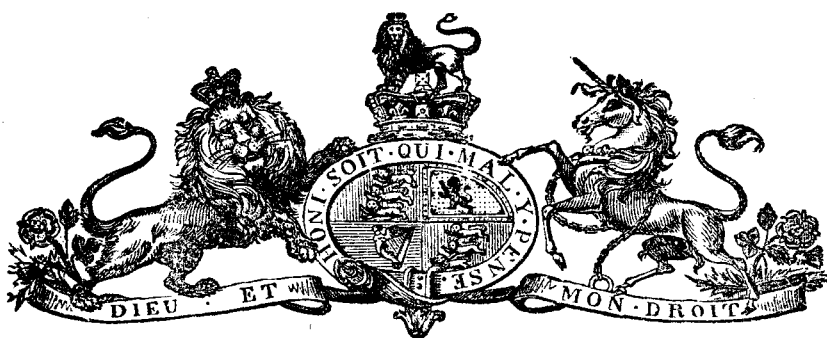


T A S M A N I A.



1883.

ANNO QUADRAGESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 46.

AN ACT to authorise the Construction of A.D. 1883.
certain Lines of Railway.

[20 December, 1883.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited for all purposes as “The Railway Construction Act, 1883.” Short title.

2 In this Act, unless the context otherwise determines—

Interpretation.

“The Minister” means the Minister of Lands and Works for the time being, and includes any Contractor or other person appointed or employed by him :

“The Railway” and “the said Railway” includes all works, buildings, stations, and erections erected or built on or connected with any Railway to be constructed under this Act, the land upon which the same are or may be respectively erected or built, all land used in connection therewith, and all plant, rolling-stock, steam engines, machinery, and carriages used with the same :

“Main Line Railway” means the Railway constructed by “The *Tasmanian Main Line Railway Company, Limited*,” between *Hobart* and *Launceston* :

“The Company” means “The *Tasmanian Main Line Railway Company, Limited*” :

“The purposes of this Act” means the execution of all works necessary to construct, uphold, and maintain any of the Railways to be constructed under this Act.

Railway Construction.

A.D. 1883.

Minister to cause
Railways to be
constructed.

3 It shall be lawful for the Minister to cause to be constructed and completed the Lines of Railway following; that is to say—

- i. A Line of Railway from the Main Line Railway at *Bridgewater* to *Glenora*, to be called the *Derwent Valley* Railway:
- ii. A Line of Railway from the *Corners* Station of the Main Line Railway to *Fingal* and *St. Mary's*, to be called the *Fingal* Railway:
- iii. A Line of Railway from *Launceston* to *Scottsdale*, *viâ* *Upper Piper* District, to be called the *Launceston* and *Scottsdale* Railway.

Limit of expenditure, and defrayment of cost.

4 The expenditure for the construction and completion of the said Lines of Railway shall not exceed—

- i. In the case of the *Derwent Valley* Railway the sum of One hundred and forty thousand Pounds:
- ii. In the case of the *Fingal* Railway the sum of One hundred and fifty thousand Pounds:
- iii. In the case of the *Launceston* and *Scottsdale* Railway the sum of Three hundred thousand Pounds:

And the whole of the moneys to be expended under and for the purposes of this Act shall be defrayed out of funds provided by Parliament for the said purposes.

Provisions of
46 Vict. No. 22
incorporated.

5—(1.) With the exceptions hereinafter mentioned, all the provisions contained in Sections Nine to Fifty-seven, both inclusive, of “*The Mersey and Deloraine Railway Act, 1882*,” are hereby incorporated with this Act, and where in any of the said incorporated Sections the said Act is referred to it shall be deemed to mean this Act. Where in the said Act any matter is authorised and required to be done by Two Justices, the same shall mean Two Justices assembled and acting together.

(2.) There shall not be incorporated with this Act the Sections and provisions of the said Act hereinafter mentioned; that is to say,—Section Thirty-seven, whereby it is provided that a Manager of the *Mersey* and *Deloraine* Railway may be appointed; Section Thirty-eight, whereby the mode of commencing and prosecuting Actions by and against the Manager is regulated.

Appointment of
person to execute
powers conferred
upon Her
Majesty, &c.

6—(1.) The Governor in Council may from time to time appoint some fit and proper person or persons as Manager or Managers of any of the Railways constructed under this Act, or may from time to time appoint some fit and proper person as Manager of all such Railways, who shall, subject to such directions as he or they may from time to time receive from the Minister or the Governor in Council, exercise all or any of the powers, authorities, and privileges conferred by this Act or any Act incorporated herewith upon Her Majesty the Queen or upon the Governor or the Minister, in relation to the Railway or Railways of which such person or persons shall be appointed Manager or Managers; and the Governor in Council may at any time remove such person or persons and appoint another or others in his or their places, and give to such person or persons all or any of the powers aforesaid.

(2.) Where in “*The Mersey and Deloraine Railway Act, 1882*,” the expression “the Manager” is used, it shall, for the purposes of such incorporation as aforesaid, be deemed to mean any Manager appointed under this Section.

Railway Construction.

7 Any action, suit, or other proceeding at law or in equity in respect of any claim by or liability of any such Manager arising under this Act, may be commenced and prosecuted by or against "The Manager of the Railway," naming the Railway of which he is the Manager for the time being, as the plaintiff or defendant therein, as the case may be, without otherwise naming him; and every such Manager for the time being shall recover or be liable to, as the case may be, the damages and costs of any such action, suit, or other proceeding.

A.D. 1883.

Actions by and against Manager.

8 It shall be lawful for the Governor in Council to authorise all engines, carriages, waggons, or other vehicles of the *Derwent Valley* Railway and of the *Fingal* Railway, or of either of the said Railways, to pass over and along and to use any part of the Main Line Railway, and the works, buildings, stations, and erections erected or built on or connected with such last-mentioned Railway, upon payment to the Company of reasonable tolls and compensation for so doing; and the amount of such tolls and compensation shall, in case of difference, be settled by arbitration in the mode prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Power to pass over Main Line Railway.

21 Vict. No. 11.

9 It shall be lawful for the Governor in Council to authorise the execution of such works as may be necessary in order to connect the *Derwent Valley* Railway and the *Fingal* Railway, or either of the said Railways, with the Main Line Railway, subjecting such last-mentioned Railway to as little damage or inconvenience as possible; and the Company shall be entitled to compensation for any such damage, and such compensation shall, in case of difference, be settled in manner last aforesaid.

Power to connect Railway with Main Line.

10 In lieu of exercising such running powers over the Main Line Railway, it shall be lawful for the Minister, with the consent of the Governor in Council, from time to time to enter into any contract with the Company for the passage over or along the Main Line Railway of any engines, carriages, waggons, or other vehicles of the *Derwent Valley* Railway and of the *Fingal* Railway, or of either of the said Railways, and for the passage over or along the said Railways, or either of them, of any engines, carriages, waggons, or other vehicles of the Company, or for the haulage of such engines, carriages, waggons, and vehicles respectively, or for the conveyance of goods and passengers over the Main Line Railway, or over the *Derwent Valley* Railway and the *Fingal* Railway, or over either of the said Railways, upon payment of such tolls and compensation and under such conditions and restrictions as may be mutually agreed upon; and for the purposes aforesaid, it shall be lawful for the Minister and the Company to enter into any Contract for the division or apportionment of the fares or charges to be taken by them respectively: Provided always that no Contract to be entered into under this Section shall be for any greater period than Five years from the date thereof.

Minister empowered to contract with Tasmanian Main Line Railway Company, Limited.

11 Nothing hereinbefore contained shall in any wise affect or abridge the operation of the Contract between His Excellency *Charles Du Cane*, Esquire, Governor of *Tasmania*, by and with the advice and consent of his Executive Council, and the Company, dated 15th day of *August*, 1871, for the construction and maintenance of the Main Line Railway.

Main Line Railway Contract not to be affected.

