

T A S M A N I A



1888.

ANNO QUINQUAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 47.



AN ACT to authorise certain Persons to A.D. 1888.  
construct and maintain Harbour and other  
Works, to mine for Coal and other Minerals,  
to acquire certain Freeholds, Leases, and  
Privileges of Occupation in the Parish of  
*Douglas*, in the County of *Glamorgan*, and to  
control and manage the said Lands and  
Harbour, and for other purposes.

[24 October, 1888.]

**W**HEREAS it is desirable and for the benefit of the Colony that a PREAMBLE.  
Harbour or Harbours be formed at *Seymour* by the construction of a  
Breakwater or Breakwaters, Piers, Wharves, &c. :

And whereas it is proposed to form a Company for this purpose and  
for the purpose of constructing and maintaining a Railway or Railways  
from the said Harbour or Harbours to certain Coal Lands in their  
vicinity, and of mining on the said Lands for coal, fire-clay, brick-earth  
and other minerals, subject to the terms and conditions hereinafter  
contained, such Company to be called "The East Coast Harbour and  
Coal Mining Company, Limited :"

And whereas it is expedient that the Company should be authorised  
to construct and maintain the said works, and should be granted the  
powers and authorities and concessions hereinafter proposed to be  
conferred upon them :

*East Coast Harbour and Coal Company.*

A.D. 1888.

And whereas such objects cannot be attained without the authority of Parliament :

Be it therefore 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:—

Short title.

**1** This Act may be cited as “The East Coast Harbour and Coal Company’s Act.”

Interpretation.

**2** In this Act and in the By-laws under it, the several words and expressions shall have the meanings attached thereto as follows:—

“The Company” means the “East Coast Harbour and Coal Mining Company, Limited,” and includes any person or persons, or corporate Body authorised by them :

“Harbour Works” includes breakwaters, piers, jetties, slips, docks, landing-places, wharves, cranes, shoots, machinery, moorings, buoys, beacons, lighthouses, and other works :

“Goods” shall include all wares, merchandise, and articles of every description :

“Company’s works” shall include the whole of the harbour works, railway works, water works, mining works, buildings, structures, excavations of every kind executed or acquired by the Company :

“Railway” shall include tramways, cuttings, embankments, tunnels, side-cuttings, drains, bridges, culverts, stations, buildings, sheds, rails, points, and everything connected with the railways or tramways :

“Aqueduct” shall include dams, weirs, channels, flumes, embankments, sluices, siphons, pipes, valves, drains, and everything connected with the water works :

“Mines” or “mining works” shall include shafts, drives, tunnels, adits, winding-gear, pumps, machinery, buildings, and erections, and everything belonging to the working of the Mines :

“Vessel” shall mean any ship, lighter, keel, barge, boat, wherry, raft, or craft, or any other kind of vessel, whether propelled by steam or otherwise :

“Buoys” or “Beacons” shall include all other marks and signs of the sea :

“Moorings” shall include permanent and temporary moorings, anchors, chains, buoys, posts, dolphins, and everything belonging thereto :

“Owner” as applied to a vessel shall include any person who is part owner or a shareholder in a joint stock Company registered as owners :

“Owner” as applied to goods shall mean consignor, consignee, shipper, agent for the sale or custody, loading or unloading of such goods, as well as the owner thereof :

“Master” shall include every person (except a pilot) having command or charge of any vessel :

“Minister” means the Minister of Lands and Works of the Colony for the time being :

“Wreck” shall include flotsam, jetsam, lagan, and derelict :

“Person” shall include a corporation, commission, or other public body or persons trading together in partnership :

*East Coast Harbour and Coal Company.*

“Port” shall mean the harbours at *Seymour*, both in their present state and as proposed to be improved, and the approaches thereto, extending one mile seaward from low-water mark. A.D. 1888.

**3** The Company may select, for mining purposes only, in the Parishes of *Douglas* and *Bicheno*, County of *Glamorgan*, any Crown lands in any convenient number of blocks, of a minimum area of Three hundred and twenty acres, and not exceeding in the aggregate Ten thousand acres within the following boundaries—that is to say—“Commencing at a point at low-water mark on the sea shore at the north-east corner of Lot No. 2, thence west five miles forty chains, thence north nine miles, thence east about four miles to low-water mark on the sea shore, thence by low-water mark southerly to the point of commencement:” Provided, that no part of the *Seymour* Town Reserve or the sea shore within One hundred feet of high-water mark shall be included in the Ten thousand acres above mentioned, without the approval of the Governor in Council. Such land shall be selected within Eighteen months after the passing of this Act, and the boundaries thereof shall, as nearly as the natural features of the country and the boundaries of adjacent alienated lands will allow, be rectangular, and be directed towards the cardinal points of the compass. Company may select for mining purposes certain Crown land.

**4** In addition to and irrespective of the land mentioned in Section Three, the Company may occupy and use, subject to the approval of the Governor in Council, any Crown Lands required for the purpose of constructing, maintaining, and working harbour works, aqueducts, and a line or lines of railway from any point or points on the lands referred to in Section Three to the sea shore at low-water mark, at any point or points between *Doctor's* Creek on the north and the *Douglas* River on the south, or to any other point or points within the said area as described in Section Three. Company may occupy and use any Crown lands for certain purposes.

**5** The lands comprised within the boundaries described in Section Three of this Act shall be withdrawn from sale, lease, licence, or other occupation for the term of Eighteen months from the date of the passing of this Act; and the Company shall have the right of entry thereon for the purpose of sinking shafts or bores, driving tunnels, or otherwise prospecting the ground to enable them to select the Ten thousand acres aforesaid. Land to be withdrawn from sale, &c., for Eighteen months.

**6** A lease or leases of the described Ten thousand acres for Sixty years shall be granted to the Company at a peppercorn rental and free of royalty or other charges for coal, fire-clay, limestone, ironstone, or shale taken therefrom for a period of Five years from the passing of this Act, then for Twenty-five years at a royalty of Two Pence per ton on large coal, One Penny per ton on small coal, and One Penny and One Halfpenny per ton on all fire-clay or brick-earth, limestone, ironstone, or shale exported or sent into any local market, such royalty to be doubled for the remaining Thirty years; and a lease or leases of the surface of such lands as are referred to in Section Four as being required for the construction of works, erection of buildings, and other purposes, free of all rent or charges for occupation. A lease for Sixty years to be granted to Company on certain conditions.

*East Coast Harbour and Coal Company.*

A.D. 1888.

Company may use any street or road for certain works.

**7** For the purpose of the construction, maintenance, and proper working of harbours, railways, aqueducts, or other works, and for roads or approaches thereto, the Company may use the surface of any street, road, or unoccupied Crown Lands, and, if necessary, may purchase any such unoccupied Crown Lands at a fair value for the purposes aforesaid.

Width of land taken for railway purposes not to exceed Twenty-two yards.

**8** The lands to be taken or used for the lines of railway shall not exceed Twenty-two yards in width, except as otherwise provided for in this Act, or where a greater width is necessary for an approach to the Railway, or for wagons and other carriages to turn, remain, stand in, lie, or pass each other, or for raising embankments for crossing valleys or low grounds, or in cutting through high ground, or for the erection or establishment of any fixed or permanent machinery, stations, toll-houses, warehouses, wharves, or other erections or buildings, or for excavating, removing, or depositing earth or other materials.

Railways to be constructed as Government Railways.

**9** The railways shall be constructed of sound materials, and upon the gauge upon which the Government Railways in the neighbourhood are at present constructed.

Company may purchase other lands.

**10** It shall be lawful for the Company, in addition to the lands authorised to be taken by Section Four of this Act, to contract with any party willing to sell the same for the purchase of any lands distant not more than Five miles from any of their lines of Railway that may be requisite or convenient for the business or purposes of the Company, and it shall be lawful for all parties to sell and convey the lands so authorised to be purchased for the last-mentioned purpose.

Company may make and use works.

**11** The Company shall have the right to make, maintain, and use the works hereinafter authorised to be constructed within the limits described in Section Four of this Act, and during their lease, or any extension thereof, and also within one mile seaward from any point of the sea shore between *Doctor's Creek* and the *Denison River*.

*Construction of Works.*

Works.

**12** It shall be lawful for the Company, for any of the purposes aforesaid, and with the approval of the Minister—

To enter upon any unoccupied Crown Lands without notice, and survey and take levels of the same :

To make or construct upon, across, under, or over any such lands, or any public streets, roads, rivers, or creeks, such tunnels, embankments, aqueducts, bridges, roads, ways, culverts, drains, arches, cuttings, fences, and other works as they may think proper :

To divert or alter, as well temporarily as permanently, the course of any streams of water, public roads, streets, or ways, or raise or sink the level of any such streams, roads, or ways in order the more conveniently to carry the same over or under or by the side of the railways, aqueducts, tramways, or other works as the Company may think proper :

To construct breakwaters, wharves, jetties, piers, docks, slips, staiths, cranes, or any other harbour works they may think proper :

*East Coast Harbour and Coal Company.*

To dredge, alter, fill up, or remove any rocks, banks, cavities, and in any way to deal with the present harbour formation, and to remove any piles, piers, or other works as they may think proper: A.D. 1888.

To lay down moorings, buoys, and other appliances for the use of vessels:

To erect and maintain lighthouses, beacons, marks, and other guides to mariners, subject to the approval of the Consolidated Marine Board and the Regulations prescribed by such Board from time to time:

To construct railways, tramways, and roads within the limits described in Section Four of this Act:

To construct dams or weirs on the *Douglas* River, and on any other stream, and to form and maintain aqueducts wherever necessary within the limits described in Section Three of this Act:

To make drains or conduits into, through, or under any lands adjoining the Company's works for the purpose of conveying water to or away from the said works:

To erect and construct such houses, warehouses, goods-sheds, stations, offices, and other buildings, yards, wharves, engines, machinery, apparatus, and such other works and conveniences as the Company may think proper:

To from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead:

To do all other acts necessary for making, maintaining, repairing, altering, and using the said works.

Provided always, that the Company shall make full compensation to all persons who shall suffer any loss or damage, or whose rights shall be prejudicially affected by the exercise of any of the foregoing powers or privileges by the Company.

**13** It shall be lawful for the Company from time to time, for the construction, maintenance, and repair of the said works, to fell timber and carry away the same, and dig and use clay, stone, and other materials upon and from any convenient part of the waste lands of the Crown, not being a public highway, and within the area reserved, and to place and deposit upon any convenient part of such lands any timber, clay, stone, rubbish, waste, spoil, and ballasting as they may think fit, free of charge, within the area reserved or any other more limited area to be from time to time defined by the Governor in Council.

Material may be taken from certain waste lands of the Crown.

**14** For the purpose of constructing, maintaining, repairing, and using the said works, the Company may, after Fourteen days' notice to the owner or occupier, enter upon any uncultivated land, and may fell, carry away, and use indigenous timber, except where the same is used for ornament or shelter to any dwelling-house, and may also dig, quarry, carry away, and use clay, gravel, stone, or other material, and may place and deposit upon any such land any materials, waste, or spoil: Provided that full compensation for the taking of any such materials, or for the depositing such materials, waste, or spoil as in this Section mentioned, shall be made to all parties interested for the damage thereby sustained.

Material may be taken from uncultivated land upon making compensation.

*East Coast Harbour and Coal Company.*

A.D. 1888.

Company may carry passengers and goods.

**15** It shall be lawful for the Company to use and employ locomotive engines or other moving power, and carriages, waggons, and trucks to be drawn or propelled thereby, and to carry and convey upon the railway all such passengers and goods as shall be offered to them for that purpose, and to make such reasonable charges in respect thereof as they may from time to time be entitled to levy under the regulations hereinafter mentioned.

Company to have same privileges as common carriers, &c.

**16** Nothing in this Act contained shall extend to charge or make liable the Company farther or in any other case than where, according to the laws of this Colony, stage-coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the company of any protection or privilege which common carriers or stage coach proprietors may be entitled to; but, on the contrary, the Company shall at all times be entitled to the benefit of every such protection and privilege.

Line to be open at all times.

**17** The line shall at all reasonable times be open to and freely used by every person who complies with the regulations for the time being in force on the railway.

Company to carry free of charge mails and Members of Parliament.

**18** The Company shall, free of charge, and with all reasonable despatch, carry, on the public service, all such mails, together with the officers in charge thereof, as the Minister from time to time requires to be conveyed upon the railway, and shall allow to all Members of the Legislative Council and Members of the House of Assembly the same privileges of travelling over the railway free as are enjoyed by such Members on Government Railways.

Company may forward their engines, &c. over Government lines.

**19** If at any time after the completion of the railway the Company desire to have any of their engines, carriages, waggons, trucks, or other vehicles forwarded over any Government line of railway, forming a continuous line of communication with the said railway, or the Government desires to have any engines, carriages, waggons, trucks, or other vehicles forwarded over the said railway from any Government line of railway forming a continuous line of communication therewith, each of them (the Company and the Government) shall, in accordance with Regulations to be prescribed by the Governor in Council, afford to the other all reasonable facilities for the receiving, forwarding, and delivering of such engines, carriages, waggons, trucks, or other vehicles without any unreasonable delay, and so that no obstruction may be offered to the public desirous of using such lines as a continuous means of communication.

Any dispute to be settled by arbitration.

**20** The terms upon which the facilities mentioned in Section Nineteen shall be afforded may be mutually agreed upon between the Company and the Minister; but if such terms cannot be so agreed upon, or any dispute or difference arises, the same shall be determined by arbitration.

Company may make by-laws subject to approval of Governor in Council.

**21** It shall be lawful for the said Company from time to time to make such By-laws for regulating their affairs and the management of the said harbour, railway, and mining works, and the buildings, aqueducts, and other works connected therewith, and for fixing the harbour, dock, pier, lighterage, wharfage, and pilot dues, and the charges for the conveyance of passengers, goods, and other things on

*East Coast Harbour and Coal Company.*

the railways as they may think fit, and for all other purposes which are usually comprised in the By-laws of any harbour, railway, waterworks, or mining company; and it shall be lawful for the said Company to repeal, alter, or amend any such By-laws from time to time: Provided that if such By-laws shall affect other persons than their own officers, servants, or contractors, they shall be subject to the approval of the Governor in Council, and be published as hereinafter provided.

A.D. 1888.

**22** Subject to such By-laws, the Company shall have the sole control of the harbour, anchorage, wharves, and all works and acts connected with them, and with the railways and aqueducts, and all other of their works, without the interference of the Government or local authorities, except as herein provided; and the Company shall appoint the necessary officers, including pilots and water bailiffs, for the protection and management of the Company's interests.

Company to have sole control of all works, &amp;c., subject to by-laws.

**23** Before any scale or table of dues, rates, tolls, and charges to be levied in respect of the harbour works and the railways is published as hereinafter provided, it shall be submitted to and approved of by the Governor in Council; but the Company shall not be bound to accept a lower scale of harbour charges than is in use at the harbour of *Newcastle* in *New South Wales*, or, on the other hand, to charge the full amount in any such scale or table in all cases; and until such scale is approved the scale shall be the same as that at the said harbour of *Newcastle* so far as it shall apply, and the Company shall be entitled to charge on that scale until a proper scale is approved; and the Company shall not be required to fix a lower scale of tolls for the carriage of passengers and goods on their railways than the scale of tolls in use on any of the Government railways at the time: Provided, that the Company shall not be entitled to assume the control of the said harbours at *Seymour* and the adjacent shores until they have commenced active operations either in connection with the harbour works, railways, or mines, and have satisfied the Government that they are prepared to proceed with the objects of this Act: Provided also, that immediately on the Company assuming charge of the said harbours, all piers, jetties, wharves, moorings, or other works (if any) the property of the Government in existence at the said harbours shall become the property of the Company, who may use or remove the same as they may think fit.

All charges, &amp;c. levied by Company to be approved of by Governor in Council.

**24** The said Company, by the By-laws so to be made by them, may, subject to the approval of the Governor in Council, impose such reasonable penalties as they may think fit, not exceeding Twenty Pounds, for each breach of such By-laws or any of them. All such By-laws relating to other persons than the officers, servants, and contractors employed on the said harbour, railway, mining, and other works or in connection with them, not being tables of the charges for the conveyance of passengers, goods, and other things on the Railways, shall be published in the *Gazette*, and all such By-laws shall be printed in legible letters and exhibited in some conspicuous place in the principal office of the Company, and those applying to each at the harbour and the railway stations respectively, and be open to inspection without fee or reward; and in case any person wilfully obliterates any of the letters or figures thereon, or wilfully prevents the same from being inspected at some reasonable time, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Penalties may be imposed under By-laws.

By-laws to be exhibited in conspicuous place.

*East Coast Harbour and Coal Company.*

A.D. 1888.

By-laws to be binding.

**25** All By-laws made according to the provisions of this Act when so published shall be binding upon and observed by all parties, and shall be sufficient warrant for all persons acting under the same.

By-laws admitted as evidence.

**26** The production of a copy of the said By-laws purporting to have been made as aforesaid shall in all proceedings against the officers and servants of the said Company be accepted as proof thereof in any Court of Law or Equity.

Offences to be tried in summary way.

**27** All offences against this Act or any By-law made in pursuance of this Act, shall be heard and determined, and all orders shall be made, and all penalties and sums of money imposed and made payable by this Act and by any such By-law shall be recovered, in a summary way in the mode prescribed by "The Magistrates Summary Procedure Act;" and all penalties received by virtue of any such By-law shall be paid to the Treasurer, and form part of the Consolidated Revenue Fund.

19 Vict. No. 8.

Appeal.  
19 Vict. No. 9.

**28** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act or any such By-law which is recoverable in a summary manner, may, unless otherwise expressly provided, appeal against the same in the mode prescribed by "The Appeals Regulation Act."

By-laws to be laid before Parliament.

**29** All By-laws made by the Company under the Act shall be laid before both Houses of Parliament within Fourteen days of the making thereof if Parliament is in Session, and if not, then within Fourteen days after the commencement of the next Session.

Crossings and accommodation works.

**30** The Company shall provide proper crossings where public roads are intersected by their lines of railway or aqueduct; and where such lines of railway or aqueduct pass through private land reasonable accommodation shall be provided for the owner or occupier, or compensation for severance shall be paid.

Accommodation works to be settled by Two Justices.

**31** If any difference arise respecting the kind and number of any such accommodation works or the dimensions or sufficiency of them, or respecting the maintaining thereof, the same shall be determined by the Engineer-in-Chief, who shall also appoint the time within which such works shall be commenced and executed by the Company.

Limit of accommodation works.

**32** The Company shall not be compelled to make any further or additional accommodation works after Two years from the completion of the work on which such works may be desired.

*Compensation.*

How compensation is to be estimated.

**33** Whenever by this Act compensation is directed to be made by the Company to any person whose interests are affected by the exercise of the powers hereby conferred, such compensation shall be settled by arbitration in the mode specified by *The Lands Clauses Act* in cases of disputed compensation. In estimating the amount of compensation for severance or otherwise to be paid to any person for or in respect of land or material taken or used for the purposes of the said works, the arbitrators or umpire shall take into consideration the benefit that is likely to accrue to the person to whom such land or material belongs by



*East Coast Harbour and Coal Company.*

reason of the construction of such works through the land affected, and the arbitrators or umpire in awarding compensation to be paid for or in respect of such land or material shall make such deduction for such benefit as shall be deemed just; and in case it appears to the arbitrators or umpire that the benefit likely to accrue to the person on or through whose land the works are about to be made is equal to or greater than the loss he will sustain by reason of the taking or using of his land or material for such works, the arbitrators or umpire shall award that no compensation is to be paid, and thereupon the same rights shall accrue as if compensation had been awarded and duly paid.

A.D. 1888.

**34** In any case where land or material is required for the purpose of said works, if the Company, before any steps are taken under *The Lands Clauses Act*, tenders to the person entitled to receive the same compensation for severance or otherwise for such land or material, then, if such person refuses to accept the same and to convey the land so required, or to permit the same to be used or material taken, as the case may be, and a reference to arbitrators takes place under *The Lands Clauses Act*, and the arbitrators or umpire award a sum not exceeding the amount of compensation so tendered, all the costs of the reference, arbitration, and award shall be paid by such person; and such payment may be enforced by action in any Court of competent jurisdiction on a count for money paid at the request of such person.

If award less than tender made by Company, costs to be awarded.

**35** If any person shall wilfully interfere with, move, alter, or damage any poles, stakes, marks, or instruments used by the Company or their agents, servants, or workmen, for the purpose of surveying, or marking out the position of such works, or otherwise in connection therewith, or if any person shall wilfully do or commit any damage or injury or any nuisance to or upon the said works, such person shall for every such offence forfeit and pay to the Company a sum not exceeding Twenty Pounds over and above the damage, injury, or nuisance caused thereto.

Persons wilfully moving any marks, &c. used by Company.

**36** Subject to the provisions of this Act and to the rights of the Government, it shall be lawful for the Company to lease the railways or any part thereof to any person willing to accept the same, at such rate and for such term not exceeding Seven years as shall be agreed on; and the lease to be executed shall contain all usual and proper covenants on the part of the lessee for maintaining the railways, or the portion thereof comprised in such lease, in good and efficient repair and working condition during the continuance thereof, and for so leaving the same at the expiration of the term thereby granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in leases of a like nature: Provided always, that no such lease shall be granted without the consent of the Governor in Council, nor shall contain any authority to make or be construed to authorise any assignment, transfer, or under-lease of the said railway or demised premises, or any part thereof, without the assent of the said Company joining in such assignment, transfer, or under-lease.

Company may lease their railways to any person.

**37** Such lease shall entitle the lessee to whom the same shall be granted to the free use of the railway or portion of railway comprised therein; and during the continuance of such lease all the powers and privileges granted to, and which might otherwise be exercised and

Such lessee shall be entitled to all the privileges of the Company.

*East Coast Harbour and Coal Company.*

A.D. 1888.

enjoyed by the Company by virtue of this Act with regard to the possession, enjoyment, and management of the said railway, or the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the lessee and the officers and servants of such lessee under the same regulations and instructions as are by this Act imposed on the Company; and such lessee shall, with respect to the railway comprised in such lease, be subject to all the obligations imposed on the Company by this Act.

Company may seize any sunk or stranded vessel in the harbour, or along the coast under their control.

**38** If any vessel be sunk or stranded in the harbour or harbours of which the control is given to the Company by this Act, so as in the judgment of the Company to be a danger or hindrance to the navigation, the Company may forthwith seize and attach such vessel and any goods therein until reasonable security shall be given to the satisfaction of the Company for the due removal of such vessel or goods; and if the owner, master, or agent shall not provide such security, or shall not remove or take away such sunk or stranded vessel, or the wreck thereof, within such time as the Company shall in writing require, the Company may then raise, destroy, remove, or take away such wreck of any vessel that shall be sunk or stranded and be in their judgment an obstruction to the safe and convenient navigation and use of the port or the approaches thereto; and in case the owner, master, or agent of any such vessel or obstruction shall refuse or neglect to pay the charge of raising, destroying, removing, or taking away such vessel, wreck, or goods for the space of Three days after demand, or in case any such master, owner, or agent cannot be found, then the Company may sell such vessel or goods, and out of the proceeds of such sale retain the expense incurred in raising, destroying, or removing such vessel, wreck, or goods, and the charges of sale, rendering the overplus to the person entitled to the same: Provided that, in the event of any dispute arising between the owner, master, or agent, and the Company, such dispute shall be referred to the Minister of Lands to determine.

At the expiration of term the said concessions shall be renewed.

**39** At the expiration of the term for which the concession is under this Act granted to the said Company, the said concession shall be renewed to the said Company for such term and on such conditions as may be agreed upon between the Government and the Company. Provided, that the Company be not charged more than Fifty per centum over and above the then existing royalty, or, at the option of the Government, and upon the sanction of Parliament, the whole of the Company's Harbour and Railway works, and their respective rights and privileges in respect thereof, shall be taken over by the Government on payment to the Company by the Government of such sum or sums of money as may at any time be settled upon by arbitration. The Government Auditors being empowered to supervise the books of the Company relative thereto at all times.

Governor in Council may purchase certain works after Ten years from passing of this Act.

**40** At any time after the expiration of Ten years from the passing of this Act, the Governor in Council may, subject to the approval of Parliament, purchase from the Company the whole of their harbour works, with their rights and privileges in respect of the same as provided in this Act, excepting only the wharf or wharves used by the Company for their own purposes, the approaches thereto, and the appurtenances thereof, at such price as may be agreed upon between

*East Coast Harbour and Coal Company.*

the Governor in Council and the Company; and should any dispute or difference arise between the Government and the Company as to the amount of the purchase money the same shall be determined by arbitration. A.D. 1888.

**41** The Company shall expend upon the works mentioned in Section Twelve during the first Eighteen months after the passing of this Act the sum of Three thousand Pounds (£3000) and the sum of Ten thousand Pounds (£10,000) per annum during the following Two years, such expenditure to be certified to by the Auditor-General as being in accordance with the provisions of this Act: Provided also that should the Company neglect or fail to expend such sums within the time named, or should the works be declared by the Minister to have been suspended for Six months at any subsequent period, or mining operations not be carried on to the satisfaction of the Minister, the leases, concessions, and privileges given by this Act shall be forfeited, together with all harbour works, railways, coal shafts, tunnels, buildings, and other improvements thereon, which shall become the property of the Government, and this Act, so far as it relates to the persons hereby authorised, shall be null and void: Provided, however, that the Governor in Council may, after such forfeiture, grant similar leases, privileges, and concessions, or a modification thereof, to other persons, subject to the approval of both Houses of Parliament. Sums to be expended by the Company.

**42** Should any difference or dispute arise between the Government and the Company concerning the matters dealt with in this Act, it shall be settled by arbitration as directed by "The Companies Act, 1869." Disputes to be settled by arbitration. 33 Vict. No. 22.

