherwise
becomes disqualified to act as such, the Commissioners present
at the meeting next after the occurrence of such vacancy, shall
choose some other of their body to fill such vacancy; and the
Chairman so elected, shall continue in office so long only as the person
in whose place he was elected would have been entitled to con-
tinue Chairman; and if at any meeting of the Commissioners the
Chairman

Exemption.

Quorum of Commissioners.

Election of Chairman of Meetings.
Meetings and Proceedings.

Chairman be not present, one of the Commissioners present shall be elected Chairman of such meeting by the majority of the votes of the Commissioners present at such meeting.

Manner of Voting.

XXIV. AND BE IT ENACTED, that at all meetings of the Commissioners, the questions there considered shall be decided by the votes of the majority present; and if there be an equal division of votes upon any question, the Chairman, or Commissioner acting as Chairman, at such meeting, shall, in addition to his own vote as a Commissioner, have a second or casting vote: PROVIDED ALWAYS, that if at any such meeting there be an equality of votes in the election of the Chairman, it shall be decided by lot which of the Commissioners having an equal number of votes shall be the Chairman: PROVIDED ALSO, that at the Meeting for the election of Chairman, the Chairman going out of office shall, if present and willing to act, be the Chairman of such Meeting.

Proviso.

XXV. AND BE IT ENACTED, that the Commissioners respectively shall, on the first day of January in each year, hold an Annual Meeting at a place to be appointed by the Commissioners; and they shall also hold Monthly Meetings for the transaction of general business; and the said Monthly Meetings shall be held at such places, and on such day in each month, as the Commissioners shall from time to time appoint; and when any such appointment is made, the Clerk shall give notice thereof to each of the Commissioners; and they shall afterwards, until the time or place of such Monthly Meeting is changed, and notice of such change given to the Commissioners, attend such Monthly Meeting without notice.

Proviso.

XXVI. AND BE IT ENACTED, that the Commissioners may, at any Meeting, from time to time appoint Committees for any purposes which, in the opinion of the Commissioners, would be better regulated and managed by means of such Committee; and they may fix the quorum of any such Committee, and may continue, alter, or discontinue such Committee.

The Commissioners to hold Annual and Monthly Meetings.

XXVII. AND BE IT ENACTED, that no proceeding of the Commissioners or of any Committee shall be invalidated or be illegal, in consequence, only, of there being any vacancy in the number of Commissioners at the time of such proceeding.

Power to Commissioners to appoint Committees.

XXVIII. AND BE IT ENACTED, that all proceedings of the Commissioners, or a Committee of Commissioners, or of any person acting as a Commissioner, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such
such Commissioners or person acting as aforesaid, or some defect or irregularity of form merely, be valid and sufficient.

XXIX. And be it enacted, that the Commissioners shall cause entries of all the proceedings of the Commissioners, and of every Committee appointed by them, with the names of the Commissioners who shall attend such Meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the Clerk under the superintendence of the Commissioners; and every such entry shall be signed by the Chairman of the Meeting at which the proceedings took place, and such entry 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, Commissioners or Members of Committees respectively, or of the signature of the Chairman, or of the fact of his having been Chairman, all of which last mentioned matters shall be presumed until the contrary is proved: And such books shall at all reasonable times be open to the inspection of any of the Commissioners.

XXX. Provided always, and be it enacted, that whenever any day by this Ordinance appointed for any purpose, shall in any year happen on a Sunday, Christmas Day, or Good Friday, in every such case, the business so appointed to be done, shall take place on the Monday following.

XXXI. And be it enacted, that the said Commissioners shall and may, and they are hereby authorised, subject to the approval of the Governor, to appoint fit and proper persons to act as Surveyors on the Roads under their care and management respectively; and also so many fit and proper persons as may be necessary to act as Collectors, Clerks, or other officers, at moderate salaries or remuneration, payable out of the moneys raised for the purposes of this Ordinance, and from time to time to remove them, or any of them, and to appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices: Provided always, that no person shall be appointed a Surveyor of Main Roads, under this Ordinance, unless he has obtained a certificate from the Surveyor-General of his being duly qualified to act as Surveyor of such Roads: Provided also, that every such appointment, being approved by the Governor, shall be notified in the South Australian Government Gazette.

XXXII. And be it enacted, that the Commissioners may from time to time, subject to the approval of the Governor, make such By-Laws and Regulations as they may think fit, for the purpose of
of regulating the conduct of the Officers and Servants of the Commissioners, and for providing for the due management of the affairs of the Commissioners, and otherwise carrying the purposes of this Ordinance into execution, and may from time to time, subject to the like approval, alter or repeal any such By-Laws and Regulations, and make others, provided such By-Laws and Regulations be not repugnant to the Laws of the Province, or to the provisions of this Ordinance; and such By-Laws and Regulations, shall be reduced into writing, and shall be signed by the Commissioners, or any two of them, and being approved by the Governor shall be published in the South Australian Government Gazette.

XXXIII. And be it enacted, that the Commissioners may, by such By-Laws, impose such reasonable penalties upon all persons, being Officers or Servants of the Commissioners, or others whomsoever, offending against such By-Laws or Regulations, as the Commissioners think fit, not exceeding Five Pounds for any one offence.

XXXIV. And be it enacted, that it shall be lawful for the Justice 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 Justice think fit.

XXXV. And be it enacted, that before any person, whether Collector or other Officer, intrusted by the Commissioners with the custody or control of moneys by virtue of his office, shall enter upon such office, the Commissioners shall take sufficient security from him, to the satisfaction of the Governor, 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 Ordinance.

XXXVI. And be it enacted, that every Officer employed by the Commissioners, who shall exact, on account of anything done by virtue of his office, or in relation to the matter to be done under this Ordinance, any fee or reward whatsoever, other than the salary or allowances allowed by the Commissioners, or who shall be in anywise concerned or interested in any bargain or contract made by the Commissioners, shall be incapable of being afterwards employed by the Commissioners, and shall forfeit a Penalty not exceeding the sum of Fifty Pounds.

XXXVII. And be it enacted, that every Collector and other officer appointed or employed by the Commissioners by virtue of this Ordinance, shall from time to time, when and in such manner and
and form as shall be required by the Commissioners, make out and deliver to them, or any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all money received by him on behalf of the Commissioners; and such account shall state how, and to whom, and for what purpose, such money shall have been disposed of, and, together with such account, such Officer shall deliver the vouchers and receipts for such payments; and every such Officer shall pay to the Commissioners, or to any person authorised to receive the same, all money which appear to be owing from him upon the balance of such accounts.

XXXVIII. AND BE IT ENACTED, that if any such Collector or other Officer shall fail to render such accounts as aforesaid, or to produce and deliver all the vouchers and receipts relating to the same in his possession or power, or if for five days after being thereunto required, he refuse to deliver up to the Commissioners, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things in his possession or power relating to the execution of this Ordinance, or belonging to the Commissioners, then, on complaint thereof being made to a Justice, such Justice shall summon such Officer to appear before two or more Justices, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such Officer, or upon proof that such summons was personally served upon him, or left at his last known place of abode, such Justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such Officer; and if it appear, either upon confession of such Officer, or upon evidence, or upon inspection of the account, that any moneys of the Commissioners are in the hands of such Officer, or owing by him to the Commissioners, such Justices may order such Officer to pay the same; and if he fail to pay the amount, it shall be lawful for such Justices to grant a warrant to levy the same by distress, or, in default thereof, commit the offender to Gaol, there to remain without bail for a period not exceeding Three Months, unless the same be sooner paid.

XXXIX. AND BE IT ENACTED, that if any such Officer summoned as aforesaid, refuse to make out such account in writing, or to produce and deliver to the Justices, 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 the Commissioners, such Justices may commit such offender to Gaol, there to remain until he shall have 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 Commissioners.

XL. PROVIDED
XL. **Provided always, and be it enacted**, that if any Commissioner, or other person acting on behalf of the Commissioners, shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and that he does believe, that it is the intention of any such Officer as aforesaid, to abscond, the Justice before whom the complaint is made, may, instead of issuing his summons, issue his warrant for bringing such Officer before such two Justices as aforesaid; but no person executing such warrant shall keep such Officer in custody longer than twenty-four hours, without bringing him before some Justice; and the Justice before whom such Officer may be brought, may either discharge such Officer if he think there is no sufficient ground for his detention, or order such Officer to be detained in custody so as to be brought before two Justices at a time and place to be named in such order, unless such Officer give Bail to the satisfaction of such Justice for his appearance before such Justices, to answer the complaint of the Commissioners.

XLII. **And be it enacted**, that no such proceeding against, or dealing with, any such Officer as aforesaid, shall deprive the Commissioners of any remedy which they may otherwise have, against any surety of such Officer.

XLII. **And be it enacted**, That in case of the death of any Officer appointed under the authority of this Ordinance, before he shall have paid and fully satisfied all the moneys which he shall have received by virtue of this Ordinance, the executors or administrators of such Officer so dying, shall pay and satisfy the same, out of his estate and effects, unto his successor in office, in like manner as other debts are directed by law to be discharged by such executors or administrators, and also shall deliver up all books, papers, writings, assessments, tools, materials, and implements, and other things concerning his Office, which shall have come to the hands of such executors or administrators, who shall and may plead such payment in any action or suit which may be brought against them on account of the said estate and effects, and give the same in evidence; and in case of non-payment, of such moneys, or the non-delivery of such books, papers, writings, assessments, tools, materials, implements, and things, for the space of one calendar month, after demand made thereof in writing, by or on behalf of the said succeeding Officer, it shall be lawful for the Commissioners or their Clerk, or for the said succeeding Officer, to commence and prosecute an action or actions in the Supreme Court of the Province aforesaid, against such executors or administrators for the recovery of the said monies, or for the recovery of damages for the detention of such books, papers, writings, assessments, tools, materials, implements, and things, in which action or actions full costs of suit shall be recovered.

XLIII. **And**
XLIII. AND WHEREAS, it is expedient that funds should be raised, for making, maintaining, and improving the Main Roads, by licence-duties on carriages of every description using the Main or District Roads: BE IT ENACTED, that from and after the first day of January next, and thereafter on or before the first day of January in each and every year, there shall be paid for and in respect of every licence and every carriage mentioned and described in Schedule B to this Ordinance annexed, the several duties or sums respectively specified and set forth in the same Schedule; which sums respectively, shall be paid by the person to whom such licence shall be granted at the time of the granting thereof to the Colonial Treasurer, or such officer as shall be authorised by the Governor, and shall be applied to the purposes of this Ordinance, subject to the orders of the Central Board.

XLIV. AND BE IT ENACTED, that every coach, chaise, gig, cart, waggon, dray, caravan, or other vehicle or carriage with two or more wheels, whatever may be the form or construction of such carriage, or whatever the same may be calculated to convey, or the number of horses or cattle by which the same shall be drawn, shall be deemed and taken to be a carriage within the meaning of this Ordinance; and in all proceedings at law, or otherwise, upon all occasions whatsoever, it shall be sufficient to describe any such carriage as aforesaid, by the term “carriage,” without further or otherwise describing the same.

XLV. AND BE IT ENACTED, that before any such licence as aforesaid shall be granted under the provisions of this Ordinance, a requisition for the same, in such form as the Colonial Treasurer or the authorised officer shall from time to time provide for that purpose, shall be made and signed by the proprietor or one of the proprietors, or some person resident in the Province acting on behalf of any such proprietor of the carriage in respect of which such licence shall be applied for; and in every requisition, there shall be truly specified and set forth the Christian name and surname and place of abode of the person applying for such licence, and of some proprietor or part proprietor of such carriage, and of the description of such carriage, and such other particulars as shall be necessary to distinguish the licence-duties payable in respect of such carriage as set forth in Schedule B; and in case any person on applying for any such licence, shall neglect or omit to specify truly in such requisition as aforesaid the several particulars hereinbefore mentioned, every person so offending shall forfeit Ten Pounds.

XLVI. AND BE IT ENACTED, that on such requisition, and on payment of the duties due for the same, the Colonial Treasurer or authorised officer shall grant and issue a licence in which there shall be
Licence Duties. 

be specified the true Christian name and surname and place of abode of the person applying for the same, and of some person who shall be a proprietor or part proprietor of the carriage in respect of which such licence shall be granted, the description of such carriage, and the sum paid for such licence in respect thereof, and the number which shall be painted or marked on the plate to be fixed on such carriage, and every such licence shall bear date on the day on which the same shall be granted, and shall be in force from such date, until the thirty-first day of December in the year therein named. And such Colonial Treasurer, or authorised officer, shall along with such licence, deliver a plate having thereon the like number as such licence, and adapted to the kind and description of such carriage, to be affixed thereon in manner after mentioned.

Mode of transferring licences. 

XLVII. AND BE IT ENACTED, that when any person to whom any such licence shall have been granted shall determine to sell or discontinue the use of any carriage in respect of which the same may have been granted, such person shall give notice in writing of such his determination to the Colonial Treasurer, or to the authorized officer; and shall re-deliver such licence and the plate thereto belonging to the said Colonial Treasurer, or to such officer as aforesaid, who shall grant and issue a new licence and plate, on the requisition of the purchaser or new proprietor, if any, for the remainder of the year then current, on payment of the duty in this behalf mentioned in Schedule B.

Penalty for not delivering up licences and plates. 

XLVIII. AND BE IT ENACTED, that every such person selling or discontinuing the use of any such carriage, who shall neglect or refuse to deliver up such licence and plate within thirty days after such sale or discontinuance, as the case may be, or who shall fail to account to the satisfaction of the convicting Justice for the non-production of such licence or plate, shall forfeit Ten pounds.

Numbered plates to be placed upon carriage. 

XLIX. AND BE IT ENACTED, that upon every carriage being on metallic springs, and not being a carriage plying for hire, there shall be fixed on some place conveniently accessible, and upon every carriage plying for hire, and every carriage not on metallic springs, there shall be fixed conspicuously, the aforesaid plate, having thereon the number of such carriage, which shall at all times be plainly and distinctly visible and legible, and shall be displayed at all times on demand by any Peace Officer, or person authorised by the Governor, or by the Commissioners, to act in the execution of this Ordinance; and if any proprietor or driver of any carriage shall permit or suffer such plate to be in any manner defaced or altered, or by any means endeavour to prevent any person from inspecting any such plate, or from taking or noticing the number thereof; or if any proprietor or driver shall, by word of mouth, give or declare to any
any person, a wrong number as or for the number of such plate or of such carriage, such proprietor or driver shall forfeit Five Pounds.

L. AND BE IT ENACTED, that if any person shall keep, use, employ, or let to hire, on any road, any carriage without having a proper licence in force so to do, or without having the proper numbered plate properly placed upon such carriage, in manner required by this Ordinance; or if any person, on the expiration of the year for which any such licence shall be in force, shall not, within one week after notice given to him by the authorized officer, deliver up the plate mentioned in such notice, according to the terms thereof, and produce the licence relating to such plate, and apply for a new licence and plate, and fix such new plate upon his carriage, in the manner directed by this Ordinance, every such person so offending in the several cases aforesaid shall forfeit Ten Pounds.

II. AND BE IT ENACTED, that if any carriage shall be used on any road not having the proper plate fixed thereon, as required by this Ordinance; or if any carriage plying for hire, or not being on metallic springs, shall not have the plate and the name of the owner, and other particulars, conspicuously displayed thereon as required by this Ordinance, it shall be lawful for any constable or peace officer, without any warrant for that purpose, to apprehend such driver or other person having the care of such carriage, if he be not known, or if he do not disclose his name and place of abode, and to convey him before any Justice of the Peace to be dealt with as hereinafter mentioned; and it shall be lawful for such constable or peace officer to drive or take the carriage not having such plate, with the horses and cattle thereof, or drawing the same, or cause the same to be driven or taken to some such place of safe custody, and there to lodge the same until the determination of some Justice of the Peace shall be known, and the Justice before whom such driver or other person shall be brought, shall hear and determine such offence; and in case the person convicted of any such offence shall be the owner or proprietor of such carriage, or of the said horses, or cattle, and if the penalty in which he shall be convicted, together with the costs and expenses, and the expense of taking such carriage and horses to, and keeping the same at such place as aforesaid, shall not be fully paid or discharged within five days after conviction, such carriage and horses, or cattle, together with the harness used therewith, shall be sold by order under the hand of some Justice, and the surplus, if any, of the produce of such sale, after deducting therefrom the said penalty, costs and expenses, and also the expenses of such sale, shall be rendered to such owner or proprietor; but in case the person so convicted shall not be the owner or proprietor of such carriage or horses, then in default

**Licence Duties.**

Penalty for using any carriage without licence or without plates, or for not delivering up at expiration—£10.

Proceedings in case of any carriage used on any road, without plates.
default of payment of the penalty in which he shall be convicted, together with the costs and expenses aforesaid, such Justice shall commit the offender to the common Gaol or House of Correction for three calendar months; and such Justice shall give an order for the delivering up of the carriage, horses, cattle, and harness to the owner thereof, on his paying the expenses of taking and keeping the same; and in case of his refusal to pay such expenses, then such carriage, horses or cattle, and harness, or a sufficient part thereof to defray such expenses, shall be sold by order under the hand of such Justice; and after payment thereout of all such expenses as aforesaid, together with the expenses of such sale, the surplus, if any, of the produce of such sale, together with such part of the carriage, horses, cattle, and harness as shall remain unsold, shall be rendered and restored to the owner.

LII. And be it Enacted, that in any complaint or other proceeding for the recovery of any penalty incurred under this Ordinance in respect of or in relation to any carriage, the person named and described in the licence granted with or relating to the number of the plate, if any, fixed or placed upon such carriage, whether such licence shall be in force or not, or if such person shall not be resident in the province, then the person signing the requisition for such licence shall, for the purposes of this Ordinance, be deemed to be the proprietor of such carriage.

LIII. And be it Enacted, that if any person shall forge or counterfeit, or cause or procure to be forged, counterfeited, or resembled, any plate by this Ordinance directed to be provided for the purpose of being fixed upon any carriage; or if any person shall wilfully fix or place, or shall cause, or permit, or suffer to be fixed or placed, upon any carriage, any such forged or counterfeited plate as aforesaid; or if any person shall sell or expose to sale, or utter any such forged or counterfeited plate; or if any person shall knowingly and without lawful excuse, (the proof whereof shall be on the person accused) have or be possessed of any such forged or counterfeited plate, knowing such plate to be forged or counterfeited, every person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person in committing any such offence as aforesaid, shall be adjudged guilty of a misdemeanor, and being thereof convicted, shall be liable to be punished by fine or imprisonment, or both, such imprisonment to be in the Common Gaol or House of Correction, and either with or without hard labour, as the Court by whom the same has been adjudicated shall think fit; and it shall be lawful for any Constable or Peace Officer to seize and take away such plate, in order that the same may be produced in evidence against such offender, or be disposed of, as the said Court shall think proper.

LIV. And
LIV. AND BE IT ENACTED, that a copy of any requisition for a licence under the provisions of this Ordinance, certified under the hand of the Colonial Treasurer or of the authorised officer, shall in all Courts, and before any Justice of the Peace, and upon all occasions whatsoever be received as evidence, and be deemed to be sufficient proof of all matters and things therein contained, relating to any such licence as aforesaid, without requiring the production of the original licence or requisition, and without further proof than the production of such copy; and every requisition shall be filed; and any person shall be at liberty to inspect any such requisition without payment of any fee or reward.

LIV. AND BE IT ENACTED, that if any person apply for, or procuring, or attempting to procure, any licence under any of the provisions of this Ordinance, shall use or employ any false or fictitious name or place of abode, or other false or fictitious description of any person or supposed person, or shall wilfully or knowingly insert, or cause to be inserted in any requisition for any such licence, or in any such licence, any false or fictitious name or place of abode, or other false or fictitious description of any person or supposed person, or shall wilfully or knowingly insert or cause to be inserted in any such requisition, or in any such licence as aforesaid, the name of any person, as being a proprietor or part proprietor of any carriage, who shall not at the time of the application for such licence be in fact a proprietor, or part proprietor, of such carriage, the person so offending shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be punished by fine and imprisonment, or by both, as the Justices shall award, such imprisonment to be in the Common Gaol or House of Correction, and either with or without hard labor, as the said Justices shall think fit.

LVI. AND BE IT ENACTED, that the owner of every carriage plying for hire, and of every waggon, cart, or other such carriage not having metallic springs, shall paint, or cause to be painted, in one or more straight line or lines, upon some conspicuous part of the right side of his waggon, cart, or other such carriage, or upon the off side of the side of the shafts thereof, before the same shall be used on any road, his Christian name and surname, or the style and title by which he is commonly designated, and the place of his trade or abode, or the Christian and surname and place of trade or abode of a partner or owner thereof, at full length, in large legible letters, in white upon black or black upon white, not less than one inch in height, and continue the same thereupon so long as such carriage shall be used upon any road; and every such owner who shall use or allow to be used, any such carriage on any road without the name and descriptions painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause
cause to be painted any false or fictitious name or place of trade or abode on such waggon, or cart, or other such carriage, shall forfeit and pay on conviction, for every such offence, a sum not exceeding Forty shillings, with or without costs, as the Justices before whom the conviction shall take place shall think fit.

LVII. And, in case the said Commissioners whether of the Central or of the District Boards, respectively, shall deem it advisable that money should be raised by Tolls, it shall be lawful for such Commissioners to cause, from time to time, such and so many Toll-bars, Toll-gates, and Toll-houses, to be erected and built in and upon the said roads, at such places as to the said Commissioners, shall, from time to time, seem fit; and, in like manner, to cause such Toll-bars, Toll-gates, and Toll-houses, to be removed, or built, or placed on other parts of the said roads, and to direct Tolls to be paid at such Toll-bars, Toll-gates, or Toll-houses, for all Animals and Vehicles passing or repassing through such Toll-bars, or Toll-gates, at a rate not exceeding the rates specified in the Schedule hereto annexed, marked C, for each Animal and Vehicle so passing and repassing as aforesaid; and such rates, from time to time, to reduce or raise to any amount not exceeding the rates specified in the said Schedule: Provided, that no Toll shall be taken at any such Toll-bar, Toll-gate, or Toll-house, until the same shall have been publicly notified in the South Australian Government Gazette at least one month before the same shall be demanded; and that no Toll shall be taken or demanded at any such Toll-bar, Toll-gate, or Toll-house, until there shall be affixed to such Toll-bar, Toll-gate, or Toll-house, a Board, on which shall be painted or written, in legible characters, the Tolls payable at the same respectively, and the Name of the Toll-bar, Toll-gate, or Toll-house.

LVIII. And be it enacted, that no Toll-bar, Toll-gate, or Toll-house, shall be erected upon any road, and no Toll shall be demanded or paid at any Toll-bar, Toll-gate, or Toll-house, upon any road, until it shall be certified to the Governor by two Justices of the Peace that such Road is in a state of repair; Provided that, in case any such Road shall become ruinous and out of repair, and the same shall be certified to the Governor by two Justices of the Peace, and it shall appear that the Tolls collected upon such Road shall be insufficient for the repair and maintenance thereof, the Commissioners shall, by order published in the South Australian Government Gazette, direct, from time to time, as occasion may require, that the Tolls theretofore taken upon the said Road shall cease until the said Road shall be put into repair, and thereupon the said Road shall be repaired and maintained from the moneys otherwise applicable for that purpose.

LIX. And
LIX. AND BE IT ENACTED, that no Toll shall be demanded or taken, by virtue of this Ordinance, at any Toll-bar, Toll-gate, or Toll-house, of or from any person, for any horse or other beast or cattle, or for any waggon, wain, dray, cart, or other carriage employed in carrying, or conveying, or going empty to fetch, carry, or convey, or returning empty from carrying or conveying, having been employed only in carrying or conveying on the same day, any stones, bricks, timber, wood, gravel, soil, or other materials for making or repairing any road, or for building, rebuilding, or repairing any present or any future bridge; or of or from the Surveyor of any District when engaged in executing, or proceeding to execute, within the limits of his own District, the powers of this Ordinance; or for any horse, beast, or cattle, or carriage, employed in carrying or conveying, having been employed only in carrying or conveying on the same day, any dung, soil, compost or manure, or lime, for improving lands, or any ploughs, harrows, or implements of husbandry, unless laden also with some other thing not hereby exempted from toll; or for any horse or other beast employed in husbandry, going to or returning from plough or harrow, or to or from pasture or watering-place, or going to be, or returning from being shoed or farried, such horses or other beasts not going or returning on those occasions more than two miles on the road on which the exemption shall be claimed; or of or from any person in respect of any horse or other beast, or vehicle, in or on which he may be going to or returning from his usual place of religious worship on Sundays; or of or from any person in respect of any hearse, or of any horse or other beast or vehicle in or on which he may be going to or returning from the funeral of any person; or from any Minister of any stated and known Religious Congregation going to or returning from visiting any sick person; or for any horses or other beasts or carriages of whatever description employed, or to be employed, solely, in conveying the Mails of letters and expresses, under the authority of the Postmaster-General of this Province, either when employed in conveying, fetching, or guarding such mails or expresses, or in returning from conveying or guarding the same; or for the horses of any Officers, or Soldiers, or Police, on their march or on duty; or for any horse or other beast, or any cart, waggon, or carriage of any description employed in carrying or conveying, or returning empty from carrying or conveying, having been employed only in carrying, or conveying, the arms or baggage of any such officers or soldiers, or police, or employed in carrying or conveying, or returning empty from having been employed only in carrying or conveying, any sick, wounded, or disabled officers or soldiers or police; or for any horses, cattle, or other beasts or
or carriages whatsoever, which shall only cross any road, or shall not pass above one hundred yards thereon.

**LX. And be it Enacted**, that any person who shall, by any fraudulent or collusive means whatsoever, claim or take the benefit of any exemption from toll under this Ordinance, shall, for every such offence, forfeit and pay any sum not exceeding Five pounds, and in all cases the proof of exemption shall be upon the person claiming the same.

**LXI. And be it Enacted**, that in all carriages wherein oxen or neat cattle shall be used, two oxen or neat cattle shall be considered as one horse for all purposes mentioned in this Ordinance.

**LXII. And be it Enacted**, that if any person subject or liable to the payment of any toll by virtue of this Ordinance, shall, after demand thereof made, neglect or refuse to pay the same or any part thereof, it shall be lawful for the persons authorized or appointed to collect such tolls, by themselves, or taking such assistance as they shall think necessary, to seize and distrain any horse, beast, cattle, carriage, or other thing upon or in respect of which any such toll is imposed, together with their respective bridles, saddles, gears, harness, or accoutrements, except the bridles or reins of any horse or other beast separate from the horse or beast, or any carriage in respect of the horses or cattle drawing the carriage on which such toll is imposed, or any of the goods or chattels of the person so neglecting or refusing to pay; and if the toll, or any part thereof, so neglected or refused to be paid, and the reasonable charges of such seizure and distress, shall not be paid within the space of four days next after such seizure and distress made, the person so seizing and distraining may sell the horse, beast, cattle, carriages, or things so seized and distrained, or a sufficient part thereof, returning the overplus of the money to arise by such sale (if any), and what shall remain unsold, upon demand, to the owner thereof, after such tolls and the reasonable charges occasioned by such seizure, distress, and sale shall be deducted.

**LXIII. And be it Enacted**, that if any dispute shall happen or arise about the amount of the tolls due, or the charges of making, keeping, or selling any distress made for non-payment of any tolls, it shall be lawful for the Collector, or the person distraining, to retain such distress, or the money arising from the sale thereof, as the case may be, until the amount of the tolls due and the charges of the making, keeping, and selling the distress be ascertained by some Justice of the Peace, who, upon application made to him
him for that purpose, shall examine the matter on the oath of the parties or other witness or witnesses, which oath such Justice is hereby authorised and empowered to administer, and shall determine the amount of the tolls due, and shall award such costs and charges to either party as to the said Justice shall appear right and proper; all which costs and charges shall and may be levied and recovered, in case of non-payment thereof, forthwith, by distress and sale of the goods and chattels of the person or persons so awarded or directed to pay the same, by warrant under the hand and seal of such Justice, rendering the overplus (if any), upon demand, after deducting the costs and charges of making such distress and sale, to the person or persons whose goods and chattels shall have been so distrained and sold: PROVIDED, that no person shall be required to attend before any Justice touching any of the matters aforesaid, which Justice shall reside beyond seven miles from the place where such distress shall be made.

LXIII. AND BE IT ENACTED, that if any person shall with any horse, cattle, beast, or carriage, go off or pass from any road, through, or over, any land or ground near or adjoining thereto, not being a public road or highway, and such person not being the owner or occupier, or servant, or one of the family of the owner or occupier of such land or ground, with intent to evade the payment of the tolls granted by this Ordinance; or if any owner or occupier of any such land or ground, shall knowingly and willingly permit or suffer any person, except as aforesaid, with any horse, cattle, beast, or carriage whatsoever, to go or pass through or over such land or ground, with intent to evade any such tolls; or if any person shall fraudulently or forcibly pass through any such toll-bar or toll-gate with any horse, cattle, beast, or carriage whatsoever, by reason whereof the payment of any tolls shall be avoided or lessened; or shall take off, or cause to be taken off, any horse or cattle from any carriage, either before or after having passed through any toll-bar or toll-gate, or having passed through any toll-bar, or toll-gate, shall afterwards add or put any horse or other beast to any such carriage, and draw therewith upon any part of any road so as to increase the number of horses or other beasts drawing the said carriage, after the same shall have passed through any toll-bar or toll-gate, whereby the payment of all or any of the tolls shall or may be evaded; or if any person shall do any other act whatsoever in order or with intent to evade the payment of all or any of the tolls, and whereby the same shall be evaded, every such person shall, for every such offence, forfeit and pay any sum not exceeding Five pounds.

LXIV. AND BE IT ENACTED, that every Toll Collector shall place or cause to be placed on some conspicuous parts of the fronts of
of the several toll-houses or toll-bars at which they shall be respecti-
vitely stationed, and so that the same shall appear to public view,
their Christian and Surnames, painted in black on a board with a
white ground, each of the letters of such names to be at least
two inches in length and of a breadth in proportion, and which
board shall be and remain at such toll-house, toll-gate, or toll-bar,
during the whole of the time that the person whose name shall be
expressed thereon shall be on duty thereat, and every such Collec-
tor shall place, or cause to be placed on the front of the toll-house,
toll-bar, or toll-gate at which such Collector shall be stationed, the
board containing the list of tolls hereinbefore directed to be affixed
to the same respectively, which board shall also contain the name of
the gate, toll-bar, or toll-house to which the same shall be affixed,
as well as the list of the tolls payable at such gate where such Col-
lector shall be stationed as aforesaid; and if any Collector of the
said tolls shall not place such boards respectively as aforesaid, and
keep the same there during the time he shall be such collector as
aforesaid, or shall refuse to permit or suffer any person to read, or
shall in anywise hinder any person from reading, the inscriptions on
such boards respectively; or shall refuse to tell his Christian and
Surname to any person who shall demand the same, on being paid
the said tolls or any of them, or shall in answer to such demand
give a false name, or upon the legal toll being paid or ten-
dered shall unnecessarily detain, or wilfully obstruct, hinder, or
prevent any passenger from passing through any toll-bar or toll-gate,
or shall make use of any scurrilous or abusive language to any trave-
ller or passenger; then and in every such case, every such toll col-
lector shall forfeit and pay any sum not exceeding Five pounds for
every such offence.

LXV. AND BE IT ENACTED, that if any Collector or other
person appointed to collect the tolls on any road, shall allow any
coach, waggon, dray, cart, or other carriage of whatever descrip-
tion, or any horse, beast, or other cattle liable to pay toll, to pass through
any toll-bar or toll-gate, without paying the toll payable thereat, or
shall demand and take a greater or less toll from any person than he
shall be authorised to do by virtue of this Ordinance, or of any order
or direction made in pursuance thereof, or shall demand and take a
toll from any person who shall be exempt from the payment thereof
and who shall claim such exemption, or shall refuse to permit or
suffer any person to read, or shall in anywise hinder any person from
reading, the inscriptions on such toll-boards as aforesaid, or shall
refuse to tell his Christian and surname to any person who shall
demand the same, on being paid the said tolls or any of them, or
shall in answer to such demand give a false name, or upon the legal toll being paid or tendered shall unnecessarily detain or
wilfully
wilfully obstruct, hinder, or prevent any passenger from passing through any toll-bar or toll-gate, or shall make use of any scurrilous or abusive language to any Commissioner or Surveyor of the District in which such toll-bar, toll-gate, or toll-house is situate, or to any traveller or passenger, or shall be guilty of any other misconduct in his office, then and in every such case, every such Toll Collector or other person, on conviction, for every such offence, shall forfeit and pay a penalty not exceeding Five pounds for every such offence.

LXVI. And be it enacted, that if any Collector of tolls upon any Road, shall neglect or refuse to account for and pay over to the person authorised to receive the same, upon demand, the money collected and paid at any toll-bar, toll-gate, or toll-house at which he shall be stationed as Collector, every such Collector shall, for every such offence, forfeit and pay a penalty not exceeding Fifty Pounds.

LXVII. And be it enacted, that if any Toll Collector who shall be discharged from his office by such Commissioners, or other person in that behalf authorised by such Commissioners, shall refuse to deliver up the possession of the house, buildings, and appurtenances which he enjoyed in right of his appointment to that office, within two days after notice of his discharge shall be given to him or left at his house, or if the wife or family of any such Toll Collector who shall die, as aforesaid, shall refuse to deliver up the possession of such house, building, and appurtenances, within four days after lawful demand for that purpose shall be made, then and in either of the said cases, it shall and may be lawful for any Justice of the Peace, upon proof of any such refusal as aforesaid, by warrant under his hand and seal, to order a Constable, or other Peace Officer, with such assistance as shall be necessary, to enter such house and premises in the day time, and to remove the persons who shall be found therein, together with their goods, out of such house, and to give possession of such house and premises to the Surveyor, or such person as by him, or by the Commissioners, shall be appointed to take possession thereof.

LXVIII. And be it enacted, that it shall be lawful for the said Commissioners, at a Public Meeting, to let to farm the Tolls of the several gates that may be erected upon the Roads under their superintendence respectively, after causing notice to be given of the time and place for letting the same, at least fourteen days before the day to be appointed for that purpose, by affixing such notice upon all the Toll-gates on the said road, and by insertion at least once in the South Australian Government Gazette, and specifying...
fying that such Tolls will be let by Auction to the best bidder on
his producing sufficient sureties for payment of the sum offered,
in terms of the condition of letting, and also specifying the proposed
upset price, and that at the time and place fixed in such notice, the
said Tolls shall accordingly be exposed to be let by Auction during
the outrunning of a half hour glass, and the last bidder at the outrun-
ning of the said glass shall be declared the farmer or renter of
the said Tolls, and shall forthwith enter into a proper agreement for
the taking thereof, and paying the money at the time specified in
such notice, with such surety or sureties for payment thereof, and
under such conditions, and in such manner, as the said Commissioners
shall think fit, and if the person being the highest bidder shall not
forthwith enter into such agreement, it shall and may be lawful to
put up the said Tolls again immediately for another bidder, and in
like manner to continue putting up the same until a bidder shall be
found who shall enter into such agreement; and in case no bidder
shall offer, or in case the same shall not be let at such Auction, it
shall be lawful for the said Commissioners to accept a private tender
for the same, and to demise or let to farm, or agree to demise or to
let to farm, all or any of such Tolls, at the highest rent that can be
obtained therefore, or the said Commissioners may fix some future
day for the letting thereof, as they shall judge most proper, upon
giving such notice thereof as aforesaid; and if the farmer or renter
of such Tolls shall take a greater or less toll from any person
than such as is directed or authorised by this Ordinance, he
shall, on conviction for every such offence, forfeit and pay a penalty
of Five Pounds, and the said agreements for renting the Tolls shall,
if the Commissioners think fit to vacate the same, become null and
void: Provided always, that at all such lettings, the said Com-
misions shall be entitled to bid for the Tolls so to be let, either by
themselves or their clerk, or any other person by them respectively
authorised: Provided also, that no such Tolls shall be demised or
leased for any longer term than one year at one time.

I XIX. And be it Enacted, that in case all or any one of
the said tolls shall be demised or let to farm to any person, and the
lessee, or farmer thereof, shall neglect or refuse to perform the terms
and conditions on which the same shall be demised or let, or in case
the rent agreed to be paid by such lessee or farmer shall be in arrear
by the space of fourteen days next after any of the days on which
the same ought to be paid pursuant to the agreement for letting to
farm thereof, or in case any such lease or agreement shall in any
other manner become void, then and in any of those cases, it shall
and may be lawful for any Justice of the Peace, by warrant under
his hand and seal, to order a Constable, or other Peace Officer, with
such assistance as may be necessary, to enter upon and take pos-
mession
session of such Toll-house, or Toll-gate, Toll-bar and the buildings and appurtenances thereto belonging, and to remove and put out such Lessee or Farmer of the Tolls arising thereat respectively, or other persons who shall be found therein, together with their goods, out of and from the possession of the said Toll-house or other Buildings and Appurtenances, and from the collection of Tolls, and to put the said Commissioners, or any one of them, or their officer or other person authorised, acting by or under their authority, into the possession thereof, and thereupon it shall be lawful for the said Commissioners, if they shall think fit to vacate and determine the contract or agreement (if any), for demising or letting the said Tolls to such farmer or lessee, and the same shall be from that time utterly void to all intents and purposes (save as to the covenants or agreements for payment up to that time of the rents thereby reserved, or other covenants or agreements on the lessees' part which shall have been helden), as if such demise or agreements had never been made, and it shall be lawful for the said Commissioners, in every such case, to demise or let to farm the said Tolls again, to any other person, or cause them to be collected, as if no former demise, contract, or agreement, had been made relative thereto, any rule of law or right to the contrary notwithstanding.

LXX. AND BE IT ENACTED, that for making, maintaining, and improving the District Roads, it shall be lawful for the several District Boards respectively, in order to raise the necessary funds, to cause Local Assessments to be made from time to time, as occasion may require, upon all purchased lands within their respective Hundreds, not being the property of the Crown, and not being within the limits of any present or future Municipal or Civic Corporation, such Local Assessments, not in any case exceeding in one year, in the whole, ninepence per acre.

LXXI. AND BE IT ENACTED, that the person primarily liable to the payment of assessments made under the authority of this Ordinance, shall be the occupier or person in possession of the lands in respect of, or upon, which such assessments shall be made, at the time when the same shall be due, or in case of a change in such possession in the meantime, the person occupying when the distress shall be executed; and every tenant shall (unless otherwise stipulated in his lease or agreement) be entitled to deduct and set off from the rent to be paid by him in respect of such lands, one half the amount of every assessment paid by him; and, in case of any vacant possession of any land, such assessment shall be paid by the owner of such land.

LXXII. AND BE IT ENACTED, that notice of every assessment to be made under this Ordinance, shall be published for general information
information in the *South Australian Government Gazette*, for four consecutive weeks previous to the day of confirmation thereof, as hereinafter mentioned; and every such notice shall specify the respective amounts of assessment to be paid and the land in respect of which each person is assessed, and the day when and place where such assessment will be confirmed by the Commissioners making the same; on which day and at which place, every person assessed shall, by himself, or some other person on his behalf, attend the said Commissioners, and pay into the hands of the said Commissioners, or the person by them authorized to receive the same, the amount of assessments, which shall then be confirmed by the said Commissioners, at which he is rated: And, in case any person shall be assessed in respect of any land at a higher or other rate than by this Ordinance is authorised, or shall object to any rate, or be assessed where he ought not to be assessed, or if there be any error whatsoever in any assessment, it shall be lawful for the said Commissioners respectively, on the day and at the place last mentioned, to alter, amend, annul, or confirm any such assessment; the amount of which assessment, in case the same shall be altered or amended, shall be then and there paid by the person liable to pay the same, as aforesaid: And, in case no objection shall be made to any such assessment, as aforesaid, or being made, shall be overruled by the Commissioners, the same shall be, and be deemed and be taken to be confirmed by the said Commissioners, unless the same shall be altered, amended, or annulled by the said Commissioners, in which case, such alteration, amendment, or annulling of any assessment, shall be final and conclusive.

LXXIII. *And be it Enacted*, that upon the non-payment of any such assessments as aforesaid, the payment thereof shall and may be enforced by distress and sale of any goods and chattels which may or can be found upon any part of the lands in respect of which such assessment is due, or of the goods and chattels of the party liable to pay the same, wheresoever the same may be found, by any collector appointed by the said Commissioners, by virtue of his appointment, and without any other warrant than this Ordinance; and the surplus, if any, of the moneys raised by such distress or sale, shall be paid, on demand, to the owner of the goods and chattels so sold, after deducting all costs, charges, and expenses of such distress and sale: *Provided*, that no sale of such goods and chattels shall take place until after the expiration of five days from the seizure thereof: *Provided also*, that such assessment may be recovered by action of debt, or other proceedings, before any competent jurisdiction, at the suit of the Collector, or other person in that behalf appointed by the Commissioners to receive the same.

LXXIV. *And be it Enacted*, that in case any proprietor of any lands:
lands (subject to be assessed under this Ordinance) who shall not be
possessed of any distrainable goods, whether resident within the
Province or not, shall permit the rates or assessments due in respect
of such property to remain in arrear and unpaid for a period of three
years, it shall be lawful for any Collector or other officer, authorised
by the Commissioners in that behalf, to make application by petition
to the Supreme Court, and the said Court or a Judge thereof shall, after
such notice by publication or otherwise as may be deemed necessary and
proper, summarily adjudge and order such lands, or such part thereof
as may be sufficient to pay the whole arrears of rates or assessments
due at or prior to the said application, with interest thereon,
at the rate of ten pounds per centum per annum, the costs
of such application and expenses of sale, to be sold by public
auction, in such manner and form, and subject to such terms
and conditions as the said Court or Judge may deem most
advantageous to the interests of the parties concerned, the proceeds
to be paid into Court: And the said Court or Judge is also hereby
authorised and empowered to order payment to the said Commissi-
oners, or such officer as aforesaid, of the said amount of rates or
assessments, interest, costs, and expenses incurred, in preference to
any mortgage or other right of security over the said lands, and to
direct a conveyance to the purchaser to be made and executed by
some officer of the Court, in such form as shall be approved of by
the Court or Judge, free of any mortgage or other incumbrance
whatever, and such conveyance shall be as good, valid, and effectual
to vest the real estate thereby conveyed in the purchaser
thereof, as if the same had been executed by the party having
the legal or beneficial estate and interest therein: And any balance
or sum remaining after the payment of the said rates, costs and ex-
enses, shall be paid by the proper officer of the Court, into a
chartered Bank, at the sight and approval of the Court or Judge,
subject to the future orders of Court.

LXXV. AND BE IT ENACTED, that whenever the Commis-
sioners shall deem it necessary or expedient to open and make a
new road, or to alter the line of any existing road, or to proceed
with the execution of any new work in connection therewith,
such Commissioners shall cause a survey map and plan thereof,
describing the exact course and bearings and the admeasurements
required for the same, and through what lands the same is pro-
posed to pass, and the names of the owners or occupiers thereof
so far as known, together with an estimate of the expense of the
work, to be deposited in the office of the Surveyor-General at Adel-
elaide, and a notice to be published by advertisement in the South
Australian Government Gazette, describing generally the same par-
culars, and referring to such maps, plans, and estimates, to be seen in
the said Surveyor-General's Office, and calling upon all persons affected
to
to set forth in writing, addressed to the Commissioners or their Clerk, within forty days from the first publication of such notice, any well grounded objections they may have to the work.

**LXXVI. AND BE IT ENACTED**, that there shall be deposited and kept in the Office of the Surveyor-General, and exhibited at all convenient times for public examination, from the day of the date of the **Gazette** in which the said notice shall be published, the said plans and estimates, together with a book of reference in which shall be entered the names of the owners or occupiers of each and every portion of the said land through which the said intended road shall pass, with a description setting forth the bearing of such road, the nature and quality, the state and cultivation, the enclosures if any, and the quantity of the said land respectively.

**LXXVII. AND BE IT ENACTED**, that at the next meeting of the Commissioners having the care and management of such road, after the expiration of such notice as aforesaid, it shall be competent for any person who shall be affected by any such proposed work, and who shall have set forth in writing his objections as aforesaid, to appear before the said Commissioners and be heard in support of such objections.

**LXXVIII. AND BE IT ENACTED**, that if after the expiration of such term, and the due consideration of all objections set forth as aforesaid, (if any,) it shall nevertheless appear to the said Commissioners necessary or expedient to proceed with the work, such Commissioners shall make an order thereupon, directing such work to be executed, according to such plans and estimates as aforesaid, and shall cause such order to be transmitted, along with such written objections, (if any,) for the consideration of the Governor. And it shall be lawful for the Governor, if he shall see fit, to confirm such order by notice published in the **South Australian Government Gazette**.

**LXXIX. AND BE IT ENACTED**, that if any proprietor or occupier of land (not being Waste Lands of the Crown), through which any such road as aforesaid is to be made, or for the making of which through such lands no power of making roads has been reserved in the original grant thereof, shall deem himself aggrieved thereby, it shall be lawful for such proprietor or occupier, or his agent lawfully authorised, to serve a notice in writing on the Commissioners, within twelve months from the date of the **Gazette** in which such notice of the confirmation of such order shall have been published as aforesaid, setting forth that no right of making roads has been reserved in the Deed of Grant, with the date and particulars of the said Grant, and also specifying the exact portion
of the said land referred to, and that he claims compensation for
damages for the portion of the said land so required for making the
said intended road; and in default of such notice being served within
the time and in the manner aforesaid, the proprietor of such land,
and all persons claiming by, through, from, or under him, shall be
for ever foreclosed and shut out from any benefit or claim whatsoever
to any compensation for any portion of land required for such
road.

LXXX. AND BE IT ENACTED, that for all purposes relative to
the acquisition of lands required for works undertaken under the
authority of this Ordinance, and to the compensation to be made
for the same, the "Lands' Clauses Consolidation Act" shall be
deemed to be incorporated with this Ordinance, and shall be con-
structed together herewith as forming one Act.

LXXXI. AND BE IT ENACTED, that after such confirmation of
any such order by the Governor, by notice published in the South
Australian Government Gazette, as aforesaid, and in default of any
compensation being claimed, or in pursuance of the provisions of
the said "Lands' Clauses Consolidation Act," the said Surveyor,
and all parties acting under his orders, shall have authority to
center upon the said land, and to define and make the line of
road, or execute the work of which notice shall have been so
given as aforesaid, and such line of road when defined, or work
when executed, shall be taken to be part of the road, and shall be
under the care and management of the said Surveyor, subject to
the order and control of the Commissioners: PROVIDED that in
all cases where, by the authority of any such Surveyor, any fencing
is removed for the purpose of altering any part, the land from which
the fence hath been so removed shall be protected by a temporary
fence, which such Surveyor shall cause to be made and continued
during the progress of such alteration in the road as aforesaid.

LXXXII. PROVIDED ALWAYS, AND BE IT FURTHER ENACTED,
that nothing in this Ordinance contained shall be construed to
authorise or empower any Surveyor to take or make use of, or to
order or direct any road or highway to be made in or through any
garden, yard, or any park, planted walk, or avenue to a house, or any
enclosed ground planted as an ornament or shelter to a house, or
planted and set apart as a nursery for trees, or any part thereof re-
spectively, without the consent of the Owner or Proprietor thereof,
in writing, first had and obtained.

LXXXIII. AND BE IT ENACTED, that when any Road shall be
altered under the provisions hereof, and the old line of Road shall no
longer be required for the purposes of a public highway or thorough-
fare,
fare, it shall be lawful for the Commissioners after the like notice, and subject to the like proceedings, as is hereinbefore required in the case of new works, to make an order that such old Road shall be discontinued and cease to be a Road, and that the land over which the same shall have passed, shall be sold, exchanged, or otherwise disposed of, in such manner, and on such terms and conditions, as shall therein be set forth; and such order being confirmed by the Governor by notice published as aforesaid, the Commissioners, or any Officer by them authorised in this behalf, shall sell, exchange, or otherwise dispose of the said land pursuant to such order: And it shall be lawful for the Governor to make and issue to the purchaser a Deed of Grant or Conveyance of such land, which shall be valid and sufficient to vest in such purchaser the said land for such estate or interest as by such conveyance shall be expressed or declared: And the purchase-money, after deducting the necessary expenses, if any, shall be paid to the Colonial Treasurer, to be applied to the purposes of this Ordinance, subject to the orders of the Commissioners having the superintendence of such altered road.

LXXXIV. AND BE IT ENACTED, that the Main Roads shall be in all places not less than sixty feet in width, including footpaths, and exclusive of any bank, ditch, or fence, on either side thereof, and that the District Roads shall be (according to the direction of the Commissioners in each particular case) of the width of not less than thirty feet within the fences, including footpaths.

LXXXV. AND BE IT ENACTED, that the right, interest, and property of and in all the Toll-Gates, Toll-Bars, Toll-Houses, Lamps, Bars, Toll-Boards, Direction-Boards, Mile-Stones, Posts, Rails, Walls, Fences, and other erections and buildings which shall be erected in pursuance of this Ordinance, with the appurtenances thereunto respectively belonging on the several roads, and the materials of which the same shall consist, and all materials, tools, and implements which shall be provided for such roads, and the scrapings of such roads, shall be vested in the Surveyor of such roads respectively, subject to the order and control of the Commissioners having the care and management thereof respectively.

LXXXVI. AND BE IT ENACTED, that it shall be lawful for the several Surveyors to be appointed by the Commissioners under this Ordinance, in and upon the roads under their respective 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 shall be, by any order of such Commissioners, directed to be erected, built, or placed up.

LXXXVII. AND
LXXXVII. AND BE IT ENACTED, that if any person shall knowingly and wilfully dig up, break, or pull down, spoil, destroy, injure, or damage, any of the Toll-Gates, Toll-Houses, Toll-Bars, or other erections or buildings, Lamps, Bars, Toll-Boards, 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 authority of this Ordinance, 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.

LXXXVIII. AND BE IT ENACTED, that it shall be lawful for every Surveyor, and for every person acting under his orders, to make use of any uncultivated land for the purpose of constructing a temporary road, while the road is undergoing repair: PROVIDED ALWAYS, that the temporary road shall be fenced in, or otherwise so secured, as to afford to the person through whose land such temporary road may pass, an equal protection against trespass as was possessed by such person previously to the construction of such temporary road.

LXXXIX. AND BE IT ENACTED, that in all cases where an alteration in a road is made through lands previously fenced, such lands shall be, with a substantial fence, fenced on both sides by the Surveyor, before such Road is opened for public use.

XC. AND BE IT ENACTED, that it shall and may be lawful for the Surveyor, and for any other person acting under his orders, with all necessary cattle and carriages, to enter upon land adjoining any road under the care or management of such Surveyor, 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 a road, without being deemed a trespasser.

XCI. AND BE IT ENACTED, that it shall and may be lawful for every such Surveyor, in any waste or unenclosed land, river, or creek, wherein gravel, sand, stone, or other materials, are likely to be found, to search for, dig, get, and carry away the same, so that the said Surveyor doth not thereby divert, or interrupt the course of such river or creek, or prejudice or damage any building, road, or ford, nor dig, nor get the same out of any river or brook within the distance of one hundred and fifty feet above or below any bridge, nor within the like distance of any dam or weir; and likewise to gather stones lying upon any waste or unenclosed lands, for such service or purpose, and to take and carry away so much of the said materials as by the discretion of the said Surveyor shall be thought

Improvement and Regulation of Roads.

Wilful destruction of road property, a misdemeanor.

Uncultivated land may be made use of as temporary road during repair of road.

Proviso.

Altered lines of road to be fenced by Surveyor, in certain cases.

Power of entry upon adjoining land, to construct culverts and drains, and execute repairs and alterations.

Materials, where and in what manner to be taken by Surveyors.
thought necessary to be employed in the amendment of the said roads, without making any satisfaction for the said materials; but satisfaction shall be made for all damages done to the lands or grounds of any person by carrying away the same, in the manner hereinafter directed for getting and carrying materials in enclosed lands or grounds; but no such stone shall be gathered without the consent of the owner of such lands or grounds, or a licence for that purpose from any two of the nearest Justices of the Peace, after having summoned such owner to come before them, and heard his reasons, if he shall appear and give any, for refusing his consent.

XCII. AND BE IT ENACTED, that it shall not be lawful for any Surveyor, or any other person acting under the authority of this Ordinance, to dig, gather, get, take, or carry away, any materials for making or repairing any Road, out of or from any enclosed land or ground, until one calendar month's notice, in writing, signed by the Surveyor, shall have been given to the owner of the premises from which such materials are intended to be taken, or to his known agent, and to the occupier of the premises from which such materials are intended to be taken, or left at the house or last usual place of abode of such owner or agent, and also of such occupier, to appear before any two of the nearest Justices of the Peace, to show cause why such materials shall not be had therefrom, and in case such owner, agent, or occupier shall attend pursuant to such notice, but shall not show sufficient cause to the contrary, such Justices shall, if they think proper, authorise such Surveyor, or other person, to dig, get, gather, take, and carry away such materials at such time or times as to such Justices shall seem proper; and if such owner, agent, or occupier shall neglect or refuse to appear by himself or his agent, the said Justices shall and may (upon proof on oath of the service of such notice) make such order therein as they shall think fit, as fully and effectually, to all intents and purposes, as if such owner or occupier or his agent had attended.

XCIII. AND BE IT ENACTED, that it shall be lawful for every such Surveyor, for the use aforesaid, by licence in writing from any two Justices as aforesaid, to search for, dig, and get materials, if sufficient cannot be had conveniently within such waste or unenclosed lands, rivers, or creeks, or in or through any of the enclosed lands or grounds of any person whomsoever, (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, and to take and carry away so much of the said materials as by the discretion of the said Surveyor shall be thought necessary to
to be employed in the amendment of the said roads; the said Surveyor making such satisfaction for the materials which may be got or taken away, and also for the damage done to such lands or grounds by getting and carrying away the same, as shall be settled and ascertained by order of such Justices.

XCIV. AND BE IT ENACTED, that if any Surveyor, or person employed by him, shall, by reason of searching for, digging, or getting any materials for repairing any Roads, make any pit or hole in 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 supported and repaired during such time as the said pit or hole shall continue open, and within three days after such pit or hole shall be opened or made, where no materials shall be found, cause the same to be forthwith filled up, levelled, and covered with turf or clod which was dug out of the same, and where any such materials shall be found, 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 every Surveyor shall, within twenty-one days after he shall have been appointed to that office, cause all the said pits and holes which shall then be open, and not likely to be further useful, to be filled up or sloped down in manner aforesaid; and if they are likely to be further useful, he shall secure the same by posts and rails, or other fences, to prevent accidents to persons or cattle; and in case such Surveyor or person shall neglect to fill up, slope down, or fence off such pit or hole, in manner and within the time aforesaid, he shall forfeit the sum of ten shillings for every such default; and in case such Surveyor or person shall neglect to fence off such pit or hole, or to slope down the same, as hereinbefore directed, for the space of six days after he shall have received notice for either of those purposes from any Justice of the Peace, or from the owner or occupier of such several grounds, river, or creek, and such neglect and notice shall be proved upon oath before the said Justices, such Surveyor or person shall forfeit and pay any sum not exceeding Ten pounds for such neglect, to be determined and adjudged by such Justices, and to be laid out and applied in the fencing off, filling up, or sloping down such pit or hole, and toward the repair of the roads where the offence shall be committed, in such manner as the said Justices shall direct and appoint.

XCV. AND BE IT ENACTED, that if any Surveyor shall 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.

**Improvement and Regulation of Roads.**

If Surveyor shall make pits or holes in getting materials, he shall cause them to be filled up or sloped down, and fenced off.

And in like manner all those already made.

**Penalty on Surveyor for neglect herein.**

Surveyor damaging bridges or works, by digging materials, to forfeit not exceeding £5.
Improvement and Regulation of Roads.

Penalty for danger at night, £5.

Penalty for taking away materials collected for roads.

Power to Surveyor to remove annoyances from Road.

conviction, any sum not exceeding Five Pounds, at the discretion of the Justices before whom the complaint thereof shall be made, notwithstanding his liability to any civil action to which he may make himself liable by such act.

XCVI. And be it enacted, that if any Surveyor shall lay, or cause to be laid, any heap of stone, or any other matter or thing whatsoever, upon any Road, and allow the same to remain there at night to the danger or personal damage of any person passing thereon, all due and reasonable precaution not having been taken by the said Surveyor to guard against the same, he shall forfeit for every such offence, any sum not exceeding Five Pounds.

XCVII. And be it enacted, that 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 any materials out of any quarry which shall have been made, dug, or opened for the purpose of getting materials for the same, before the Surveyor 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 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.

XCVIII. And be it enacted, that it shall be lawful for every Surveyor appointed by the Commissioners, and such persons as they or he shall appoint, to remove and prevent all annoyances on any part of the Road under his care and management, by filth, dung, ashes, rubbish, or any other matter or thing whatsoever, being laid or thrown upon any Road, and to dispose of the same for the benefit of such Road, in case the owner thereof shall neglect to remove the same within twelve hours, after notice, in writing, signed by such Surveyor, as aforesaid, 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 open, scour, and cleanse any watercourses or ditches adjoining any road, and make the same as deep and large as such Surveyor shall think proper and necessary, in case the owners or occupiers of the adjoining land shall neglect to open, scour, or cleanse such watercourses or ditches, after seven days' notice, in writing, given for that purpose, and the charges thereof, and of removing any annoyances, shall and may be settled by any Justice of the Peace, and such charges shall be reimbursed.
reimbursed to such Surveyor, as aforesaid, and such charges may be recovered in a summary way, in like manner as any penalties under this Ordinance; and if, after the removal of any such annoyances, any person shall again offend in like manner, every such person shall, for every such offence, forfeit and pay a penalty not exceeding Five Pounds.

XCIX. And be it Enacted, that if any person shall make, or cause to be made, any dwelling-house or other buildings, or any hedge or other fence, on or at the sides of any road now laid off, or hereafter to be laid off, under this Ordinance, 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 break up or injure any road, or any part thereof, or shall in any manner whatsoever obstruct the free use of any road, every person so offending, shall forfeit and pay, for every such offence, a sum not exceeding Twenty Pounds; and it shall be lawful for the Surveyor having the care or management of such road, 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 it shall be lawful for any two Justices of the Peace, upon proof thereof to them, made upon oath, to levy as well the expenses of taking down, filling up, or clearing such dwelling-house, or other building, hedges, ditches, drains, or other encroachments, or obstructions, as aforesaid, as the respective penalties hereby imposed, by distress and sale of the offender's goods and chattels, rendering the overplus, if any, to the owner, on demand.

C. And be it Enacted, that if the Surveyor shall think that a 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 Justices, on the application of such Surveyor, and after summons duly served on the owner or occupier of the land on which such tree or other obstruction may be, whether such owner or occupier shall attend or not, to hear and determine the matter, and, if they see fit, to make an order for the removal of such tree or other obstruction: And in default of compliance with such order within eight days after a copy thereof shall have been served on such owner or occupier, or his agent or servant, such owner or occupier shall on conviction forfeit a penalty not exceeding Forty shillings: And the said Surveyor, if the order of the said Justices is not complied with, shall remove such tree or other obstruction, to the best of his skill and judgment, for the benefit and improvement of the road.
Improvement and
Regulation of
Roads.
For prevention of in-
juries to a Road, and
the safe enjoyment of
the Road by passen-
gers.

CI. And be it Enacted, that 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 waggon, 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 such 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 road, in such
manner as to destroy, injure, or disturb the surface thereof; or if
any person, driving any horse, or other beast, on the said 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 to obstruct or impede 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 road,
or shall make any fire upon any road; or if any person shall leave
any carriage upon any 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 acci-
dent, 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, either with or
without any horse, or beast of draft, harnessed or yoked thereto;
or shall lay any timber, stone, hay, straw, dung, manure, lime, soil,
ashes, rubbish, or other matter or thing whatsoever, upon any road,
or on the side or sides thereof, or the footpaths or causeways adjoin-
ing, 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, waggon,
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.
lamp, erected or placed in or near the side of any road by authority of this Ordinance, 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.

CII. And be it Enacted, that 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 the Commissioners, to seize and impound every such horse, ass, sheep, swine, or other cattle, there to detain the same until the owner thereof shall pay the sum of Five Shillings to the person impounding the same, together with 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 any such law as aforesaid, 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 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 impounding any number of animals under this Ordinance, by each owner of such animals.

CIII. And be it Enacted, that it shall not be lawful for any person to erect or cause to be erected, after the passing of this Ordinance, within fifty yards of any road, or any street of any City or Town within this Province, 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 or street, 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 lime-stone, bricks, clay, or the making of coke or charcoal, within the distance of twenty-five yards of any such road or street, unless the same shall be within some building or behind some wall or fence sufficient to screen the same from such road or street aforesaid; and in case any person shall offend in any of the cases aforesaid, every such person so offending shall forfeit and pay a sum not exceeding Five Pounds for each and every day such windmill, steam-engine, or fire, shall be permitted to continue contrary to the provisions of this Ordinance.

CIV. And
CIV. And whereas carts, wains, drays, and waggons, are frequently entrusted to the care of children who are unable to guide the animals drawing the same, to the great inconvenience and danger of the public; Be it therefore enacted, that no cart, wain, or waggons, 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 waggons.

CV. And whereas accidents frequently happen by the negligence or wilful misbehaviour of persons driving carriages on the public roads; Be it therefore enacted, that if the driver of any waggon, 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 (such light carts as are usually driven with reins, and are conducted by some person holding the reins of the horse, or horses, drawing the same, excepted), or if the driver of any carriage whatsoever on 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 upon any such road, or shall quit the road and go on the side of the hedge or fence enclosing the same, 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 drive or act as the driver of any such waggon, wain, dray, or cart, not having the owner's name displayed thereon in manner required by this Ordinance, 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 owner of such carriage, then any sum not exceeding Five Pounds; and every such driver offending in either of the said cases may, by the authority of this Ordinance, with or without any warrant, be apprehended by any person who shall see such offence committed, and be conveyed before some Justice 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 or House of Correction, 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.

CVI. AND BE IT ENACTED, that if any person shall obstruct, or attempt to obstruct, any Commissioner of Roads, or any Surveyor, or other Officer, acting in the performance of any act or thing whatever which such Commissioner or Officer is authorised to do or perform under or by virtue of this Ordinance, such person shall, upon conviction, forfeit and pay for every such offence a penalty not exceeding Fifty Pounds.

CVII. AND BE IT ENACTED, that it shall and may be lawful for the Governor, in name and on behalf of Her Majesty, on the recommendation of the said Central Board of Commissioners, for the greater inducement and encouragement to persons or companies in undertakings to facilitate and improve the internal traffic communication of the Province, by forming and establishing Rail or Tramways to be worked by animal power, to grant leases of portions of the several main lines of Road, upon which to place such lines of Rail or Tramway; subject to the following conditions and restrictions, that is to say:—

1. No such portion so leased shall exceed in breadth twenty-six feet, to be laid off equally, one-half on each side of the central line of such Main Road, and the remaining portions of such Main Road, on both sides of such rail or tramway, shall be preserved open and unobstructed for the use of the public.

2. No such Lease shall be for a term exceeding Twenty-one Years.

3. At the determination of any such Lease, the Governor, in the name and on behalf of Her Majesty, upon giving to the Lessees three calendar months' notice in writing of his intention, may, if he think fit, purchase any such Railway or Tramway, with its stock and appurtenances, upon payment to the lessees of a sum equal to the original cost of the same.

4. In order to ascertain the sum to be paid for the purchase of any Railway or Tramway, the Lessees thereof shall, within Twelve months after the opening for traffic of any such Railway, deposit with the Governor a full and true statement of the whole amount actually expended in the purchase of materials for the Railway or Tramway, and the construction and completion of the same, verified to the satisfaction of the Governor, which amount shall be taken to be the original cost of the work.

5. In
5. In default of the Lessees depositing such statement, verified in manner aforesaid, it shall be lawful for the Governor, on the determination of the term, to cause a valuation of the work, at its then value, to be made by such officer as he may in that behalf appoint, and the amount of such valuation shall be the amount to be paid for the purchase of the same, instead of the original cost.

6. If no notice of intention to purchase be given by the Governor, the Lease shall be renewed on the original terms and conditions, or, with the consent of all parties to such lease, such terms and conditions may be varied, subject always to the provisions of this Ordinance.

7. On the expiration of the second, or any other term, the Governor shall be entitled to exercise a like option of purchase as before, the price being ascertained with reference to the statement of the original cost before mentioned, or in default thereof to a similar valuation of the works, at the time of notice of intention to purchase to be made by direction of the Governor: And so on from time to time at the expiration of every term.

8. When any Lease of a portion of any Main Road shall be granted in pursuance hereof, a Deed shall be executed by the parties thereto, in such form as shall be approved by the Governor, which Deed shall contain all usual and proper Covenants on the part of the Lessees for completing and maintaining the Railway or Tramway comprised in such Lease, in good and efficient repair and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereby granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in Leases of a like nature, and as shall be proper for regulating the traffic and fixing the rates of charge, and for securing the public against loss or inconvenience.

9. The Guage to be used in all such Railways and Tramways shall be Four Feet Eight and a-Half Inches.

10. Full and accurate accounts shall be kept of all Moneys received and expended in the undertaking, and such accounts shall be balanced once in each year at the least, on a day or days to be stated in the Deed of Lease.

11. Such accounts shall be duly audited once in each year, at the least, and for such purpose an Auditor or Auditors shall be appointed by the Commissioners, or, in default of such Commissioners, by the Governor.

12. For the purpose of auditing such accounts, the Lessees shall be required to cause the accounts, together with all their books and vouchers, to be produced to the Auditors.

13. The
13. The remuneration of the Auditors, and their expenses, shall be paid by the Lessees.

14. An annual account, in abstract, shall be prepared of the total Receipts and Expenditure of all funds at the disposal of the Lessees for the purposes of the undertaking, whether arising from Tolls, Charges, Loans, or any other source, for and during the past year, under the several distinct heads of Receipt and Expenditure, with a statement of the balance of the said account duly audited and certified by or on behalf of the Lessees, and by the Auditors; and a copy of such Annual Account shall be transmitted, free of charge, to the Colonial Secretary, on or before the Thirty-first day of January in each year, under a penalty not exceeding One Thousand Pounds, to be recovered by action in the Supreme Court at the suit of any party who shall sue for same, for not preparing and sending in the said account; such account to be, as soon as practicable, published in the South Australian Government Gazette, at the expense of the Lessees, and to be open to the inspection of the public, upon payment of the fee of One Pound.

CVIII. And be it enacted, that it shall not be lawful for the Lessees at any time to demand or take a greater amount of toll, or make any greater charge for the carriage of passengers or goods, than they are by the Deed of Lease authorised to demand, and upon payment of such tolls and charges, all companies and persons shall be entitled to use the Railway or Tramway with carriages properly constructed, subject nevertheless to such regulations as shall be approved by the Governor.

CIX. And be it enacted, that for the further encouragement of persons or companies willing to establish lines of Rail or Tramway as aforesaid, it shall and may be lawful for the said Commissioners, subject to and with the approbation of the Governor, to lend to any persons or companies to whom leases, as aforesaid, may have been made, a part of any funds that may from time to time be placed at their disposal by the Legislative Council for the making or maintenance of such main lines of road as shall be proposed to be included in the lease, on the following conditions, that is to say:—Such Loans in this behalf shall be applied by the said Commissioners in payment for rails and other materials necessary for the formation of the Railway or Tramway, and to be made only to the extent of two-thirds of the value of such rails or materials as may, on the certificate of an officer to be employed by them, appear to have been actually and permanently fixed on the line of such Rail or Tramway. Such loans shall also be subject to all such terms and conditions as shall be approved by the Governor.
CX. And be it enacted, that nothing herein contained, shall be deemed or construed to exempt any Railway or Tramway hereby authorised to be made, from the provisions of any general Act or Ordinance relating to Railways which may hereafter be in force within the Province.

CXI. And be it enacted, that, subject to the provisions of this Ordinance, the Commissioners may enter into contracts with any persons for the execution of any works directed or authorised by or in pursuance of this Ordinance to be done by the Commissioners, or for furnishing materials, or for any other things necessary for the purposes hereof, and every such contract for the execution of any work 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 the power hereby granted to the Commissioners to enter into contracts may lawfully be exercised, as follows, that is to say:—

Any contract, which, if made between private persons, would be by law required to be in writing and under seal, the Commissioners may make, under the hands and seals of the Commissioners, or any two of them acting by direction or on behalf of the Commissioners, and in the same manner may vary or discharge the same.

Any contract, which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, the Commissioners may make in writing, signed by the Commissioners, or any two of their number acting by the direction or on behalf of the Commissioners, and in the same manner may vary or discharge the same.

Any contract, which, if made between private persons, would by law be valid, although made by parol only and not reduced into writing, the Commissioners, or any two of them acting by the direction or on behalf of the Commissioners, may make by parol only, without writing, and in the same manner may vary or discharge the same.

And all contracts made according to the provisions herein contained, 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 Commissioners and all other parties thereto, their Successors, Heirs, Executors, and Administrators, as the case may be; and in case of default in the execution of any such contract, either by the Commissioners or by any other party thereto, such
such actions or suits may be maintained thereon, and damages and
\[ ... \]

to be lawful for the said Commissioners to enter into any contracts
or agreements for the purposes of this Ordinance, or for any other
purpose whatever, exceeding the funds actually at the time at their
disposal or under their control; and that the said Commissioners
shall not, by way of Mortgage, Debentures, or otherwise, borrow, or
from any source anticipate, funds in any manner whatever.

CXIII. And be it enacted, that before any contract to the
amount of One Hundred Pounds or upwards, shall be entered into
by the Commissioners, Ten days' notice, at the least, shall be given
in the South Australian Government Gazette, expressing the purpose
of such contract, and inviting any person willing to undertake the
same, to make proposals for that purpose to the Commissioners, and
the Commissioners shall accept the proposal which upon a view of
all the circumstances shall appear to them to be most advantageous,
and shall take security for the due and faithful performance of every
such contract.

CXIV. And be it enacted, that the Commissioners may com-
pound with any party who has entered into any 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-per-
formance of any such contract, bond, or security, for such sums of
money or other recompense as the Commissioners may think proper.

CXV. And be it enacted, that all moneys that shall be raised
by licence duties, tolls, assessment, or otherwise, under and by virtue
of this Ordinance, shall be accounted for and paid by the several
persons authorised to receive the same, into the hands of the Colonial
Treasurer, at such times and in such manner as the Governor shall
appoint, and shall form separate funds to be at the disposal of and
applied in furtherance of the purposes of this Ordinance, by the Com-
missioners under whose superintendence respectively the same shall
have been so assessed and levied, or to whom the same shall be made
payable according to the provisions hereof: And the said Treasurer
shall, and he is hereby required to pay all such moneys, in such sums,
and to such persons, as shall be mentioned in any warrant in writing,
signed by at least two of the said Commissioners respectively, of
whom one shall be the Chairman.

CXVI. And
CXVI. AND BE IT ENACTED, that in case it shall appear to the Commissioners respectively, that the several moneys arising from the sources of revenue hereby authorised, are inadequate, and that further funds are requisite for the due making, maintaining, and improving the roads under their care and management, the said Commissioners shall and may, previously to the usual period when the Annual Public Estimates are submitted by the Governor to the Local Legislature, make application, as nearly as may be, in the form of the Schedule D, hereto annexed, for such amounts as the Commissioners may deem to be requisite, in furtherance of the purposes of this Ordinance, setting forth the manner, extent, and locality of the proposed expenditure, and the proportion thereof to be contributed by funds raised under the provisions of this Ordinance, and by what means, as licence duties, tolls, assessment, or otherwise, as compared with the amount sought from the General Public Revenues, or from the moiety of the Waste Land Sales Fund reserved for the appropriation of Her Majesty.

CXVII. AND BE IT ENACTED, that the Commissioners shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid for and on account of this Ordinance, and of the several purposes for which such sums of money shall have been received and paid, which books shall, at all reasonable times, be open to the inspection of any of the Commissioners and any person having an interest therein, without fee or reward, and the Commissioners and persons aforesaid, or any of them, may take copies of, or extracts from, the said books, without paying anything for the same; and any Clerk or other person, having the custody of the said books, who shall not, on any reasonable demand of any Commissioner or other person, as aforesaid, permit him to inspect the said books, or to take such copies or extracts, as aforesaid, shall be liable to a penalty of Five Pounds for every such offence.

CXVIII. AND BE IT ENACTED, that the Commissioners shall cause their accounts to be balanced in each year, to a period not less than one month before the Annual General Meeting at which they are to be produced, as aftermentioned; and fourteen days at least before such meeting, the Commissioners shall cause a full and true statement and account to be drawn out of the amount of all rates or assessment made, and of all contracts entered into, and of all moneys received and expended by virtue of this Ordinance, during the preceding year, and also all debts then owing by the Commissioners, and allow the same to remain for inspection at the office of the Commissioners; and every person paying any rate or assessment under this Ordinance, or any person acting on behalf of any such rate-payer,
rate-payer, or any other party interested may, at all reasonable times, inspect such statement and account, and compare the same with the books and documents relating thereto in the possession of the Commissioners; and the Clerk shall, on demand, furnish a printed copy of the said statement and account to every such rate-payer, without fee; and fourteen days at the least before the meeting for examining and settling such account, the Commissioners shall give public notice of such intended meeting, stating, in such notice, that the said statement and account are printed and lie at the office of the Commissioners ready for the inspection of the rate-payers or other parties interested.

CXIX. And be it enacted, that the accounts of the Commissioners so balanced as aforesaid, together with the said statement and account, shall be produced at the Annual Meeting of the Commissioners, or at some adjournment thereof; at which Meeting all rate-payers and other persons interested may be present, and the accounts shall be finally examined and settled by the Commissioners; and if the same be found just and true, they shall be allowed by the Commissioners, and being certified accordingly, under the hand of the Chairman, and also by the Auditors, as hereinafter provided, the same shall be final in regard to all such persons as aforesaid, subject always to the examination and audit of the Government.

CXX. And be it enacted, that the rate-payers or other parties interested, present at the said Annual Meeting, may appoint two or more persons, not being Commissioners, to be Auditors of the accounts of the Commissioners; and if no other person present at such Meeting propose the names of two persons to be appointed Auditors by such Meeting, it shall be the duty of the Chairman of the Meeting to propose the names of two persons to be so appointed; and the persons so to be appointed Auditors shall have the like qualification, and shall be subject to the like disqualification or disability as the Commissioners; and before entering on their office they shall make and sign, before a Justice, a solemn declaration of the same purport and effect as that hereby required to be signed by the Commissioners; and the Auditors so appointed shall receive such reasonable remuneration for their time and trouble as the Commissioners may allow, and all such expenses as they shall be put unto attending the auditing of the said accounts; and if any dispute arise as to the amount of the remuneration and expenses to be paid to such Auditors, it shall be settled by Two Justices.

CXXI. And be it enacted, that the Auditors so nominated, shall attend as soon as conveniently may be after the said Annual Meeting, at the office of the Commissioners, or at some other convenient
CXXII. AND BE IT ENACTED, that the Commissioners shall, every year, cause an annual account in abstract to be prepared, showing the total receipt and expenditure of all funds levied or received by virtue of this Ordinance, for the year ending on the day down to which their accounts shall have been made up for the said Annual Meeting, or some other convenient day in each year, 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 Commissioners, and also by the Auditors thereof, and shall send a copy of the said account free of charge to the Colonial Secretary, within one month after the same has been duly audited, which account shall be open to the inspection of the public, at all reasonable hours: And if the Commissioners shall omit to prepare and transmit such accounts as aforesaid, they shall be liable for every such omission to a penalty of Twenty Pounds.

CXXIII. AND BE IT ENACTED, that if any person entrusted with the receipt or disposal of money under this Ordinance, shall fraudulently dispose of, or retain in his own possession, or apply to his own use, or shall not duly account for 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.
CXXIV. And be it Enacted, that no Commissioner being a party to, or executing in his capacity of Commissioner, any contract or other instrument on behalf of the Commissioners, or otherwise lawfully executing any of the powers given to the Commissioners, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies, or goods, or lands, of the several Commissioners, 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 their powers as Commissioners; and the Commissioners respectively, their Heirs, Executors, and Administrators, shall be indemnified out of the rates and other moneys coming to the hands of the Commissioners by virtue of this Ordinance, 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.

CXXV. And be it Enacted, that in all actions and suits in respect of any matter or thing relating to the execution of this Ordinance, to be brought by or against the Commissioners, it shall be sufficient to state the names of any two of the Commissioners, or the name of their Clerk, as the party, plaintiff, or defendant, representing the Commissioners in any such action or suit; and no such action or suit shall abate or be discontinued, or require to be transferred, by reason of the death of any such Commissioner, or by his ceasing to be a Commissioner, or by the death, suspension, or removal of such Clerk.

CXXVI. And be it Enacted, that execution upon every judgment or decree against the Commissioners in any such action or suit, shall be levied on the goods, chattels, or personal effects belonging to the Commissioners by virtue of their office, and shall not in any manner extend to charge or make liable the person or private lands or goods of any of the Commissioners, or the Heirs, Executors or Administrators of any of them.

CXXVII. And be it Enacted, that every Commissioner, or Clerk, in whose name any such legal proceeding shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed out of the moneys which shall be payable under this Ordinance, all damages, costs, charges, and expenses, to which any such Commissioner or Clerk may be put, or with which he may become chargeable by reason of being so made Plaintiff or Defendant.

CXXVIII. And be it Enacted, that the Commissioners may prefer

How indictments to be preferred.
prefer a Bill of Indictment against any person who shall steal or willfully injure any property or thing belonging to the Commissioners or under their management, or institute any other proceeding which may appear to them necessary for the protection of such property, and in every such case, it shall be sufficient to state generally the property or thing in respect of which such proceeding shall have been taken, to be the property of the respective Boards of Commissioners, as they are severally named and described in this Ordinance, without naming the individual Commissioners.

CXXIX. And be it enacted, that any Summons or Notice, or any Writ or other proceeding at Law or in Equity, requiring to be served upon the Commissioners, may be served by the same being left at or sent through the Post Office, directed to the Commissioners, at their principal office, or usual place of meeting, or by being given personally to the Clerk, or in case there be no Clerk, then by being given to any one Commissioner.

CXXX. And be it enacted, that every Order, Summons, Notice, or other such document requiring authentication by the Commissioners, shall be sufficiently authenticated if signed by two Commissioners, or by the Clerk of the Commissioners, and the same may be in writing or in print, or partly in writing and partly in print.

CXXXI. And be it enacted, that with respect to the proof of debts in Bankruptcy or Insolvency, if any person against whom the Commissioners have any claim or demand become bankrupt, or insolvent, according to the provisions of any Ordinance relating to Insolvents, the Clerk or other Officer in that behalf appointed by the Commissioners, in all proceedings against the estates of such Bankrupt or Insolvent, or under any Fiat or Act of Insolvency against such Bankrupt or Insolvent, may represent the Commissioners, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such Clerk or Officer, and not of the Commissioners.

CXXXII. And be it enacted, that no assessment, 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 Ordinance, 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 be in substance and effect in conformity with, or according to, the intent and meaning of the said Ordinance.

CXXXIII. And
CXXXIII. AND BE IT ENACTED, that nothing in this Ordinance shall be deemed to extend to or affect any law relative to the revenue of the Crown, or any claim of Her Majesty in right of her Crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty.

CXXXIV. AND BE IT ENACTED, that all proceedings under this Ordinance, 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 one Justice; and every person feeling aggrieved by the imposition of any such fine or by any conviction under this Ordinance, 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.

CXXXV. AND BE IT ENACTED, that when information or complaint shall be made before any Justice of the Peace, against the driver of any carriage, for any offence committed by him against the provisions of this Ordinance, such Justice may forthwith summon the proprietor of such carriage personally to appear, and to 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 the 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.

CXXXVI. AND BE IT ENACTED, that all pecuniary penalties and costs incurred by reason of any offence committed by the driver of any carriage against the provisions of this Ordinance, shall, unless such driver shall pay the same, be recovered from the proprietor of such carriage in a summary way, before any one or more Justices of the Peace, according to the laws for regulating proceedings before Justices.

CXXXVII. AND BE IT ENACTED, that every such proprietor who
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 any Justice of the Peace, by the said proprietor
against the said driver, such Justice 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 Justice shall commit the said driver to the common Gaol or
House of Correction, 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 Justice 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 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.

CXXXVIII. And be it enacted, that in case of any dispute
between the proprietor of any carriage and the driver thereof, then,
upon complaint made before any Justice of the Peace by such pro-
priator against such driver, or by such driver against such proprietor,
such Justice shall inquire into and determine the same, and shall
award and order such compensation to be made to either party, as to
such Justice shall seem proper; to be recovered in a summary way
according to the laws for regulating proceedings before Justices.

CXXXIX. And be it enacted, that if any driver of a car-
riage shall be summoned or brought before any Justice of the Peace
to answer any complaint or information touching or concerning any
offence committed, or alleged to be committed, by such driver against
the provisions of this Ordinance, and such complaint or information
shall afterwards be withdrawn, or quashed, or dismissed, or the de-
fendant shall be acquitted of the offence charged against him, it shall
be lawful for the said Justice, if he shall think fit, to order and
award that the complainant or informant shall pay to the said driver,
such compensation for his loss of time in attending the said Justice,
touching or concerning such complaint or information, as to the said
Justice shall seem reasonable; and in default of payment of such
compensation, it shall be lawful for the said Justice to commit such
complainant or informant to prison, for any time not exceeding one
calendar month, unless the same shall be sooner paid.

CXL. And
CXL. AND BE IT ENACTED, that all fines, penalties, and sums of money, levied or recovered under this Ordinance, shall, so far as not otherwise expressly mentioned, be paid to the Colonial Treasurer, on behalf of Her Majesty, Her Heirs and Successors, for the public uses of the Province and support of the Government thereof.

CXLI. AND for the protection of persons acting in the execution of this Ordinance, BE IT ENACTED, that all actions and prosecutions to be commenced against any person for anything done in pursuance of this Ordinance, 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 Ordinance 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; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action and of the verdict obtained thereupon.

CXLII. AND BE IT ENACTED, that this Ordinance shall commence and take effect from and after the passing thereof.

H. E. F. YOUNG,
Lieutenant Governor.

Passed the Legislative Council this Tenth Day of October, One Thousand Eight Hundred and Forty-nine.

W. L. O'HALLORAN,
Clerk of Council.
SCHEDULES

REFERRED TO IN THE FOREGOING ORDINANCE.

A.

CENTRAL BOARD FOR THE FIRST YEAR.

The Colonial Secretary,
The Colonial Engineer, or in his absence, The Assistant Colonial Engineer,
Charles Harvey Bagot,
Samuel Davenport,
William Giles, and
John Baker, Esquires.
B.

SCALE OF LICENCE DUTIES.

1. Wagons or Drays (drawn by more than two Bullocks or one Horse), the tire of the wheels being less than 4½ inches in width ........................................... £ 2 0 0

2. Wagons or Drays (drawn by more than two Bullocks or one horse), the tire of the wheels being 4½ inches and upwards in width ........................................... 1 10 0

3. Carts and other vehicles (drawn by not more than one Horse or two Bullocks), the tire of the wheels being less than 4½ inches ........................................... 1 10 0

4. Carts and other vehicles (drawn by not more than one Horse or two Bullocks), the tire of the wheels being 4½ inches and upwards ........................................... 1 0 0

5. Spring Carriages .......................................................... 1 0 0

II. If Licence applied for after the first day of July in any year, half the above rates.

III. On Transfer of any Licence, Five Shillings.

C.

RATES OF TOLLS.

For every Coach, Chariot, Chaise, Gig, Hearse, Caravan, or other Carriage, and every Wagon, Dray, or other Vehicle, if drawn by one Horse or two Bullocks ........................................... £ 1 0 0

For every such Carriage or Vehicle drawn by two Horses or four Bullocks ........................................... 1 6

For every such Carriage or Vehicle drawn by four Horses or Six Bullocks ........................................... 2 0

For every such Carriage or Vehicle drawn by six or more Horses or eight or more Bullocks ........................................... 3 0

For every such Carriage or Vehicle drawn by one Pony, Ass, or Mule, not exceeding thirteen hands high ........................................... 0 6

For every such Carriage or Vehicle drawn by two or more such Ponies, Asses, or Mules ........................................... 1 0

For every saddle Horse or led Horse, Mule, or Ass ........................................... 0 5

For Horses, Mules, Asses; Oxen, Cows or other Neat Cattle, driven, per head ........................................... 0 1

For all Sheep, Lambs, Calves, Hogs, Swine, or Goats, driven, each ........................................... 0 0 ½
D. REQUISITION.

Requisition No. for authority to incur the following expenses in the Office of the Surveyor-General and Colonial Engineer, during the of 18 .

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Salaries</th>
<th>Office Contingencies</th>
<th>Heads of Service</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Buildings and Repairs</td>
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* * * Set forth the Name, Extent, and Locality, of the proposed Expenditure, and the proportion thereof to be contributed by funds raised under the provisions of the Road Act, and by what means, as Licence-duties, Tolls, Assessment, or otherwise.

Adelaide:—Printed by authority by John Stephens, Hindley Street.