

WESTERN AUSTRALIA

ANNO QUARTODECIMO

VICTORIÆ REGINÆ

No. 7

An Ordinance to regulate the Collection of Tolls.

[Assented to 2nd December, 1850.]

WHEREAS certain tolls and dues have been, and may hereafter be made payable at and by reason of the use of several roads, bridges, causeways, wharfs and jetties in this Colony, and it is expedient to regulate the collection of the same: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, that the lessees, farmers or collectors of Tolls demandable at any toll-bar, bridge, road, causeway, wharf or jetty in the Colony aforesaid, shall during the whole time that they shall continue to be such lessees or collectors, put up or cause to be put up and continued in some conspicuous place, at or near every toll-house respectively, a list of all the tolls payable thereat, and if any such lessee or collector shall neglect or refuse to put up and continue such list as aforesaid, or shall not be in attendance at all times, by day or by night, save at any wharf

Preamble

List of tolls to be put up

Neglect

*Tolls*

or jetty, by reason whereof any person or persons shall be delayed, or shall demand and take a greater toll than he shall be authorised by law to do, or shall demand and take toll from any person, who being exempted by law from payment thereof shall claim such exemption, or shall either by neglecting or refusing to open any such toll-bar, or in any other manner, wilfully obstruct, hinder or delay any person so exempted as aforesaid, or shall under colour of his office as collector, extort from any person any sum of money, or thing of any value whatsoever, for or in lieu of payment of toll, or shall hinder or prevent any person or persons from reading the contents of such list of tolls as aforesaid, or upon the legal toll being tendered and paid, shall unnecessarily detain or wilfully obstruct, hinder or delay any passenger or the landing or removal of goods on or from any wharf or jetty, or if any such Collector shall make use of any scurrilous or abusive language to any traveller or passenger, then and in every such case, the said lessee or lessees, collector or collectors, shall forfeit and pay for every such offence a sum not exceeding five pounds.

Exaction

Obstruction

Delay

Abuse

Penalty

Persons refusing payment may be stopped

Limitation of information and penalties

2. And be it enacted that if any person liable to the payment of toll, shall, after demand, neglect or refuse to pay the same or any part thereof, it shall be lawful for any person authorised to collect the same, to prevent such person or persons from passing until such toll be paid.

3. And be it enacted that all informations and proceedings for offences against this Ordinance shall be commenced within three calendar months after the offences thereby respectively charged shall have been committed, and shall be heard and determined and the forfeitures and penalties in respect of the same shall be awarded and enforced and appropriated in a summary manner, before any one or more Justice or Justices of the Peace, according to the provisions of an Ordinance passed in the fourteenth year of the reign of Her present Majesty, intituled 'An Ordinance to facilitate the performance of the Duties of Justices of the Peace out of Session in the Colony of Western Australia, with regard to Summary Convictions and Orders.'

CHARLES FITZGERALD,

GOVERNOR AND COMMANDER-IN-CHIEF.