ANNO QUADRAGESIMO SEPTIMO ET QUADRAGESIMO OCTAVO

VICTORIAE REGINAE.

A.D. 1884.

No. 314.

Roads Act, 1884.

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An Act to consolidate and amend the Laws relating to Main and District Roads.

[Assented to, September 10th, 1884.]

WHEREAS it is desirable to consolidate and amend the laws relating to main and district roads—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. This Act may be for all purposes cited as the “Roads Act, 1884.”

2. In
2. In the construction and for the purposes of this Act, the words and expressions following shall respectively have and include the meanings hereinafter assigned to them, unless there be something in the subject-matter or context to denote a contrary intention, that is to say—

“Municipality” shall mean and include any Municipal Corporation incorporated under “The Municipal Corporations Act, 1880,” or any Act or Acts amending or re-enacting the same, and the Council thereof, as defined by the said Act:

“District Council” shall mean any District Council duly constituted under “The District Councils Act, 1876,” or any Act or Acts amending or re-enacting the same:

“Commissioner” shall mean the Commissioner of Main Roads:

“Proclamation” shall mean any Proclamation by the Governor in the Government Gazette:

“Road” shall include both main and district roads:

“Carriage” shall include cart, wagon, tramcar, and every species of vehicle drawn or propelled along roads by any power whatever:

“Board” or “local board” shall mean any local board of main roads constituted under this Act:

“Justice” shall mean a Justice of the Peace for the said province.

3. This Act shall come into operation from and after a day to be fixed by the Governor by Proclamation.

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

**PART I.**—Main and District Roads.

**PART II.**—Declaration of Road Districts.

**PART III.**—Declaration of Main Roads.

**PART IV.**—Proclamation of Road Districts.

**PART V.**—Local Boards.

**PART VI.**—Commissioner of Main Roads, his powers and functions.

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

**PART IX.**—Elections.

**PART X.**—Proceedings of Boards.

**PART XI.**—Officers and By-laws.

**PART XII.**—Contracts.
5. After the coming into operation of this Act, all public roads within the province shall be divided into main roads and district roads.

6. All main roads within the province, together with the bridges thereof, and all public works connected therewith, shall be under the care, control, and management of the local board for the road district within which they may be respectively situated: Provided that, with the consent of the local board of main roads, all main roads within the boundaries of any Municipality shall, for all purposes, except the construction and maintenance of such roads, be and be deemed streets within the jurisdiction of such Municipality.

7. District roads shall comprise all public roads which are not main roads. All district roads within the limits of any Municipality or District Council shall be (subject to the provisions of this Act), together with the bridges thereof, and all public works connected therewith, under the care, control, and management of the Municipality or District Council within whose limits they may be respectively situated. All other district roads, together with the bridges thereof, and all public works connected therewith, shall be under the care, control, and management of the Commissioner of Main Roads.

8. The districts set forth and described in the First Schedule to this Act are hereby declared to be road districts of the Province of South Australia.

9. The formation of any Municipality or District Council within the limits of any road district, or the alteration of the boundaries of any existing municipality or district, shall not cause the land comprised within any such Municipality or District Council to cease to form part of the road district within the limits whereof the same may be situated, except so far as is next hereinafter contained.

10. Whenever
PART II.
Alteration of boundaries in certain cases.

10. Whenever the boundary or boundaries of any two or more Municipalities or District Councils in the last preceding section mentioned shall also form the boundary or boundaries of two or more road districts, the alteration of the boundary or boundaries of any one or more of such Municipalities or District Councils shall be deemed to be, to the extent of such alteration, the altered boundary or boundaries of such road districts; and it shall be lawful for the Governor immediately after such alteration shall have been effected, by Proclamation, to declare and define the altered boundary or boundaries of such road districts accordingly.

PART III.
DECLARATION OF MAIN ROADS.

11. The lines of road set forth in the Second Schedule hereto, together with all bridges and other public works connected therewith, are hereby declared to be main roads of the said province.

PART IV.
PROCLAMATION OF ROAD DISTRICTS.

13. The Governor may, by Proclamation, declare and define such additional road districts as may seem fit, not being within the limits of any of the road districts in the First Schedule set forth and described.

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

15. The local board of every road district declared under section thirteen of this Act shall hold their first meeting at some convenient place within the road district for which such board is appointed, within one calendar month after the appointment of the members of such board, at the hour of eleven of the clock in the forenoon, and shall proceed to put this Act into execution.

PART V.
LOCAL BOARDS.

16. The members of the several local boards of main roads for the road districts existing at the time of coming into operation of this
this Act, shall remain in office as members of the local boards for their respective road districts, as altered by and defined in the First Schedule hereto, until the first day of July, one thousand eight hundred and eighty-five, and the said first day of July, one thousand eight hundred and eighty-five, shall be deemed to be the period of expiration by effluxion of time of the members of such local boards, as if this Act had not been passed: Provided, however, that any casual vacancy in any such local board caused by the death, resignation, disqualification, or removal of any member thereof, shall be filled up under the provisions of this Act: And provided also that the successors to the present members of the said local boards shall be appointed and elected under the provisions of this Act.

17. Every local board, whether for any road district mentioned in section eight of this Act or appointed under the provisions hereinafter contained for any road district declared under section thirteen of this Act, shall consist of five members, and be a body corporate in name and deed, with perpetual succession, and a common seal, and may sue and be sued, pleaded and be impounded, in all Courts and before Justices, and may take, purchase, hold, sell, and convey any lands or hereditaments whatsoever.

18. From and after the Proclamation of any road district or districts, as provided by section thirteen of this Act, the Governor may appoint in and for each proclaimed road district a local board, consisting of five members, for the term of one year, and the said local boards so appointed shall form the first local boards respectively for such several road districts; and the Governor from time to time may remove any member, and may appoint any person to fill any vacancy that may occur in such board during such term of one year, whether caused by any such removal or by any other cause; and the expiration of the said term of one year shall be deemed to be the expiration by effluxion of time of the office of the members of such local board; and the succeeding members of every such local board shall be appointed or elected under this Act; and every such local board shall have and be capable of exercising the like powers, rights, privileges and authorities, and be subject to the like liabilities and obligations, as the local boards appointed for the districts mentioned in section sixteen of this Act.

19. The corporate name of each local board appointed or elected under the provisions of this Act shall be "The Local Board of Main Roads for the District," the blank being filled in with the distinctive name of the particular road district, as set forth in the First Schedule hereto, or, in case of any additional road district proclaimed by the Governor under the provisions hereinafter contained, as set forth in the Proclamation thereof.

20. Of the five members by this Act required to constitute each local board.
local board, two shall from time to time be appointed by the Governor, and the remaining members shall, subject, however, to the provisions of section thirty-five of this Act, be elected by the Municipalities and District Councils within the district.

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

PART VI.

COMMISSIONER OF MAIN ROADS, HIS POWERS AND FUNCTIONS.

22. The Commissioner of Public Works for the time being of the said province, from and after the coming into operation of this Act, shall, with his successors in office, be the Commissioner of Main Roads for the said province, and, in the exercise and execution of the powers given by this Act, shall be styled “The Commissioner of Main Roads.”

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

24. The Commissioner may, by regulations to be published in the Government Gazette, prescribe the mode in which the local boards shall carry out the duties imposed upon them by this Act, and he may, from time to time by writing under his hand, direct any board to do or to abstain from doing any act which might otherwise be done by the board as to him may seem advisable.
25. All roads hereby declared to be main roads, and which hereafter may be declared to be main roads, together with the timber growing thereupon, and together with the bridges thereof, and all public works connected therewith, and the right, title, property, and interest therein, and in all lamps, direction-boards, milestones, posts, rails, walls, chains, fences, and other erections and buildings, with the appurtenances thereto respectively belonging or appertaining, and the materials of which the same shall consist, and all materials, tools, and implements which the heretofore existing local boards, or any of them, is or are now seized or possessed of, or were entitled to, shall be vested in the respective local boards for the several road districts mentioned in this Act within which such main roads shall be situate, and shall be under the care, control, and management of such local boards respectively.

All roads now existing, or which may be hereafter opened, and which are not or may not be within the limits of any road district, District Council, or Municipality, together with the timber growing thereupon, and together with the bridges thereof, and all public works connected therewith, and the right, title, property, and interest therein, and in all lamps, direction-boards, milestones, posts, rails, walls, chains, fences, and other erections and buildings, with the appurtenances thereto respectively belonging or appertaining, and the materials of which the same shall consist, shall be vested in the Commissioner, and shall be under his care, control, and management.

26. In order that any person may be qualified to be a member of a local board of a road district, he must be possessed of freehold or leasehold property of the ratable annual value of Fifty Pounds at the least, within the road district for which he may become a member, and must reside within the district for which he may be elected.

27. The following persons shall be disqualified from, and incapable of, being or continuing members of the local board of any road district—

i. Any person convicted of any treason or felony, or for a misdemeanor, for which sentence of imprisonment other than for the non-payment of any fine shall have been passed:

ii. Any uncertificated insolvent:

iii. Any person of unsound mind:

iv. Any member, at capable of road containing, or QUALIFICATION roads containing, interest works posts, rails, walls, chains, fences, and other erections and buildings, with the appurtenances thereto respectively belonging or appertaining, and the materials of which the same shall consist, and all materials, tools, and implements which the heretofore existing local boards, or any of them, is or are now seized or possessed of, or were entitled to, shall be vested in the respective local boards for the several road districts mentioned in this Act within which such main roads shall be situate, and shall be under the care, control, and management of such local boards respectively.

All roads now existing, or which may be hereafter opened, and which are not or may not be within the limits of any road district, District Council, or Municipality, together with the timber growing thereupon, and together with the bridges thereof, and all public works connected therewith, and the right, title, property, and interest therein, and in all lamps, direction-boards, milestones, posts, rails, walls, chains, fences, and other erections and buildings, with the appurtenances thereto respectively belonging or appertaining, and the materials of which the same shall consist, shall be vested in the Commissioner, and shall be under his care, control, and management.

26. In order that any person may be qualified to be a member of a local board of a road district, he must be possessed of freehold or leasehold property of the ratable annual value of Fifty Pounds at the least, within the road district for which he may become a member, and must reside within the district for which he may be elected.

27. The following persons shall be disqualified from, and incapable of, being or continuing members of the local board of any road district—

i. Any person convicted of any treason or felony, or for a misdemeanor, for which sentence of imprisonment other than for the non-payment of any fine shall have been passed:

ii. Any uncertificated insolvent:

iii. Any person of unsound mind:

iv. Any
IV. Any person holding any office or place of profit under any local board, or contracting, whether directly or indirectly, with any local board: Provided that no person shall be disqualified by reason of his being a proprietor or shareholder in any company incorporated under any Act of Parliament, or registered under any Act for the registration of joint-stock companies, which may have contracted with any local board; or by reason of any sale, lease, or purchase of any land, or any agreement for the same; or by reason of the supply of any stone or other material quarried and taken from the land of any such person by any person other than the owner or occupier of the land: Provided also that no member shall vote or take part in the discussion of any matter in which he may be directly or indirectly, by himself or his partners, pecuniarily interested.

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

29. No person shall be capable of acting as member of any local board, except in administering the declaration hereinafter mentioned, until he shall have made and signed, before one of the members, a declaration to the following effect:—“I, , do hereby declare that I will faithfully and impartially, according to the best of my skill and judgment, execute all the powers and authorities vested in me as a member of the Local Board of Main Roads for the Road District of , by virtue of the ‘Roads Act, 1883,’ and also that I am not disqualified as a member in terms of the same Act.”

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

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

32. The following causes shall create an extraordinary vacancy in any local board—

Death or lunacy of any member:

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

Disqualification of any member as hereinbefore defined:

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

Refusal by any member to make or sign the declaration hereinbefore prescribed:

The ceasing to reside by any member within the road district for the local board of which he may have been appointed or elected;

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

PART IX.

ELECTIONS

33. Members of every local board, except the first members for any road district who may be appointed pursuant to section eighteen of this Act, and, except as is provided by section sixteen, shall be elected as herein provided, or be appointed by the Governor as herein provided, for the term of three years, in manner herein contained.

34. The Municipalities and District Councils situated within any road district, shall elect three members of the local board for such road district or such less number as by the next section is provided; and, in case any road district shall have no such Municipality or Council within its limits, then, and in such case, the Governor shall appoint all the members of the board for such district, and the persons so appointed shall be members thereof accordingly, to all intents and purposes, as if elected for the term of three years aforesaid.

35. In case any road district, by this Act declared, or which may hereafter be declared and defined by the Governor, as hereinbefore provided, shall not be wholly comprised within the limits of Municipal Corporations or District Councils, then, and in every such case, the Governor may by Proclamation limit the number of members of the local board of such district to be elected by the Corporations and Councils within such road district, and such Corporations and Councils shall elect the number of members so limited,
limited, and no more; and the Governor may appoint the other members for such road district, who shall hold office until the expiration, by effluxion of time, of the term for which the board is appointed.

36. Four months at least before the expiration, by effluxion of time, of the period for which the members of any local board shall have been appointed or elected for any road district, the secretary of such local board shall forward to each District Council and Municipality within such road district a notice calling upon such District Councils and Municipalities to exercise their right of election, and shall also cause a like notice to be published in the Government Gazette, and shall also forward to each District Council and Municipality a nomination paper in the form given in the Third Schedule hereto.

37. Two calendar months at least before the expiration, by effluxion of time, of the period for which the members of any local board shall have been appointed or elected for any road district, every Municipal Corporation and District Council within the limits of such road district shall transmit to the chairman of such board a paper in the form in the Third Schedule hereto, or as near thereto as circumstances will permit, nominating three persons, or such less number (if any) as the Governor may have declared to be the number to be elected, as members of such board, signed by the mayor and town clerk of each Corporation on behalf of the Corporation, and by the chairman and the clerk of each District Council, on behalf of the District Council; and the chairman of the board, at the first ordinary meeting of the board, held after the time hereinbefore appointed for nominating the persons aforesaid, shall, in the presence of the board present at such meeting, inspect such nomination papers, and shall declare those persons to be elected who shall have received the largest number of votes, according to the scale hereinafter provided; and such nomination papers shall be preserved by the chairman of the board, and shall be open at all reasonable hours for inspection by any member of a Municipal Corporation or District Council during the period of three months next succeeding such election; and the board shall publish the names of the persons nominated, and the number of nomination papers in which such names were contained, and the number of votes given, in the Government Gazette. No nomination paper shall be valid or reckoned in any way at any election which shall not contain the exact number of names of qualified candidates which may be required to fill the vacancy or vacancies about to occur.

In case of an equal number of votes being given for two or more candidates for a seat upon any board, the chairman shall, in presence of the board, determine by lot which shall be elected.

38. At every election of a member or members of a local board every Municipality or District Council within the road district of which
which the ratable property is assessed at the annual value of less than Ten Thousand Pounds, shall have one vote for each person nominated, and every such Municipality or District Council of which the ratable property is assessed at the annual value of Ten Thousand Pounds or more shall have two votes for each person nominated.

39. If, at any such election as aforesaid, no members of the local board, or a less number of members of the board than hereby required, shall have been elected, it shall be lawful for the Governor to appoint a number of duly qualified persons equal to the number so deficient, to be members of such board, and such persons shall be members thereof accordingly, to all intents and purposes, as if elected as herein provided.

40. Whenever any extraordinary or casual vacancy in the office of member of any local board who shall have been elected in manner herein provided shall occur, the secretary of the board shall forthwith give notice of such vacancy to each Municipality and District Council within the road district, and every such Municipality and District Council shall, within a time not less than four nor more than six weeks from the occurrence of such vacancy, transmit to the chairman of the board a paper in the form in the Third Schedule hereto, or as near thereto as circumstances will permit, nominating a member to fill such vacancy; and every such election shall be held, and the voting and other proceedings shall be conducted, as nearly as possible in the same manner and subject to the same provisions as are hereinbefore provided with respect to the ordinary elections of members; and whenever any vacancy shall occur in the office of member of any such board who shall have been appointed by the Governor, the Governor may cause such vacancy to be filled by appointing a member. Every person elected or appointed under this section shall hold office until the expiration, by effluxion of time, of the period for which the other members of the board have been appointed or elected.

PART X.

PROCEEDINGS OF BOARDS.

41. At the first meeting of every local board after the coming into operation of this Act, and thereafter at the expiration of every succeeding year, the majority of the members of such board then present shall elect a chairman, who shall continue in office for the period of one year; and in case such chairman shall die or otherwise cease to be a member of such board, the members of the board, at their next ordinary meeting, shall appoint another chairman, and the chairman so appointed shall continue in office so long as the person in whose place he was appointed would have been entitled to continue chairman; and if at any meeting of any board the chairman be not present, one of the members present shall be elected.
elected chairman of such meeting by the majority of the members present: Provided, that if at any meeting there shall be an equality of votes in the election of the chairman, it shall be decided by lot which of the members having an equal number of votes shall be the chairman.

42. All meetings of every local board shall be open to the public, but it shall be lawful for the board to exclude or expel any person on account of his disorderly conduct. At all ordinary meetings of a local board, the mayor of each Municipality and the chairman of each District Council, respectively, situated within the limits of the road district of such local board, shall, _ex officio_, have the right to attend and be heard on all matters, but not the right of voting.

43. Each member of a board present within ten minutes of the time appointed for any meeting, not being an adjourned meeting, and remaining until the business is concluded, shall be paid the sum of One Shilling per mile in going from his place of residence to such meeting, and Twenty-one Shillings for every such attendance: Provided that none of such payments shall be made for more than one meeting in each month: Provided, however, that if any special visit by any of the members of the board to any road shall be deemed advisable by resolution of the board, reasonable travelling expenses, as approved by the Commissioner of Main Roads, shall be paid: Provided also that, if any meeting, not being an adjourned meeting, shall lapse owing to there being no quorum of members present, the members actually attending and remaining in attendance for the space of an hour shall be entitled to the payment aforesaid in respect of such attendance. All payments under this section shall be made out of the general revenue of the province.

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

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

46. Every local board shall hold one meeting at least in each month for the transaction of general business, at such place within the road district, and at such time as each board shall from time to time appoint; and when any such appointment is made, the secretary shall give notice thereof to each member of the board, and each member shall afterwards, until the time or place of such meeting is changed
changed and notice of such change duly given, attend such meetings without notice.

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

48. The ordinary meetings of a local board shall be held for transacting the business for the purpose of which the board is appointed, and for giving such directions as from time to time may be necessary for carrying into effect the purposes of this Act.

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

50. Any member wishing to revoke or alter a resolution of a local board may give notice thereof to the secretary who shall give notice thereof to each member of the board at least seven days before the holding of the meeting at which such resolution is proposed to be revoked or altered. No resolution shall be revoked or altered except by an absolute majority of the whole board.

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

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

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

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

55. A local board shall cause entries of all the proceedings of the board, and of every committee appointed by them, with the names of the members who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the secretary under the superintendence of the board, and every such entry shall be signed by the chairman of the meeting following that at which the proceedings took place; and every entry purporting to be such entry as aforesaid, and to be so signed, or a copy thereof, or extract therefrom, certified under the hand of the secretary of the board, shall be received as evidence in all Courts and before Justices, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being members of the board or of any committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all which last-mentioned matters shall be presumed until the contrary be proved; and such books shall at all reasonable times be open to the inspection of any of the members of the local board. At every meeting of each board the secretary shall produce to the members present the cash-book and bank pass-book of the board, and the same shall be inspected and initialled by the chairman. A copy of the minutes of every meeting of each board, certified by the secretary thereof, shall after each meeting be forwarded by the secretary to the Commissioner.

PART XI.
OFFICERS AND BY-LAWS.

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

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

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

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

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

61. All claims by or on the part of any local board to any moneys due and owing from any such officer, or to any vouchers, orders, receipts, papers, writings, property, and effects whatsoever retained or not duly accounted for by any such officer, may be heard and determined by any two or more Justices in a summary way; and such Justices may order the delivery of any account, and payment of any sum of money appearing due from, and the delivery of any vouchers, orders, receipts, papers, property, and effects retained or not accounted for by, such officer, or the payment of any sum of money upon the non-payment or non-delivery thereof; and such order may be enforced in

PART XI.

Members of board not to be officers of board.

Officers to give security.

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

Officers when required to account

Officer retaining funds or vouchers, &c., may be proceeded against summarily.
the same manner as a summary conviction by any two or more Justices; and any moneys, vouchers, orders, receipts, property, and effects mentioned in any order shall, when received or recovered, be paid and delivered to such board.

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

63. Every person who, being entrusted with the receipt or disposal of money under this Act, shall, with intent to defraud, dispose of or retain in his own possession, or apply to his own use, any money, with the receipt or disposal of which he shall have been so entrusted as aforesaid, shall be guilty of larceny, and may be convicted upon an information for larceny and punished accordingly.

64. Every local board may (subject to the provisions of this Act) from time to time make, and, when made, alter, add to, and repeal by-laws for all or any of the following purposes, that is to say—

i. For the purpose of regulating the proceedings at their meetings:

ii. For regulating the duties and conduct of their officers and servants:

iii. For providing for the due management of their affairs:

iv. For regulating the traffic of carriages upon any road under their control: and

v. Generally for carrying the purposes of this Act into execution:

All such by-laws shall be reduced into writing, and shall be signed by the chairman of the board, and shall, when published in the Government Gazette, have the force of law until they be altered or repealed by the board or revoked by the Governor.

The production of a copy of any by-law purporting to be certified by the secretary of any local board to be a true copy of a by-law for the time being in force shall be evidence of such by-law, and of the due making thereof, and of its being in force in all courts of law and before Justices.

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

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

PART XII.
CONTRACTS.

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

68. It shall not be lawful for any local board except as mentioned in section 82 of this Act, to enter into any contracts or agreements for the purposes of this Act, or for any other purpose whatever, exceeding the funds actually at the time at their disposal, or under their control; and no local board shall, by way of mortgage, debentures, or otherwise, borrow, or, from any source, anticipate its funds in any manner whatever.

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

70. Any
PART XII.

Compounding breaches of contract.

70. Any local board, the Commissioner of Main Roads, or any Municipality or District Council, may compound with any person who has entered into contract, or against whom any action or suit has been brought for any penalty contained in any contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of any contract, bond, security, or other recompense, as the board, Commissioner, Municipality, or District Council may think proper.

PART XIII.

REVENUE.

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

72. Each local board shall, as soon as convenient after any money shall have been voted, as in the last preceding section is mentioned, give at least three weeks' notice to each Municipality and District Council comprised within the road district for which such board is appointed or elected, of its intention to appropriate the money so voted to the roads within such district, and of the day on which such appropriation is to be made; and at a meeting of the board upon the day named in such notice, or at an adjournment of such meeting, of which adjournment the like notice shall be given, the board shall appropriate such money to such roads in such manner as shall then be decided; and the money appropriated to any particular road or portion of a road, shall, so far as possible, be spent upon such road or portion only.

73. All moneys of each local board shall, within three days after they shall have come to the hands of the officer appointed by the board to receive the same, be paid into such bank as such board shall from time to time have appointed for that purpose; and no such money shall be drawn out of such bank save by cheque signed by the chairman of the board if present, and one other member thereof, or, if the chairman be absent, by two members, and, in all cases, countersigned by the secretary of the board, or by such other person as the board may appoint.
PART XIV.

AUDIT.

74. The Commissioners of Audit shall carefully examine the accounts and balance-sheet of each local board once at least in each year with the books, papers, and vouchers of the board, and correct or alter the same, as may be found necessary, and may call for and require the production of all books, papers, documents, and vouchers, the property of or in the possession or under the control of the said board or any officer thereof.

PART XV.

ACCOUNTS.

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

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

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

DUTIES, POWERS, AND PRIVILEGES OF LOCAL BOARDS AND COMMISSIONER OF MAIN ROADS.

78. Every local board shall, out of such moneys as shall from time to time be voted by the Parliament of the said province, and so far as such moneys will enable them so to do, construct, form, drain and metal such of the main roads of the said province set forth in the Second Schedule hereto, as are comprised within the district under the control of such board, and may drain the water falling or flowing into such roads, or off the same, into the adjacent lands, paying such compensation as may be awarded by any two Justices in a summary way: Provided that no compensation shall be payable when the drainage follows the natural fall of the water.

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

80. The Governor, if it shall appear to him that any local board refuses or neglects to perform the duties and functions by this Act imposed and conferred upon local boards, or refuses or neglects to repair, maintain, and keep in good repair the main roads within the district for which any such Local Board may have been appointed or elected, or has misappropriated, or has appropriated for any purpose not contemplated by this Act, any of the moneys at its disposal, or any part of its revenue, may, by Proclamation, suspend the powers and functions of any such local board; and immediately thereupon the powers, duties, and functions of the board shall absolutely cease, and shall become vested in and be exercised and exercisable in all respects by the Commissioner of Main Roads until the Governor shall, by Proclamation, permit the said local board to resume and exercise its powers, functions, and duties. And in the event of any board refusing or neglecting after such permission to resume and exercise its powers, functions, and duties, the Governor may abolish such board and appoint a fresh board for the period of time and in the manner directed for the appointment of the first local boards under section eighteen of this Act.

81. Whenever any road, or portion of a road, without being closed as hereinafter provided, shall cease to be a main road, notice thereof shall be given by the board, in the Government Gazette, and also to the different District Councils (if any) within the limits of which such road may pass, and such road or portion thereof shall thereupon be vested in such District Councils: Provided also that, if such road or any portion thereof shall be the boundary or boundaries of any adjoining District Councils and Municipalities, or either of them,
such District Councils or Municipalities shall jointly have the care, control, and management of such road or portion thereof.

82. Local boards, subject to the consent of the Commissioner of Main Roads, or the Commissioner of Main Roads, may, at their discretion, let and entrust the maintenance and repairs of any portion not exceeding ten miles in any one contract in length of any main road within their respective districts, for any period not exceeding five years, to any person or persons, and may from time to time pay such person or persons out of the ordinary revenue of the local board, or out of such other fund, as may be available to the said Commissioner, the amount agreed to be paid for such maintenance and repair: Provided always, that the maintenance and repair of such portions of main roads shall be let by tender, in manner provided by section sixty-nine of this Act.

83. Whenever the Commissioner of Main Roads, or any local board, shall have finally determined on the exact course and bearing of any deviation of any main road or portion of a main road, such Commissioner or local board, respectively, shall cause to be deposited in the office of the Surveyor-General, survey maps and plans describing the course and bearings and admeasurements of the same, and when and so often as any such survey maps and plans are deposited, shall cause notice thereof to be published by advertisement in the Government Gazette, setting forth such particulars as may be sufficient generally to describe such road or portion of a road, and referring to the survey maps and plans deposited as aforesaid, and such maps and plans shall be open to public inspection, and the same, or copies thereof, certified under the hand of the Surveyor-General, shall be evidence in all legal proceedings: Provided that it shall not be necessary for the said Commissioner or local board to cause any maps and plans to be deposited in reference to any roads or portions of roads of which maps and plans shall heretofore have been deposited under the provisions of any Act hereby repealed; and such maps and plans so heretofore deposited shall have the same force and effect as if the same had been deposited under the provisions hereof.

84. Any one or more of the following acts may be done by the Commissioner of Main Roads, any Municipality, or District Council, or by any local board, at any one time by one proceeding, or from time to time, that is to say—New roads may be opened; existing roads, or any part thereof, may be altered or added to, or closed wholly or in part; partly closed roads, or any part thereof, may be exchanged for lands required for new roads or alterations, or may be sold, and deeds of exchange, conveyance, memoranda of transfer, or other assurances may be duly executed therefor, or, where within the jurisdiction of a Municipality or District Council, may be retained as the property of the Municipality or Council, and at any time sold or exchanged for other land required for roads, or corporate or district purposes, or may be dedicated to corporate or district purposes.

85. Nothing
85. Nothing in this Act shall authorise the Commissioner of Main Roads, any local board, Municipality, or District Council, to take or make use of, or order or direct any road to be made in or through any garden, orchard, yard, park, planted walk, or avenue to a house, or any enclosed ground planted as an ornament or shelter to a house, or for ornamental purposes, under the provisions of "The Ornamental Grounds Act, 1881," or planted as a nursery for trees, or any part thereof respectively, without the consent, in writing, of the owners and of the occupiers (if any) thereof first had and obtained.

86. For all purposes relative to the acquisition of lands required for works undertaken under the authority hereof, and to the compensation to be made for the same, the Lands Clauses Consolidation Act, and any Act or Acts amending the same, shall be deemed to be incorporated with this Act, and shall be construed together herewith as forming one Act, and the expression "promoters of the undertaking," when used in the said Acts, or any of them, shall mean the Commissioner of Main Roads, or any Municipality, District Council, or local board acquiring the land in question, and the words "Special Act," whenever used therein, shall mean this Act.

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

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

89. On receipt of such plan the Surveyor-General shall cause to be prepared and inserted in the Government Gazette, a notice, for four consecutive weeks, containing the following information, namely:—A general description of the proposed alterations, referring to the survey plan, the names of owners or occupiers of any land affected (so far as known), the date and place of meeting of the Commissioner of Main Roads and the Surveyor-General, or of the local board, Municipality, or District Council, as the case may be, to decide
decide upon effecting the object stated in such notice, and printed copies of such notices shall, as soon as possible, be forwarded by the Surveyor-General to the persons whose names appear on such notice as owners or occupiers of any land affected by the proposed alterations, such notices being forwarded through the medium of the General Post Office, directed to such persons at their last or most usual known place of abode in the said province, or if that be not known, then to the place where such proposed alterations are to be made; and any person may, within forty days after the first publication of the notice, by writing addressed and served on the said Commissioner or on the local board, Municipality, or District Council, his or their secretary or clerk, or delivered at his or their office, as the case may be, give notice of any objection: Provided also, that a copy of such notice shall be forwarded to the Surveyor-General.

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

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

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

93. On the confirmation by the Governor of any such order as aforesaid, a notice of such confirmation shall be forthwith published in the Government Gazette, which notice shall be in the form No. 4 in the Fifth Schedule in this Act, or as near thereto as circumstances will permit; and the publication of such notice shall be sufficient evidence of the due confirmation of any such order, and thereupon any land or area to be taken for a new road or part of a road shall become dedicated to the public and be under the control and management of the Commissioner of Main Roads or the local board, Municipality, or District Council, as the case may be, who shall also then be authorised to pay or receive any money agreed on for equality of exchange, and any land by the order ordered to be vested shall be vested in the person and for the estate therein mentioned; but should such order not be confirmed within the time above limited, any agreement for exchange shall be absolutely void.

94. In the event of any portion or portions of road being ordered to be closed as aforesaid, it shall be lawful for the owner or owners of the adjoining lands, if they shall think fit, to acquire the same road or such part thereof as may adjoin their land respectively, either in exchange or at such price as may be fixed by agreement or by the said order, or in the event of any difference, by arbitration, as provided in the Lands Clauses Consolidation Act, or in any Act amending or re-enacting the same; and it shall be lawful for the Commissioner of Crown Lands and Immigration of the said province to make and issue to the person acquiring such land a certificate of title in duplicate in the form in the Sixth Schedule to this Act, which shall, upon being signed, be delivered to the Registrar-General; and the purchase-money, deducting the necessary expenses (if any) shall be paid to the local board of the road district, the Municipality, or District Council having the care or control of the roads so closed, or to the Treasurer of the said province, as the case may be: Provided that any Municipality or District Council may reserve any such road, or may, after reserving any such road, sell the same to the person entitled to buy the same.

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

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

97. Upon receipt of any certificate of title under the provisions of this Act, the Registrar-General shall, after the expiration of three calendar months from the date of the order, bind up one of the certificates of title as a separate folium of the register book, and shall register the same under the provisions of the “Real Property Act of 1861,” and any Act amending or re-enacting the same, and shall deliver the other certificate of title to whomsoever shall be entitled thereto.

98. Upon receipt of a certificate of title under this Act, and before binding the same, in any case where the land comprised in such certificate is comprised in any prior land grant registered under the “Real Property Act of 1861,” or in any certificate of title, the Registrar-General shall obtain from the Surveyor-General, who shall furnish the same, particulars of the width, length, bearings, and admeasurements of the land, and shall make any alterations that may be necessary on any deposited plan, and also make an entry in the register book on the prior land grant or certificate of title, and in the plan on the margin thereof, correcting and cancelling the same, so far as such land is concerned; and shall require the registered proprietor, or any mortgagee or encumbrancee who may hold the same, to deliver up such grant or certificate of title for the purpose of being cancelled or corrected.

Every such registered proprietor, mortgagee, or encumbrancee who shall neglect or refuse to deliver up such grant or certificate of title for such purpose within one week after the Registrar-General shall have demanded the same, shall be liable to a penalty not exceeding Ten Pounds for every day during which such neglect or refusal shall continue.

99. After registration of any such certificate of title as hereinbefore provided, the provisions of the “Real Property Act of 1861,” and any Act amending or re-enacting the same shall be applicable to the land therein mentioned, to all intents and purposes whatsoever, as fully as if the said land had been brought under the provisions of such Act upon the application of a proprietor, and the certificate of title, shall be conclusive evidence in every Court of Law that the land and estate therein described is vested in the person therein mentioned.

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

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

102. If any person shall be desirous of obtaining an order to close any district road adjoining his land, or to close such road and to open any land as a new district road in place thereof, or in addition thereto, he may apply to the Local Court of Full Jurisdiction nearest to the place where such alteration is proposed to be made, and such Local Court is hereby authorised to make such order as is hereinafter mentioned: Provided that no such order for the closing of any road shall be made unless the Local Board of Main Roads or District Council within whose boundaries such roads shall exist shall consent to such order.

103. The proceedings to obtain an order under the last preceding section shall be as follows—

The person desirous of obtaining such order shall deposit with the Surveyor-General a survey plan showing the exact position, boundaries, bearings, and admeasurements of the roads, or parts of roads proposed to be closed, and of any piece of land proposed to be used as a road and substituted therefor, and also the names of the owners or occupiers of sections affected by the proposed alteration, which plan shall be open to public inspection at all reasonable times; and at the time of depositing such plan the person so applying shall pay to the Surveyor-General the sum of Five Pounds Five Shillings for the use of Her Majesty, and also deliver a notice, stating the Local Court to which, and the time at which, it is intended that such application shall be made:
Upon such plan being deposited, the Surveyor-General shall cause to be prepared and inserted in the *Government Gazette* a notice, for four consecutive weeks, containing the following information, viz.:—The name and time of meeting of the Local Court to which the application is to be made; a description of the proposed alterations, giving the boundaries, bearings, and admeasurements of the road proposed to be closed, and also of any piece of land proposed to be used as a road or substituted therefor; and the names of the owners or occupiers of any land affected (so far as known); and a printed copy of such notice shall, as soon as possible, be forwarded to the local board, Municipality, or District Council, as the case may be, within whose limits such alterations are proposed to be made, and also to the persons whose names may appear in such notice as owners or occupiers of any land affected, such notices being forwarded through the medium of the General Post Office, and being directed to such persons at their last or most usual place of abode in the said province, or if that be not known, then to the place whence the proposed alteration is to be made:

At the Local Court held at the time and place mentioned in such notice, being not less than six, nor more than eight weeks after the first publication thereof in the *Government Gazette* or at any adjournment thereof; or if from any reason other than the mistake of the applicant, the said Court shall not sit on the day mentioned in such notice, then at its next sitting the said Court may hear and adjudicate upon such application, and may make such order as to closing any old road, or opening any piece of land as a new road in place thereof; or in addition thereto, as to them may appear expedient, which order shall, as soon as possible after the making thereof, be drawn up in duplicate and authenticated by the seal of the said Court, and shall be in the form of No. 5 in the Fifth Schedule to this Act, or as near thereto as circumstances will permit:

Any person interested may, by himself or his counsel, attend before any such Court, and object to any such order being made: Provided that he shall have given notice in writing to the Clerk of the said Court, at least seven days before the day on which the application is to be heard, stating his intention so to object, and the grounds of such objection:

There shall be an appeal to the Adelaide Local Court of Full Jurisdiction from any order of any other Local Court, and such appeal shall be conducted in the manner prescribed for regulating appeals by the Ordinance No. 6 of 1850, or any Acts extending or amending the same: Provided that, if on any appeal the recognizances, notice of appeal, or any other document, be defective or informal, the right of appeal shall not thereby be lost, but the Court may amend any such document,
PART XVI.

Confirmation of order.

Certificates of title shall be issued by the Commissioner of Crown Lands to the persons respectively entitled to the lands mentioned in such order, in manner provided in section ninety-seven of this Act:

From and after the making of the order, the road or part of a road therein described to be closed, shall cease to be a road; and any land by the order ordered to be taken for a substituted road, shall become dedicated to the public: Provided that, if any substituted road shall be ordered to be made, the road ordered to be closed shall not be closed until the substituted road shall be certified to be in a fit state for public use by the Surveyor of Roads for the District or the Surveyor-General, as the case may be.

104. Nothing herein contained shall empower any Local Court to make any order affecting a road within the limits of a corporate town, or to open a new road through land against the will of the owner.

105. No order heretofore made or to be made for the opening, closing, altering, adding to, or exchanging of roads shall be deemed to be invalid only by reason that such order affects more than one road, or affects more than one act or thing with regard to any road or roads, and no objection by reason thereof shall be taken to any order.

106. All orders made by Local Courts, under this Act, shall be in duplicate, and one copy thereof, together with the plans used before the Local Court making the order, shall forthwith be transmitted by them to the Surveyor-General.

107. Every order for the purpose of closing or opening any district road or roads, or both, made by any Local Court, in pursuance of this Act, shall be forwarded by the person obtaining the same to the Commissioner of Crown Lands for confirmation by the Governor; and every such order, unless the same be duly confirmed in manner provided for the confirmation of like orders under the ninety-second and ninety-third sections of this Act, shall be utterly null and void.

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

109. Whenever a main road, or part thereof, forms the common boundary of a road district and land other portion of the said province not within a road district, the local board of such district, or the Commissioner of Main Roads respectively, may execute, exercise, and enjoy the powers and authorities in respect of such road, and shall be liable and subject to the actions and proceedings in the last preceding section authorised.

110. Every local board, Municipality, District Council, or the Commissioner of Main Roads, as the case may be, may erect and cause to be erected, placed, and put upon the roads under their or his care and management, such lamps, lamp-posts, bars, direction-boards, milestones, posts, rails, walls, and fences, and other things as to such board, Municipality, District Council, or Commissioner may seem necessary or expedient.

111. If any person shall knowingly and wilfully dig up, break, or pull down, spoil, destroy injure, or damage any lamp, bar, direction-board, milestone, post, rail, wall, fence, bridge, culvert, covered drain, or other work, for the sustentation of any road made, erected, or put up by or under the care of any local board, Municipality, District Council, or the Commissioner of Main Roads, as the case may be, or shall negligently injure the same or any of them, he shall be guilty of a misdemeanor.

112. Every local board, Municipality, District Council, or the Commissioner of Main Roads, as the case may be, and every person acting under their or his orders, may make use of any uncultivated land for the purpose of constructing a temporary road while any road is being made or undergoing repair: Provided always, that such temporary road shall be fenced in or otherwise so secured as to afford to the owner or occupier of the land through which the same may pass the same protection against trespass as was possessed by him previous to the construction thereof, and provided also that a fair and reasonable compensation shall be paid by any such board, Municipality, District Council, or Commissioner to the owner or occupier of such land for any damage done by them. Such compensation may be assessed and ordered, by any two Justices, to be paid on complaint of the owner or occupier.

113. In
PART xvi.

Alteration of road to be fenced.

Power to go upon land adjoining a road.

Materials, where and in what manner to be taken.

113. In all cases where an alteration in a road is made through lands previously fenced, such road shall be fenced on both sides with a substantial fence of the same nature as was possessed by the owner previous to such alteration before it is opened for public use.

114. Every person acting under the authority of a local board, Municipality, District Council, or the Commissioner of Main Roads, as the case may be, with all necessary cattle and carriages, may enter upon land adjoining any road under the care and management of such board, Municipality, District Council, or Commissioner, for the purpose of constructing or repairing any drains or culverts, or performing any repairs that may be required to the road, or for the purpose of tracing out or making any alteration of the line of road.

115. Every person, acting under any such authority as last aforesaid, may enter in and upon any waste or unenclosed land or waste lands of the Crown, or any river, or creek, whereon or wherein stones, gravel, sand, or other materials are likely to be found, and there search for, gather, dig, get, and carry away so much of the same as may be required for making or for the repair of any road, so that such person doth not thereby divert or interrupt the course of any such river or creek, nor prejudice nor damage any building, road, or ford, or bridge, or the bank of any such river or creek, nor dig, nor get the same materials out of any river or creek within the distance of one hundred and fifty feet from any bridge, dam, or weir: Provided, however, that, if any such lands be waste lands of the Crown, the permission of the Surveyor-General be first obtained.

116. If sufficient materials cannot be had conveniently within any such waste or unenclosed lands, rivers, or creeks, and such materials can or may be procured in or upon any enclosed lands or grounds (such lands or grounds not being a garden, yard, avenue to a house, lawn, park, paddock, or enclosed plantation or wood, of a superficial area less than one hundred acres in extent) lying near to the road for which such materials shall be required, any person authorised as aforesaid may give fourteen days' notice of his intention to enter upon such enclosed land, in order to search for, dig, and carry away such materials, to the owner or occupier of such land, which notice shall express the quantity and nature of the materials proposed to be taken, and the precise place from which it is proposed to take the same; and if within such period of fourteen days such owner or occupier shall give notice to the board, Municipality, or District Council, or Commissioner, by whom authority was given, or to the secretary or clerk thereof, of any objection to the entry, and taking of such materials, then such objection shall be heard and decided upon the complaint of either party before and by any two Justices of the Peace, at a time and place to be appointed by such Justices, and whereof four days' notice at the least shall be given to the other party; and
and if no such objection shall be made, or if the same shall be overruled by such Justices, it then shall be lawful for any person so authorised to enter upon such land and to take and carry away so much of the said materials as shall be necessary to be employed in the amendment of the said roads or as may be authorised by such Justices: Provided that it shall be lawful for such Justices if they shall overrule any objection as aforesaid, to direct that a compensation shall be paid to such owner or occupier for the value of any materials so to be taken and carried away, and for any damages to be occasioned to any lands to be entered as aforesaid, and to fix the amount of such compensation; and any money so ordered to be paid by way of compensation shall be paid by such board, Municipality, District Council, or Commissioner, out of any funds which may come to their or his hands applicable to the purposes of this Act.

117. Any owner or occupier of enclosed lands or grounds, who may have omitted to give notice of any objection as provided in the last preceding section, or the owner of any waste and unenclosed ground, at any time within six calendar months from any entry upon his lands or grounds, may claim compensation for any loss or damage occasioned thereby; and such claim shall be heard and determined by any two or more Justices in a summary way, and such Justices may award and order the payment of compensation for any damage occasioned to such owner or occupier by such entry and removal of materials, and such compensation, when so awarded, shall be paid by the local board, Municipality, District Council, or the Commissioner of Main Roads out of any moneys which may come to their or his hands applicable to the purposes of this Act.

118. If any person, acting under such authority as aforesaid, shall, by reason of searching for, digging, or getting any materials for repairing any roads, make any pit or hole in any waste or unenclosed lands, rivers, or brooks, as aforesaid, wherein such materials shall be found, he shall forthwith cause the same to be sufficiently fenced, and kept fenced, during such time as such pit or hole shall continue open; and where no materials shall be found, shall cause such pit or hole to be forthwith filled up and levelled, and where any materials shall be found, shall, within fourteen days after having dug sufficient materials from such pit or hole, cause the same to be filled up, or sloped down, and fenced, if required, by the owner or occupier of the land or ground; and in case such person shall neglect to fill up, slope down, or fence such pit or hole in manner and within the time aforesaid, or having taken stone from a quarry already in use, shall neglect to leave the same in a workmanlike manner, it shall be lawful for any two Justices, upon complaint of the owner or occupier of the land, to order that such pit or hole shall be filled up, fenced, or sloped down; and that the expenses thereby occasioned, to be ascertained by such Justices, and the costs of and attending any such order, shall be paid by the local board, Municipality, District Council, or the Commissioner.
of Main Roads, under whose authority any such person shall be acting; and such board, Municipality, District Council, or Commissioner shall forthwith pay the same out of any moneys which may come to their or his hands applicable to the purposes of this Act.

Every person, acting under such authority as aforesaid, who shall knowingly dig, or cause to be dug, materials for any road in such a manner as to damage or endanger any bridge, building, dam, road, mine, or other work, or property, shall forfeit and pay for every such offence, on conviction, a sum not exceeding One Hundred Pounds, without prejudice to any claim for damages to which he may be liable.

Every person, acting under such authority as aforesaid, who shall lay, or cause to be laid, any heap of stones or other material upon any road, and allow the same to remain there at night, without having taken all due precaution to guard against danger or damage happening to any person, carriage, or animal by reason thereof, shall forfeit and pay, for every such offence, a sum not exceeding Fifty Pounds.

Every person who shall take away any stone or other material which shall have been dug or collected for the making, repair, or use of any main or district road, or shall dig, get, or raise any materials out of any pit, hole, or quarry which shall have been made, dug, or opened for the purpose of getting materials for the same, before the person having the care and management of such road, and the workmen employed for getting such materials, shall have discontinued working therein for the space of one month (except in the last-mentioned case he be the owner or occupier of the land upon which such quarry shall be made, or someone authorised by him to get materials for his own private use, and not for sale), shall, on conviction, for every such offence, forfeit and pay a sum not exceeding Five Pounds.

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

123. The following offenders, that is to say—Every person who shall—

i. Erect or build, or cause to be erected or built, any house or other building, verandah, hedge, or other fence, or any other obstruction, on or at the side of any road, so as to reduce the breadth or encroach on the limits thereof; or

ii. Make, or cause to be made, any drain, gutter, sink, or watercourse across any road, or any part thereof; or

iii. Fill up or obstruct any ditch, drain, or watertable at the side of any road; or

iv. In any way obstruct the public use of any road or any part thereof:

Shall, on conviction, forfeit and pay for every such offence a sum not exceeding Twenty Pounds; and in addition thereto it shall be lawful for a local board, Municipality, District Council, or the Commissioner of Main Roads, as the case may be, to cause such house or other building, verandah, hedge, or other fence, or other obstruction, to be taken down and removed, and every such drain, sink, gutter, or watercourse to be filled up, and all expenses incurred under this section by the local board, Municipality, District Council, or Commissioner may be recovered from the offender before any two Justices.

124. If any tree or other thing growing on land adjacent to any main or district road, shall obstruct the same, any two Justices may, on complaint laid by or at the instance of any local board, Municipality, or District Council, or the Commissioner, order the same or any part thereof to be removed, and if the owner or occupier of the land do not within eight days after the making of such order comply therewith, the local board, Municipality, District Council, or the Commissioner, as the case may be, may enter upon the land and carry out the order, and the owner or occupier neglecting to comply with the order shall, on conviction, forfeit and pay a sum not exceeding Forty Shillings, together with the expenses incurred by the local board, Municipality, District Council, or Commissioner, in carrying out the order.
125. The following offenders, that is to say—Every person who shall—

1. Ride on any animal upon any footpath, causeway, or place set apart or made for the accommodation of foot passengers, by the side of or forming part of any road; or

2. Lead or drive any animal or carriage, or any wheel of any carriage, on any such footpath, causeway, or place; or

3. Cause any injury or damage to any such footpath, causeway, or place; or

4. Haul, drive, or draw, or cause to be hauled, drawn, or driven, upon any part of any road any timber, stone, or other heavy material otherwise than on a wheeled carriage; or

5. Suffer any timber, stone, or other heavy material, carried over any part of any road, principally or in part on any carriage, to drag or trail on such road; or

6. Use any instrument whatever for the purpose of retarding the descent of any carriage down any road, in such manner as to injure the surface of such road, otherwise than by shoeing, locking, or dragging the wheels; or

7. Place or cause to be placed on any animal going along any road any thing which shall project more than thirty inches from the side of such animal, or impede or obstruct the passage of any person, animal, or carriage travelling or going along such road; or

8. Make, or assist in making, or cause to be made, any fire on any road; or

9. Make, or assist in making, or cause to be made, any bonfire within thirty feet of any road; or

10. Let-off, or cause to be let-off, or assist in letting-off, any fireworks on or within thirty feet of any road; or

11. Leave any carriage upon any road or on the side thereof, without any proper person in sole care thereof, longer than may be necessary to load or unload the same, except in case of accident to a carriage or the horse or other animal drawing the same; or

12. Leave any carriage, in case of accident thereto or to the horse or other animal drawing the same, on or on the side of any road longer than necessary; or

13. Place, or cause to be placed, any carriage, during the loading or unloading of the same, or the refreshment of the driver or the horse or other animal drawing the same, further from the side of the road than may be necessary; or

14. Lay, or cause to be laid, any timber, stone, hay, straw, dung, manure, lime, soil, ashes, rubbish, glass, or other matter or thing
thing whatsoever, upon any road or on the side thereof, or on the footpath or causeway adjoining, to the prejudice or injury of any road, footpath, or causeway, or of any creek adjoining, or to the prejudice, annoyance, or interruption of any person or carriage; or

xv. Suffer any dirty water, filth, dirt, or any offensive matter or thing, to run or flow upon any road or footpath from any house, land, or premises adjoining such road or footpath; or

xvi. Cause or suffer to be or remain on any road any stone or other thing used for blocking or stopping any carriage; or

xvii. Wantonly or maliciously extinguish the light of any lamp lawfully placed in or near the side of any road:

Shall, on conviction, forfeit and pay for every such offence a sum not exceeding Five Pounds.

126. If any horse, ass, sheep, swine, or other cattle of any kind shall be found wandering, straying, or lying upon any main or district road, or by the sides thereof, except on such parts of such road as pass through any unenclosed ground, it shall be lawful for any person appointed under the authority of a local board, Municipality, District Council, or the Commissioner of Main Roads, as the case may be, to seize and impound every such horse, ass, sheep, swine, or other cattle, and to detain the same until the owner shall pay the sum of Five Shillings to the person impounding the same, for the use of such board, Municipality, District Council, or Commissioner, together with the charges of impounding and keeping the same; and in case the said penalty, charges, and expenses shall not be paid within the time by any law now or hereafter to be in force allowed for payment of the costs and charges of impounding such animals, it shall be lawful for the poundkeeper in whose pound such animals, or any of them, shall be impounded, to sell the same, after giving such notice of sale as by law is or shall be required, and out of the money arising from such sale, after deducting the said penalty, charges, and expenses of impounding, keeping, and selling any such animals as aforesaid, to pay to the person impounding the same the sum of Five Shillings; and the overplus, if any, to the owner thereof: Provided that no greater sum than Five Shillings shall be paid to any person so impounding at one time any number of animals under this Act by any one owner of such animals.

127. The following offenders, that is to say—

i. Every person who shall erect, or cause to be erected, any windmill or steam-engine within fifty yards of any road, unsecured by a proper fence or wall sufficient to render the same free from danger to any persons or animals using such road:

ii. Every person who shall burn or calcine limestone, bricks, clay, or
or make coke or charcoal within twenty-five yards of any road, except in a building, or behind a wall or fence, sufficient to prevent any offence to persons using the road:

Shall, on conviction for every such offence, forfeit and pay a sum not exceeding Five Pounds.

128. No carriage travelling on any main or district road, shall be driven by any person who shall not be of the full age of ten years, under a penalty not exceeding Ten Shillings, to be paid by the owner of such carriage.

129. The following offenders, that is to say—The driver of a carriage of any kind who shall—

1. Ride on such carriage on any road without controlling or guiding, or having some other person to control or guide, the same; or

2. Being the driver of a licensed vehicle used or employed in carrying passengers for hire, leave his box or seat without first giving the reins of the horses to some male adult; or

3. Neglect to keep his carriage on the left or near side of the road when any other carriage is approaching; or

4. By negligence or wilful misbehaviour, cause any damage or hurt to any person or carriage on any road; or

5. Wilfully be at such distance from his carriage on any road or in such situation that he cannot have the control and management of the horses or cattle drawing the same; or

6. Wilfully prevent any person or carriage from passing him or his carriage; or

7. By negligence or misbehaviour, prevent, hinder, or intercept the free passage of any person or carriage on any road:

8. In the construction of this clause the word road shall be deemed to apply to a road as a whole, irrespective of whether or not there are any lines of tramway or other obstruction of a like nature on the road:

Shall, on conviction, forfeit and pay a sum not exceeding Fifty Shillings for every such offence, in case such driver shall not be the owner of the carriage; and, if he be the owner, then a sum not exceeding Five Pounds.

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

130. When information or complaint shall be made before two Justices of the Peace against the driver of any carriage for any offence committed by him against the provisions of this Act, such Justices may forthwith summon the proprietor of such carriage personally to appear, and produce the driver of such carriage, to answer such information or complaint; and if such proprietor, being duly summoned, shall neglect or refuse personally to appear, or to produce such driver according to such summons, such proprietor shall forfeit and pay the sum of 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, 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 the sum of Forty Shillings so paid by such proprietor shall be absolutely forfeited.

131. All pecuniary penalties and costs incurred by reason of any offence committed by the driver of any carriage against any provision of this Act may, if such driver shall not pay the same, be recovered from the proprietor of such carriage before any two or more Justices.

132. Every such proprietor who shall pay any penalty or costs incurred by reason of any such offence as aforesaid, committed by such driver, shall be entitled to deduct the amount of such penalty and costs from any wages then due to such driver, or if no such wages be due, recover the same from such driver in a summary way; and upon complaint made in the premises before two Justices by the said proprietor against the said driver such Justices shall inquire into the same, and shall cause the sum which shall appear to have been so paid as aforesaid by the said proprietor to be levied by distress and sale of the goods of the said driver; and, for the want of sufficient distress, such Justices shall commit the said driver to the common gaol, there to remain for any time not exceeding two calendar months, unless the owner shall be sooner paid; and every such imprisonment shall be with or without hard labor, as such Justices shall direct: Provided always that, if the said driver shall have been previously convicted of the offence for which the said penalty or costs shall be as aforesaid paid by the said proprietor, then such proceedings may be had and taken against the said driver, upon such conviction, for the recovery of the penalty and costs in which he shall have been convicted, as might have been had
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.

133. The Commissioner of Main Roads, or any Municipality, District Council, or local board, being a party to or executing in such capacity any contract or other instrument, or otherwise lawfully executing any of the powers hereby given, shall not as individual persons be subject to be sued or prosecuted by any person whomsoever, and the bodies, goods, and lands of any Commissioner of Main Roads, and of every member of every local board, appointed as well as elected under this Act, and of every member of a Municipality or District Council, shall not be liable to execution of any legal process, by reason of any contract or other instrument entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of the powers aforesaid; and the Commissioner of Main Roads, and the members of local boards, Municipalities, and District Councils, severally and respectively, their heirs, executors, and administrators, shall be indemnified out of the rates and other moneys coming to the hands of the persons aforesaid, applicable to the purposes of this Act, for all payments made, or liability incurred in respect of any acts done by them, and of all losses, costs, and damages which they may incur in the execution of the powers granted to them.

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

PART XVII.

MISCELLANEOUS PROVISIONS.

135. Whenever any day provided or appointed by or under this Act for any purpose shall in any year happen on a Sunday, New Year's Day, Good Friday, or Christmas Day, or any day gazetted as a public holiday, then such provision and appointment shall take effect as for the day following.

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

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

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

139. The information may be laid at the instance of any local board, or by or at the instance of any Municipality or District Council situated within the board district for which such board is appointed or elected, or by any person interested, and the Justices may make an order declaring any person not entitled to the office or place then possessed by him, and that such office or place is vacant, or that the informant is entitled to the said office or place, or order the local board to proceed to take the necessary steps for and hold any election; but no order to admit or restore any person to any office or place shall be made while any other person is in possession of such office or place.

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

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

142. All proceedings in respect of any offence against this Act or any by-laws or regulations made hereunder in respect of which any fine or penalty is or may be imposed, and all proceedings for an order of Justices for the payment of money or otherwise under this Act, may be heard and determined before any two or more Justices of the Peace in a summary way, and such Justices may make any order as to the payment of the costs and expenses of and incidental to any conviction or order, or any order dismissing any information or complaint, as may seem just.

143. All proceedings before Justices authorised by this Act shall be conducted as appointed by, and shall be regulated under the Ordinance, No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders," or of any Act hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders, and all convictions and orders may be enforced as in the said Ordinance is mentioned.

144. There shall be an appeal from any order or conviction, or the dismissal of any information or complaint, by Justices of the Peace, made or directed under the provisions hereinbefore contained, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts; but the Local Court of Adelaide aforesaid may make such order as to payment of costs of appeal as they shall think fit, although such costs may exceed Ten Pounds.

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

146. No conviction, order, warrant, or other proceeding which shall be made, or shall purport to be made, by virtue, or in pursuance, or in execution of this Act, shall be quashed, or deemed to be void, or voidable for want of form, or be impeached or affected by reason of any mistake, defect, or omission therein: Provided the person
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 Act.

147. All fines and penalties under this Act shall be paid, one half to the informant or complainant, and the other half to the Commissioner of Main Roads, or to the local board, as the case may be, in aid of the revenue of the road district wherein the offence was committed in respect whereof such fines and penalties became recoverable, or in case of fines and penalties inflicted at the instance of any Municipality or District Council in respect of any offences against this Act, committed within their respective limits, the whole of such fines and penalties shall be paid to such Municipality or District Council.

148. Notwithstanding anything in this Act contained the Governor, or other person for the time being entitled to grant leases or licences for mineral purposes or for gold-mining purposes of any Crown lands or waste lands of the Crown, under authority of any Act or Acts for the time being in force, or of any regulations or by-laws made thereunder, may from time to time grant the like leases or licences of the soil under any main or district road as if such soil had remained Crown lands or waste lands of the Crown, subject to such special covenants or conditions, for the purpose of protecting the surface of any such road, as to the Governor or other person aforesaid may seem proper.

149. In the construction and for the purposes of the “Width of Tires Act, 1867,” and of any amendment thereof, the expression “Commissioners,” wherever used, shall include the Commissioner, any local board, Municipality, and District Council under this Act, and the expression “Central Board of Main Roads,” whenever used therein, shall mean the Commissioner or any local board.

150. It shall be deemed sufficient service of all notices and orders, which by this Act are directed or required to be served upon any owner or occupier or other person, if the same be left within the time (if any) prescribed at the usual or last known residence or place of business of any of such persons respectively, or be forwarded by post in a prepaid letter, addressed to him at his last known or most usual place of abode within the province, or, if no such place or abode shall be known, be left upon the premises in respect of which such notices or orders shall be directed or required to be served.

151. Whenever it shall be necessary, on the hearing of any information for any offence against the provisions of this Act, or against any by-law or regulation made hereunder, or on the hearing of any complaint under this Act, to prove the service of any notice an affidavit of the service of such notice, sworn before a Justice
of the Peace or Commissioner for taking affidavits in the Supreme Court (who, for such purpose, are hereby empowered to administer all necessary oaths), shall be sufficient proof of such service.

152. No action or prosecution against any person for anything done in pursuance or intended pursuance of this Act shall be commenced, except within three calendar months after the act or neglect complained of was committed, or in case of a continuing injury or damage, except within three months next after the ceasing thereof, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of such action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant, together with the costs incurred up to that time; and if a verdict shall pass for the defendant, or the plaintiff become nonsuited, or discontinue any such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs, to be taxed as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

153. The Acts enumerated in the Eighth Schedule hereto are hereby repealed, provided that such repeal shall not affect—

(a.) The past operation of any Act hereby repealed, nor anything duly done or suffered under any Act hereby repealed; nor

(b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Act hereby repealed; nor

(c.) Any penalty, forfeiture, or punishment incurred in respect of any offence against any Act hereby repealed; nor

(d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed.

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

WILLIAM C. F. ROBINSON, Governor.
SCHEDULES REFERRED TO.

FIRST SCHEDULE.

MAIN ROAD DISTRICTS.—DEFINITION OF BOUNDARIES.

1. Central District.—Commencing at a point on the eastern shore of Gulf St. Vincent, true west of the south-western corner of section 414, hundred of Port Gawler; thence east to said corner; thence in a north-easterly direction along the centre of the river Light to the western side of old Main North-road near section 592, hundred of Light; thence in a northerly direction along the western side of said road to the southern boundary of the hundred of Gilbert; thence easterly along said boundary to the south-eastern corner of said hundred; thence in a south-easterly and north-easterly direction along the south-western and south-eastern boundaries of the hundred of Kapunda to the north corner of the hundred of Belvidere; thence easterly along the northern boundary of the hundred of Belvidere, and northerly along the western boundary of the hundred of Dutton, to its north-western corner, thence east to the north-eastern corner of the hundred of Dutton and south to the north-western corner of the hundred of Anna; thence east along the northern boundaries of the hundreds of Anna and Skurray to the centre of the river Murray; thence in a southerly direction following the centre of the river, and south-westerly along the south-eastern boundaries of the counties of Sturt and Hindmarsh to the sea-coast; thence in a westerly and northerly direction along the sea-coast to the point of commencement.

2. Midland District.—Comprising the electoral districts of Wooroora and Light (excepting that portion comprised in the central district), the hundreds of Stuart, Saddelworth, Apoinga, Kooringa, and Hanson; those portions of the hundreds of Waterloo and Stanley included in the electoral district of Burra; that portion of the hundred of Kingston south of the northern side of road south of sections 132, 375, and 388; that portion of the county of Burra south of a true east line running from the south-eastern corner of the latter section to the eastern boundary of said county; and all that portion of the electoral district of Yatala north of the central district.

3. Peninsula District.—Comprising the whole of the county Fergusson, and all that portion of county Daly south of the hundred of Mundoora, west of the hundreds of Barunga, Cameron, and Goyder.

4. North District.—Comprising those portions of the electoral districts of Framme, Newcastle, and Flinders, north of the county of Victoria; west of the east boundary of county Dalhousie and its production north to a point true east of Mount Greig trigonometrical station; south of a true west line from said point to the eastern shore of Lake Torrens, and east of Lake Torrens; east of the western boundary of county Newcastle and east of Spencer's Gulf, together with all that portion of the electoral district of Flinders, bounded as follows:—Commencing at the north-west corner of the county of Newcastle; thence west by the production of the north boundary of the said county to a point true north of Corunna North trigonometrical station; thence true south by a line running through said trigonometrical station to a point true east of Darke's Peak; thence true east to the western side of Spencer's Gulf; thence north-easterly and northerly along said side of Gulf and the western boundary of county Newcastle to the point of commencement.

5. North Midland.—Comprising the electoral district of Stanley (exclusive of the hundreds of Wokurna, Wiltunga, and Tickera), the whole of the electoral district of Gladstone, the hundreds of Ayers, Anne, Reynolds, Whyte, and Belalie, the county of Kimberley, and that portion of the county of Burra north of district No. 2.

6. Flinders District.—Comprising the county of Flinders and all that country lying to the south and west of a line drawn from the north end of Streaky Bay to Parla Peak trigonometrical station; thence to Mount Southam; thence to Darke's Peak; and thence true east to the western shore of Spencer's Gulf.

7. Victoria.—Comprising the whole of the electoral district of Victoria.

8. Albert.—Comprising the whole of the electoral district of Albert.
SECOND SCHEDULE.

MAIN ROADS.—No. 1. CENTRAL DISTRICT.

1. Glenely-road.—From the Black Forest Inn, on the South-road, to the eastern boundary of Glenelg municipality.
2. Port-road.—From the junction of North and West terraces, Adelaide, to the south-eastern boundary of Port Adelaide municipality.
3. LeFevre’s Peninsula-road.—From the western boundary of Port Adelaide municipality to the eastern boundary of Semaphore municipality.
4. Grand Junction Hotel and Port Causeway-road.—From Grand Junction Hotel (near the western corner of section 97), on the North-road, to the north-east angle of Alberton, and thence to the Causeway on the Port-road.
5. (Part of) North-road.—From Thebarton Bridge, via the Heart-in-Hand, Grand Junction, Smithfield, Gawler, Sheoak Log, Daveystone, and Greenock, to Kapunda (exclusive of part from the north boundary of the hundred of Belvidere to Kapunda, in district No. 2.)
6. Dry Creek-road.—From O’Connell-street, North Adelaide, by the Windmill Corner and Gepp’s Cross, and north-easterly to the junction of the North-road at Dry Creek.
7. Gepp’s Cross and Port Gawler-road.—From Gepp’s Cross to Waterloo-corner, section 5024, hundred of Port Adelaide.
8. (Part of) Adelaide and Port Wakefield-road.—From Adelaide, along the Dry Creek-road and the Gepp’s Cross and Port Gawler-road, to Waterloo Corner, and thence by Virginia Bridge to Port Wakefield (exclusive of part from centre of River Light to Port Wakefield, in district No. 2.)
9. (Part of) Virginia Bridge-road.—From railway station, Salisbury, to Waterloo-Corner, and along the Adelaide and Port Wakefield-road to Two Wells; thence, via Mallala, to the Redbanks (exclusive of part from centre of River Light to the Redbanks, in district No. 2.)
10. From the Virginia Bridge-road, at Two Wells, to Port Gawler wharf.
11. (Part of) Old North-road.—From the North-road, near Gawler, via Templers, Light Bridge, and Forrester’s, to join main road at Auburn (exclusive of part from the north boundary of the hundred of Light to Auburn, in district No. 2.)
12. From Murray-street, Gawler, to the Redbanks, via Reeves’ Plains, with branch to the Experimental Farm.
13. From Welsley railway station to join main road near the Redbanks.
14. North-road, North-Eastern Branch.—From Freeling railway station, through Greenock, Truro, and Blanchetown, to the River Murray.
15. Angaston Branch.—From near Nuriootpa, on the North-Eastern branch of the North-road, through Angaston, to North Rhine River, at section 540, hundred of North Rhine, and thence to Sedan.
16. (Part of) Kapunda and Truro-road.—From Kapunda to join main road near Truro (exclusive of part from Kapunda to the north-west boundary of the hundred of Belvidere, in district No. 2.)
17. Lyndoch Valley-road.—From Gawler railway station, across South Para bridge, through Lyndoch Valley and Tanunda, to join the main road to Blanchetown, near Nuriootpa.
18. From near Sandy Creek, on the Lyndoch Valley-road, via Williamstown and Mount Crawford, to join main road near Springer, hundred of South Rhine.
19. From main road, near Williamstown, to join main road at Mount Pleasant.
20. From main road, near Gumeracha Waterholes, hundred of Para Wirra, to join the North-Eastern-road, at Blumberg.
21. North-Eastern-road.—From junction of Mann-terrace, near the Walkerville-road, via Teatree Gully, Gumeracha, and Stony Creek, to the River Murray, at Mannum.
21A. Hackney and Gilberton-road.—From Bailey’s Garden, North-Eastern-road, South Branch, to join the Main North-Eastern-road at junction of Mann-terrace and Walkerville-road.
22. From the North-Eastern-road, near Modbury, via Golden Grove and Snake Gully, to join the Smithfield branch, at Sampson’s Flat.
23. Dry Creek Branch.—From the North-Eastern-road, at Teatree Gully, via the 10th milestone on the main road to Houghton Hollow, to junction with the North-road near Grand Junction Hotel.
24. Smithfield Branch.—From Smithfield railway station, via Onetree Hill, to Sampson’s Flat, and thence to join main road near Maidstone.

25. From
25. From junction of North and East-terraces, Adelaide, via MacDonnell bridge, to join the North-Eastern-road at or near Houghton Hollow, and from main road at Houghton to join main road at Inglewood.

26. From the North-Eastern-road, at Stony Creek, via Mount Pleasant and Eden Valley, to join the Angaston branch, at Keyneton.

27. From main road, at Mount Pleasant, via Cook’s Hill (near section 655, hundred of South Rhine), to the Murray Flats, and thence northwards along the foot of the ranges to the South Rhine River.

28. From main road at Eden Valley, via Flaxman’s Valley, to join the Angaston branch, near Angaston.

29. From the Angaston branch, at Sedan, to the River Murray, near Punyelroo.

30. From main road, at Williamstown, via Maidstone, to join the North-Eastern-road near Chain-of-Ponds.


32. From the Eastern-road, at Mount Torrens, to join the North-Eastern-road, near Blumberg.

33. Balhannah-road.—From the junction of South and East terraces, Adelaide, via the Greenhill, to join the Woodside branch, at Balhannah.

34. From the South-Eastern-road, at the new lunatic asylum grounds, near the north-west corner of section 265, hundred of Adelaide, to Dequettville-terrace, Kent Town, near the north-west corner of section 262.

35. From near the 19th milepost on the North-Eastern-road, via Cudlee Creek and Lobethal, to join the Woodside branch.

36. South-Eastern-road.—From South-terrace, Adelaide, via Glen Osmond, Crafters, Echunga, Macclesfield, Strathalbyn, Langhorne’s Bridge, and Wellington, to the River Murray.

36a. From No. 36, at Stirling, to the Mount Lofty railway station.

37. From the South-Eastern-road, at Echunga, to join the Nairne branch, at Hahndorf.

38. From the South-Eastern-road, at Echunga, to join the Mount Barker branch, at Mount Barker.

39. Nairne Branch.—From Aldgate railway station, on the South-Eastern-road, via Hahndorf, Littlehampton, Bakiston, Nairne, Kanmantoo, and Callington, to the eastern boundary of district No. 1, at the River Murray Bridge.

40. From the Nairne branch, at Nairne, to the Woodside branch, at Woodside.

41. Mount Barker Branch.—From a point near the 20th milepost, on the Nairne branch, via Mount Barker, Bugle Ranges, and bridge at Cross’s (Red Creek, section 1266, hundred of Strathalbyn), to join the South-Eastern-road, in the hundred of Brinkley, with a branch through Gawler-street, in Mount Barker, to the Mount Barker railway station.

42. From Strathalbyn, to join the Nairne branch, at Callington.

43. Woodside Branch.—From near the 15th milepost, on the Nairne branch, via Balhannah, Oakbank, and Woodside, to join the Eastern-road.

44. Milang Branch.—From the South-Eastern-road, near Belvidere, to Milang jetty.

45. From Ford’s railway station to junction with the North-road.

46. From near the 29th milepost, on the Mount Barker branch, to join the South-Eastern-road, at Langhorne’s Bridge.

47. Meadows Branch.—From the South-Eastern-road, at Echunga, to join the Bull’s Creek-road, at the Meadows.

48. Bull’s Creek-road.—From South-terrace, Adelaide, via Unley, the foot of Shepley’s Hill (section 1035, hundred of Noarlunga), Coromandel Valley, Clarendon, Meadows, Bull’s Creek, and Currency Creek, to Goolwa.

49. Strathalbyn Branch.—From Strathalbyn to join with the Bull’s Creek-road, at the Black Swamp.

50. Happy Valley Branch.—From the Bull’s Creek-road, north of Clarendon, to junction with the South-road, at O’Halloran Hill.

51. Kangarilla and McLaren Vale-branch.—From the Bull’s Creek-road, at Kangarilla, to junction with the Willunga branch, at McLaren Vale.

52. Lower Meadows and Willunga-road.—From the Bull’s Creek-road, near McHarg’s Creek (section 3266, hundred of Kondoparinga), to junction with the Willunga branch, south-east of Willunga.

53. South-road.—From the junction of South and West terraces, Adelaide, via the Black Forest Inn, Mudge’s Corner (section 39, hundred of Noarlunga), Noarlunga, Aldinga, Grant’s Corner (section 704, hundred of Myponga), and Yankalilla, to the seacoast at Cape Jervis.
54. From the South-road, at Second Valley township, to the jetty, at Second Valley.
55. Willunga Branch.—From the South-road, near Noarlunga, to Willunga, and thence via Cut Hill (sections 149, 148, and 147, hundred of Goolwa), and Hindmarsh Valley, to Port Elliot tramway station.
56. From the 53rd milepost, on the Willunga branch (near section 22, hundred of Goolwa), to Port Victor jetty.
57. Port Willunga Branch.—From the Willunga branch, at the township of Willunga, to Port Willunga jetty.
58. From the South-road, at Bryant’s Corner (east corner of section 1014, hundred of Yankalilla), to the Yankalilla jetty.
59. Encounter Bay Branch.—From the South-road, at Yankalilla, to join main road at Port Victor.
60. Port Adelaide and Tapley’s Hill-road.—From the South-road, at the foot of Tapley’s Hill, via Glenelg, to join the Port-road at Queenstown.
61. Morphett Vale Branch.—From the Happy Valley Branch, at the foot of Chandler’s Hill, to join the South-road, at Morphett Vale.
62. From the Bull’s Creek-road, at the Meadows, via Macclesfield to the Bugle Ranges railway station.
63. From the Bull’s Creek-road, at section 3450, hundred of Kuitpo, to junction with the Lower Meadows and Willunga-road, at section 284.
64. From main road, at Mount Pleasant, to join the North-Eastern-road, near South Petherton.
65. From the South-Eastern-road, at Glen Osmond, to Kensington, at the north-eastern corner of preliminary section 275.
66. From the north-east corner of preliminary section 248, hundred of Adelaide, to junction with the South-Eastern-road, at the north-west corner of section 265.
67. From main road at Glynde to Montacute quarries.
68. From Freeling railway station to Wasley’s railway station.
69. From main road, at Williamstown, to join the Lyndoch Valley-road, at Lyndoch.
70. From the post office, Prospect, to junction with the North-Eastern-road, opposite the north-eastern corner of section 460, hundred of Yatala.
71. (Part of) From main road at Truro, via Government Well, hundred of Neales, to Eudunda (exclusive of part from the north boundary of the hundred of Dutton to Eudunda in district No. 2.)
72. From the North-Eastern-road, at Mannum, to the River Murray, near Courramong.
73. From Adelaide to Henley Beach.
74. From the Port-road, at Hindmarsh, to Kircaldy Beach.
75. From Salisbury railway station to join the North-road at section 3134, hundred of Munno Para.
76. (Part of) From Kapunda to Stockport railway station (exclusive of parts from Kapunda to the south-west boundary of the hundred of Kapunda, and from junction with the Old North-road to Stockport railway station, in district No. 2.)
79. (Part of) From section 422, hundred of Mudla Wirra, to Hamley Bridge railway station (exclusive of part from centre of river Light to Hamley Bridge railway station, in district No. 2.)
16. (Part of) Kapunda and Truro-road.—From Kapunda to join main road near Truro (exclusive of part from the north-west boundary of the hundred of Belvidere to near Truro, in district No. 1.)

71. (Part of) From main road at Truro, via Government Well, hundred of Neales, to Eudunda (exclusive of part from Truro to the north boundary of the hundred of Dutton in district No. 1.)

76. (Part of) From Kapunda to Stockport railway station (exclusive of part from the south-west boundary of the hundred of Kapunda to junction with the Old North-road, in district No. 1.)

79. (Part of) From section 422, hundred of Mudla Wirra, to Hamley Bridge railway station (exclusive of part from section 422 to centre of River Light, in district No. 1.)

80. From Stockport railway station to join the Old North-road, at Anstey's Corner (near section 722, hundred of Alma).

81. From Kapunda railway station to Kooringa railway station, and thence to Wandillah (near section 295, hundred of Kooringa).

82. From Kapunda railway station to Tarlee railway station.

83. From main road at Black Springs to Manoora railway station.

84. (Part of) From Mintaro railway station, via Leasingham, to Hoyleton railway station (exclusive of part from Mintaro railway station to the western boundary of section 192, hundred of Upper Wakefield, in district No. 5.)

85. (Part of) From Farrell’s Flat railway station to Clare (exclusive of part from the western boundary of the hundred of Hanson to Clare, in district No. 5.)

86. (Part of) From Farrell’s Flat railway station to Booborowie, and thence via Canowie, Jamestown, and Caltowie to join main road at the Stone Hut (exclusive of part from the north boundary of the hundred of Hanson to the Stone Hut, in district No. 5.)

87. From main road at section 1600, hundred of Gilbert, near Marrabel, via Riverton railway station, to join the Old North-road at Rhynie.

88. From main road, at Marrabel, to Saddleworth railway station.

89. (Part of) From Saddleworth railway station, via Auburn, Clare, Yacka, Georgetown, and Laura to Melrose (exclusive of part from the southern boundary of the hundred of Clare to the north boundary of the hundred of Booyoolie, in district No. 5, and part from the north boundary of the hundred of Booyoolie to Melrose, in district No. 4.)

90. From main road at Eudunda, via Point Pass and Robertstown, to Burrata railway station.

91. From main road, at section 43W, hundred of Baldina, via Government Well, hundred of Schomburgk, to the River Murray at Morgan.

92. (Part of) From main road at the foot of Breakneck Hill (section 224, hundred of Kooringa), via Douglas, to Tracy (exclusive of part from the north boundary of district No. 2 to Tracy in district No. 5.)

93. From Kooringa, via Nankivell’s Gully, to join main road at Diprose Creek.

94. From main road at Waterloo to Manoora railway station.

95. From Salter’s Springs to Alma post office.

96. (Part of) From main road at Booborowie to join main road at Wandillah (near section 295, hundred of Kooringa) (exclusive of part from Booborowie to the eastern boundary of the hundred of Ayers, in district No. 5).

97. From main road at Auburn, via Hurd’s Hill, to Halbury.

98. From Saddleworth railway-station to Tothill’s Belt.

99. (Part of) From Lochiel to Port Wakefield railway station (exclusive of part from Lochiel to the north boundary of the hundred of Goyder in district No. 5.)

100. From Alma post office to Hamley Bridge railway station.

101. From section 4, hundred of Balaklava, to Balaklava railway-station.

102. From the Virginia Bridge-road, at Mallala, through the hundreds of Grace and Dalkey, to Balaklava; thence, via Whitwarta and Mount Templeton, to the south boundary of the hundred of Everard.

103. From main road at Auburn to Manoora railway station.

104. (Part of) From Burrata railway station to join main road at Leighton (exclusive of parts from the western boundary of the hundred of Kooringa to the north-west corner of section 990, hundred of Hanson, and from the south-east corner of section 423, hundred of Ayers, to Leighton, in district No. 5.)

104A. From Hoepner’s Corner to Barraha Scrub.

No. 8.—Peninsula District.

105. Peninsula-road.—From Kadina, via Moonta, Maitland, Minlaton, and Yorke-town, to Edithburgh.

106. From
47° & 48° VICTORIÆ, No. 314.

**Roads Act.—1884.**

**New Main Roads.**

106. From Moonta to Kalkabury.
107. From Moonta to Green's Plains.
108. From the Peninsula-road, near Minlaton, to section 28, hundred of Para Wurlie, *via* section 68.
109. From Weaver's Flat to Stansbury.
110. From the Peninsula-road, at Minlaton, to join main road at Stansbury.
111. From Port Victoria jetty to junction with the Peninsula-road, west of Mount Rat.
112. From main road, at Port Victoria, *via* Maitland, to Ardrossan.
113. From main road, at Weaver's Flat, to the sea-coast, at Waterloo Bay, hundred of Melville.
114. From Kadina to Wallaroo.
115. From Moonta to Moonta Bay jetty.
116. From Wallaroo, *via* Alford, to section 166, hundred of Tickera.
117. From Weaver's Lagoon to join main road, near Stansbury.
118. From Kadina to join main road at Agery.
119. From the Peninsula-road, west of Mount Rat, *via* Curramulka Well, to the sea-coast at Port Vincent.
120. From the Peninsula-road, at Yorketown, *via* sections 85 and 86, hundred of Melville, to Peesa Swamp; thence to the Government reserve on section 134, hundred of Para Wurlie.
121. From main road, at section 275, hundred of Melville, to Coobowie.
122. From Kulpara, *via* Kalkabury, to Maitland.
123. From main road, at Kalkabury, to join main road, at Ardrossan. 732/83.
124. From main road, at section 22, hundred of Minlacowie, to Minlacowie jetty.
125. From Well's Creek jetty to south-eastern corner of section 451, hundred of Clinton; thence to north-western corner of section 480; thence along the hundred boundary to the three-chain road at north-western corner of section 519w; thence *via* Cunliffe to East Moonta.
126. From main road, at Weaver's Lagoon, to join the Peninsula-road, at Brentwood.
127. From Port Moorowie jetty, *via* Diamond Lake and section 239, hundred of Melville, to junction with the Peninsula-road, at the Edithburgh park lands.
128. From main road, at the west corner of section 49, hundred of Kilkerran, to junction with main road, at the east corner of section 340, hundred of Maitland.
130. From Wallaroo to Tickera.
131. From main road at section 8, hundred of Para Wurlie, to the sea-coast at Corny Point.
132. From Kadina to join main road *via* Peela Weela, near Alford.
133. From Edithburgh jetty to join the Peninsula-road.
134. From Ardrossan jetty to join main road.
135. From Wallaroo jetty to join main road.
136. From Stansbury jetty to join main road.
137. From Coobowie jetty to join main road.
138. From Point Turton jetty to join main road at section 68, hundred of Para Wurlie.
139. From Balgowan jetty to join the Peninsula-road at section 91, hundred of Maitland.
140. From main road, at Coobowie, to Edithburgh.
141. From main road, at Oaklands, to join the jetty at Pickering.
142. From the Peninsula-road, at sections 55w and 70, hundred of Wauraltee, to join main road at Port Victoria.

**No. 4.—North District.**

89. (Part of.) From Saddlesworth railway station, *via* Auburn, Clare, Yacks, Georgetown, and Laura, to Melrose (exclusive of part from Saddlesworth railway station to the southern boundary of the hundred of Clare, in district No. 2, and part from the southern boundary of the hundred of Clare, to the north boundary of the hundred of Bocoyoolie, in district No. 5.)

143. From Port Augusta, by way of Horrock's Pass, Beautiful Valley, and Spring Creek, to join main road at Melrose.
144. From Port Augusta, *via* Western Plains, to Hookina railway station.
145. From main road, near Third Water, to Parachilna railway station.
146. From Willochra railway station, *via* Kanyaka and Blinman, to Cadnia.
147. From Morchard, *via* Wilmington, to Quorn railway station.

148. From
148. From Port Augusta West jetty towards the Elizabeth, fifteen miles.
149. From main road, near Port Augusta West, towards Yardea, fifteen miles.
150. From main road, near Wirrabara, to Port Germain jetty.
151. (Part of) From Pekina to join main road at Caltowie (exclusive of part from the south boundary of the hundred of Tarcowie to Caltowie, in district No. 5.)
152. (Part of) From Laura to Appila-Yarrowie (exclusive of part from Laura to the south boundary of the hundred of Appila, in district No. 5.)
153. From Orroroo railway station to Dawlish.
154. From Johnburgh to Carrieton railway station.
155. From main road, at Pekina, to Orroroo railway station.
156. From main road, at Moorland, to Orroroo railway station.
157. From Bruce railway station to junction with main road at section 120, hundred of Willlochra.
158. From Itali-Itali, north-east corner of section 191, hundred of Willlochra, to Kingswood Siding.
159. From Booleroo Centre to junction with main road at the Wirrabara forest reserve.
161. (Part of) From main road near Port Pirie, to join main road at Port Germain (exclusive of part from near Port Pirie to the south boundary of the hundred of Telowie, in district No. 5.)
161a. From Booleroo Centre to Pekina.
161b. From Dawson, in the Hundred of Coglin, to the Petersburg railway station.
161c. (Part of) From Mannanarie to Jamestown (exclusive of part from the north boundary of the hundred of Belalie to Jamestown, in District No. 5.)

No. 5.—North Midland District.

84. (Part of) From Mintaro railway station, via Leasingham, to Hoyleton railway station (exclusive of part from the western boundary of section 192, hundred of Upper Wakefield, to Hoyleton railway station, in district No. 2.)
85. (Part of) From Farrell's Flat railway station to Clare (exclusive of part from Farrell's Flat railway station to the western boundary of the hundred of Hanson, in district No. 2.)
86. (Part of) From Farrell's Flat railway station to Booborowie, and thence via Canowie, Jamestown, and Caltowie, to join main road at the Stone Hut (exclusive of part from Farrell's Flat railway station to the north boundary of the hundred of Hanson, in district No. 2.)
89. (Part of) From Saddleworth railway station, via Auburn, Clare, Yacka, Georgetown, and Laura, to Melrose (exclusive of part from Saddleworth railway station to the southern boundary of the hundred of Clare, in district No. 2, and part from the north boundary of the hundred of Booyoolie, to Melrose, in district No. 4.)
92. (Part of) From main road at the foot of Breakneck Hill (section 224, hundred of Kooringa), via Douglas, to Tracey (exclusive of part from foot of Breakneck Hill to the north boundary of district No. 2, in district No. 2.)
96. (Part of) From main road at Booborowie, to join main road at Wandillah, (near section 295, hundred of Kooringa) (exclusive of part from the eastern boundary of the hundred of Ayers to Wandillah, in district No. 2.)
99. (Part of) From Lochiel to Port Wakefield railway station (exclusive of part from the north boundary of the hundred of Gyder to Port Wakefield railway station, in district No. 2.)
104. (Part of) From Burra railway station, to join main road at Leighton (exclusive of parts from Burra railway station to the western boundary of the hundred of Kooringa, and from the north-west corner of section 990, hundred of Hanson, to the south-east corner of section 423, hundred of Ayers, in district No. 2.)
151. (Part of) From Pekina to join main road at Caltowie (exclusive of part from Pekina to the south boundary of the hundred of Tarcowie, in district No. 4.)
152. (Part of) From Laura to Appila-Yarrowie (exclusive of part from the south boundary of the hundred of Appila to Appila-Yarrowie, in district No. 4.)
161. (Part of) From main road, Port Pirie, to join main road at Port Germain (exclusive of part from the south boundary of the hundred of Telowie to Port Germain, in district No. 4.)
161c. (Part of) From Mannanarie to Jamestown (exclusive of part from Mannanarie to the north boundary of the hundred of Belalie, in District No. 4.)
162. From main road, at Canowie Head Station, to Hallett railway station.
163. From main road, at Lochiel, via Snowtown, to join main road at Redhill.
164. From
164. From main road, near Rochester, to Crystal Brook, via Redhill and Wara Wara Waterhole.
165. From Clare, via White Hut and Spalding, to Jamestown.
166. From Clare to Blyth railway station.
167. From main road, at Georgetown, to Huddleston railway station.
168. From main road, at Gulnare South, to join main road at Crystal Brook.
169. From Port Pirie to Napperby.
170. From Mount Bryan railway station to Mongolata Head Station, hundred of Kingston; thence in a north-east direction to join the Menindee track, near Caroona Station.
171. From Blyth railway station to join main road at Snowtown.
172. From main road, at Sevenhill, to join main road at Mintaro.
173. From Mundoora railway, via Collinsfield, to join main road at Koolunga.

No. 6.—Flinders District.

174. From Port Lincoln jetty to Franklin Harbor.
175. From main road, at Port Lincoln, via Lake Wangary, Warrow, Elliston, Parkin, and Flinders, to Streaky Bay.
176. From main road, at Port Lincoln, to the south-east corner of the hundred of Lincoln, at Port Lincoln Proper.
177. From main road, at the north corner of section 128, hundred of Warrow, in a south-westerly direction, to Mount Dutton Bay jetty.
178. From main road, at section 84, hundred of Hutchison, to Tumby Bay jetty; and thence westerly to junction with main road at the east corner of section 44.
179. From Bramfield to the sea-coast at Elliston.
180. From main road, at the south corner of section 524, hundred of Lake Wangary, via Wangary township, to the south corner of section 217.
181. From main road, near the 19th milepost, hundred of Vanilla, to Kellidie Bay landing-place.
182. From Burrawang mine to Lipson's Cove jetty.
183. From Arno Bay jetty, through the hundreds of Boothby, Mann, and Yadnarie, to the north boundary of the township of Cleve.
184. From jetty, township of Cowell, westerly to join the Franklin Harbor main road.
185. From jetty, township of Cowell, north-westerly to join the Franklin Harbor main road.
186. From main road, at the north-east corner of section 139, hundred of Louth, via sections 210 and 211, and thence in a northerly direction, following Tod River to the northern boundary of section 17E, hundred of Stokes.

No. 7.—Victoria District.

187. (Part of) From Robe jetty to join main road at Penola (exclusive of part from Robe jetty to the north boundary of county Grey, in district No. 8.)
188. From main road at Penola to the Border, towards Casterton.
189. (Part of) From Naracoorte to Penola, Gambierton, and MacDonnell Bay jetty (exclusive of part from Naracoorte to the north boundary of the hundred of Penola, in district No. 8.)
190. From Mount Gambier to Millicent.
191. From Mount Gambier to the Border, near Lindsay.
192. (Part of) From main road, at section 43, hundred of Bray, to Beachport jetty (exclusive of part from section 43 to the north boundary of the hundred of Lake George, in district No. 8.)
193. From main road, at Millicent, to join main road, at Penola.
194. From section 139, hundred of Gambier, in a westerly direction, to junction with main road to MacDonnell Bay, near the 4th milepost from Mount Gambier.
195. From main road, at Penola, to the Border, to meet the Dergholm-road.
196. From main road to MacDonnell Bay, near the 4th milepost from Mount Gambier, via Caveton, to the boundary of the colony.
197. From main road, about four miles from Beachport, to junction with main road near the old Kangaroo Inn.
198. From main road, at the south-east corner of section 194, hundred of Hindmarsh, in a direct line to the railway at section 263, and thence to the Tantanoola railway station.
199. From main road, at Millicent, via Hatherleigh, to Rendelsham.
No. 8.—ALBERT DISTRICT.

200. From main road, at section 79, hundred of Mount Muirhead, to the northern corner of section 50.

201. (Part of) From main road, at section 122, hundred of Penola, to Comaum (exclusive of part from the north boundary of the hundred of Penola to Comaum, in district No. 8.)

187. (Part of) From Robe jetty to join main road at Penola (exclusive of part from the north boundary of county Grey to Penola, in district No. 7.)

189. (Part of) From Naracoorte to Penola, Gambierton, and MacDonnell Bay jetty (exclusive of part from the north boundary of the hundred of Penola to MacDonnell Bay jetty, in district No. 7.)

192. (Part of) From main road, at section 43, hundred of Bray, to Beachport jetty (exclusive of part from the north boundary of the hundred of Lake George to Beachport jetty, in district No. 7.)

201. (Part of) From main road, at section 122, hundred of Penola, to Comaum (exclusive of part from section 122 to the north boundary of the hundred of Penola, in district No. 7.)

202. From the River Murray at Wellington East, via Meningie to Kingston, and thence to join main road at section 310, hundred of Waterhouse.

203. From the Nairne branch, at the River Murray Bridge, to junction with main road near Wellington East.

204. From main road at Naracoorte to Bordertown.

205. From main road at Naracoorte to the Border, near Apsley.

206. From main road at Bordertown to the boundary of the colony.

207. From Lucindale railway station to the south-eastern corner of section 79, hundred of Joyce.

208. From main road, at section 42, hundred of Waterhouse, to junction with main road at the north-eastern corner of section 43, hundred of Joyce.

209. From Custom railway station to the Border, near Lillimur.

210. From Stewart’s Range railway station to section 143, hundred of Lochaber.

211. From Bordertown, via Pigeon’s Flat, to Mundulla.

212. From Wolseley railway station to section 350, hundred of Tatiara.

213. From Lucindale to Fairview.

THIRD SCHEDULE.

Form of Nomination.

We the [Corporation or District Council of ] voters of the Road District of do hereby nominate [stating Christian and Surname] of as a candidate [or candidates] for the office of Member [or Members] of the Local Board of the said Road District, and we do give [or for each of the said] the said our annual assessment being £ .

(Signed)

FOURTH SCHEDULE.

Agreement made pursuant to the "Roads Act, 1884," between the undersigned, the Local Board of Main Roads for the District of , [or the Commissioner of Main Roads, or the Corporation of , as the case may be], of the one part, and [owner of the land to be taken in exchange], of and [occupier, if any other than the owner], of , of the other part.

Whereas the is the owner [or the owner and occupier], and the said is the occupier of a piece of land situated at [here describe the land to be taken in exchange], and it is considered expedient that the road [or part of a road] situate at [here describe the road or part of a road] should be exchanged
Roads Act.—1884.

exchanged for the land first described, it is hereby agreed that such exchange shall be made, and that the said
shall pay to the said
the sum of
for equality of exchange: Provided that if no order shall be made and confirmed in manner and within the period by the said Act prescribed, this agreement shall be void.
Dated the day of , one thousand eight hundred and

Receipt to be indorsed.

We, the within-named, do hereby acknowledge to have duly received from the within-mentioned
paid for equality of exchange.
Dated the day of , one thousand eight hundred and

FIFTH SCHEDULE.

No. 1.—Order to open New Roads.

Whereas at a meeting duly held under the provisions of the “Roads Act, 1884,” this
day of , 18 , it appears to us, the Local Board of Main Roads for the District of
or to the Corporation of
[or to me, the Commissioner of Main Roads, or to us the District Council of
or to the Corporation of ]
that it is expedient and necessary that the lands hereinafter described should be opened as a new line of road, and it having been proved to us [or me] that the notice required by the said Act has been duly given, and that all other requirements thereof have been complied with, and no valid objection to the opening of such new line of road having been made: Now, therefore, we [or I] do hereby, by virtue of the powers given to us [or me] by the said Act, order that all that [here describe the land as fully as in the notice, and also by reference to the plan deposited with the Surveyor-General] shall be forthwith made and opened as a new line of road.
Dated this day of , one thousand eight hundred and

No. 2.—Order to close Old Roads.

Whereas at a meeting held under the provisions of the “Roads Act, 1884,” this
day of , eighteen hundred and
, it appears to us, the Local Board of Main Roads for the District of
or to the District Council of
[or to me, the Commissioner of Main Roads
or to the Corporation of ]
that the piece of land hereinafter mentioned and heretofore used as a road is no longer required for such purpose, and it having been proved before us [or me] that the notice required by the said Act has been duly given, and that all other requirements thereof have been complied with, and no valid objection to the closing of such road having been made: Now, therefore, we [or I] do hereby, by virtue of the powers given to us [or me] by the said Act, order that all that [here describe the road to be discontinued as fully as in the notice, and also by reference to the plan deposited with the Surveyor-General] shall henceforth be discontinued and cease to be used as a road [if the old road has been agreed to be sold add] and we do further order that the said piece of land shall be sold to , for the sum of , and that the same shall be vested in him, his heirs and assigns, for ever [if the old road has not been agreed to be sold, instead of the above substitute] and we do further order that the said piece of land shall be sold and vested in the purchaser, his heirs or assigns [or we do further order that the said piece of land shall be set apart and dedicated to the use of the said District of
, or the Municipal Corporation of the Town of
, or as the case may be.]

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

Whereas at a meeting duly held under the provisions of the “Roads Act, 1884,” this
day of , one thousand eight hundred and
, it appears to us, the Local Board of Main Roads for the District of
[or to me, the Commissioner of Main Roads, or to us the District Council of
, or to the Corporation of ]
, that it is expedient and necessary that the lands hereinafter firstly described should be opened
Roads Act.—1884.

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

Dated this day of , one thousand eight hundred and

No 4—Notice of Confirmation.

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

Dated the day of 18 .

No. 5.—Order by Local Court.

In the Local Court of , Full Jurisdiction.

Whereas at the sitting of this Court held this day of 18 , at the Local Court House , an application was made by of to close [or open as a new line of road (or as the case may be)] the piece of land hereinafter described, and it having been proved to the satisfaction of the Court, that the notice required by the Roads Act, 1884, has been duly given, and that all other requirements of the said Act have been complied with, and no valid objection to the closing of such old road (or as the case may be), having been made, this Court doth hereby, by virtue of the powers given to it by the said Act, order that [conclude as in the preceding forms, Nos. 1, 2, and 3, according to the circumstances].

Dated this day of 18 .

A.B., Special Magistrate.

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

SIXTH SCHEDULE.

Certificate of Title by the Commissioner of Crown Lands.

South Australia.

Pursuant to the "Roads Act, 1884", and of an order of the Local Board of Main Roads for the District of [or Commissioner of Main Roads, or as the case may be], made on the day of 18 , in consideration of Pounds paid by [or to the Commissioner of Main Roads, or as the case may be], I, Commissioner of Crown Lands of this province, do hereby certify that is now seized of an estate in fee-simple in that [here describe the road to be conveyed].
SEVENTH SCHEDULE.

Certificate of Title by Commissioner of Crown Lands under Road Board.

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

EIGHTH SCHEDULE.

An Act, No. 17 of 1852, intituled "An Act for the Making and Improving of Roads in South Australia."
The "Roads Amendment Act, 1863."
The "Roads Act, 1865-6."
The "Main Roads Act, 1874."
The "Main Roads Amendment Act, 1876."
An Act, No. 75 of 1877, intituled "An Act to amend the Roads Amendment Act, 1863."
An Act, No. 156 of 1879, intituled "An Act to amend the Schedule of Main Roads."