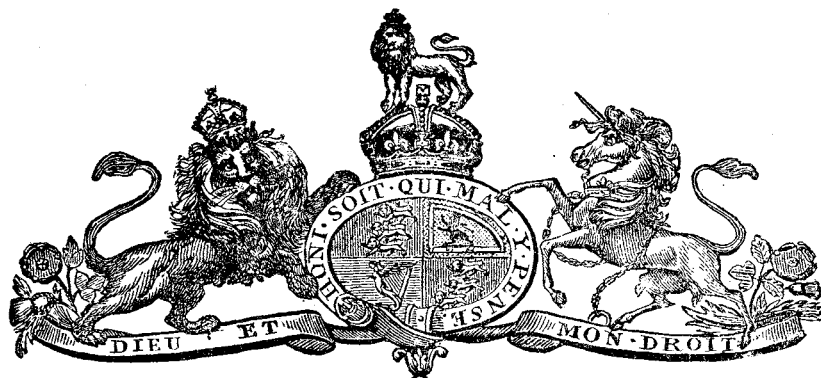


TASMANIA.



1907.

ANNO SEPTIMO

EDWARDI VII. REGIS,

No. 3.

ANALYSIS.

1. Short title.
2. Substitution of fresh section for Section 50 of 6 Edward VII. No. 30.
3. Inspection of books.
4. Rates and Taxes.
5. Supply of electricity.
6. Amendment of Section 48 of 6 Edward VII. No. 30.
7. Power to assign.



AN ACT to amend "The *Launceston* Tramway Act, 1906." A.D. 1907.
[21 September, 1907.]

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 *Launceston* Tramway Act, No. 2," and shall be incorporated and shall be read as one with "The *Launceston* Tramway Act, 1906." Short title.
 4d.]

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A.D. 1907.

Substitution of
fresh section for
Section 50 of
6 Ed. VII. No.
30.

2 Section Fifty of "The *Launceston* Tramway Act, 1906," is hereby repealed, and in lieu thereof the following shall be and be deemed to be and may be cited as Section Fifty of such Act:—

"**50** The Corporation may within Six months after the First day of *March*, One thousand nine hundred and thirty-five, and should the power hereby given be not exercised within such period of Six months, then within Six months after the expiration of a subsequent period of Seven years from the said date, and so on within Six months after every subsequent period of Seven years, by notice in writing, require the Promoters to sell, and thereupon the Promoters shall sell to the Corporation their tramway or tramways, and the lands, buildings, works, materials, conveyances, and plant suitable to or used by the Promoters for the purpose of the same (hereinafter referred to as "the undertaking") upon terms of paying the original cost of the construction (including the costs and expenses of the preparation of survey plans, the supervision of the construction by engineers, surveyors, and others, and all other charges necessary or reasonably incident to the construction) of the undertaking (excepting the lands and buildings), such original cost to be agreed upon within One year from the completion of each such tramway or tramways, and in case of the addition subsequent to any such agreement of any new or further works, materials, conveyances, or plant, then within One year from any such addition being made. And in case of any alteration or substitution of works, materials, conveyances, or plant from time to time after any such agreement, then the difference in value of the undertaking occasioned by every such alteration or substitution, as the case may be, shall be allowed for and adjusted between the parties within Twelve months of the same being made. And upon terms of paying the assessed capital value according to the public assessment roll in force in *Tasmania* for the time being of the said lands and buildings at the time of purchase by the Corporation, and in the case of difference arising as to the original cost of the undertaking or any part thereof, or as to the allowance or adjustment to be made in respect of any such alteration or substitution as aforesaid (excepting as aforesaid the said lands and buildings), the same shall be determined by a single arbitrator to be agreed upon between the parties, and in default of agreement by an engineer or other fit person to be nominated as sole arbitrator by the Governor in Council on the application of either party, and of which application Seven prior days' notice in writing shall be given by the party applying to the other party; and the costs and expenses of the arbitration shall be borne and paid forthwith as the arbitrator directs; and on the payment of the purchase-money, the Corporation shall be entitled to take immediate possession of the undertaking.

The Promoters shall maintain the tramways, works, materials, conveyances, and plant in good order and condition so that the same shall not be substantially depreciated in value from the original cost agreed upon after allowance and adjustment as aforesaid, and if they shall fail to do so an abatement shall be made in the price to be paid for the undertaking as aforesaid, and in case of difference arising as to the

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fact of such maintenance or as to the abatement to be made as aforesaid, the same shall be determined in like manner as is hereinbefore directed for the determination of a difference as to the original cost of the undertaking. A.D. 1907.

3 All books, documents, and papers of the Promoters necessary or proper for the purposes of ascertaining the purchase-price of the undertaking shall be open to the inspection of such officers as may be reasonably appointed by the Council and to any such arbitrator as aforesaid at all reasonable times. Inspection of books.

4 Any law or statute to the contrary notwithstanding, the annual value of the said tramways or any portion thereof upon any street or road shall be assessed by the Council or other local or competent authority at the sum of One hundred Pounds per mile, exclusive of the value of the buildings used or occupied therewith, and not otherwise; and the capital value of such tramways or any portion thereof upon any street or road shall not in any case be assessed for any purpose at a sum exceeding One thousand Pounds per mile, exclusive of the buildings used or occupied therewith; and no municipal rates or taxes shall be charged upon any tramway constructed under the authority of "The *Launceston Tramway Act, 1906*," until Three full years after such tramway shall have been completed and running, nor shall any municipal rates or taxes be charged after that date, computed as from any earlier date. Rates and taxes.

5 The Council may from time to time supply electricity for motive power to the Promoters at such charges and upon such terms and conditions as may have been, or be, agreed upon by and between the Corporation and the Promoters; and it shall be lawful for the Promoters to use any part of the electricity so supplied for motive power as aforesaid for the purpose of lighting their conveyances. Supply of electricity.

6 Section Forty-eight of "The *Launceston Tramway Act, 1906*," is hereby amended by the insertion of the words "in *Tasmania*," after the word "office" in the sixth line of the said section, and by the insertion throughout the said section of the words "Council or other" before the words "Local Authority." Amendment of Section 48 of 6 Ed. VII. No. 30.

7 It shall be lawful for the Promoters and the assignees of the Promoters at any time, and from time to time, by deed or instrument, in writing, to assign all the rights, powers, privileges, benefits, concessions, and advantages conferred on the Promoters by "The *Launceston Tramway Act, 1906*" (as amended by this Act), and "their agreement" thereunder, to any person or persons, or to any duly incorporated company registered in *Tasmania* under "The *Companies Act, 1869*," or the *Foreign Companies Acts*; and upon such deed or instrument being executed or signed, and notice thereof being given to the Council, the assignees under such deed or instrument shall then and thenceforth be Power to assign.

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held and deemed to be the Promoters, and shall have all the rights, powers, privileges, benefits, concessions, and advantages of, and be subject to all the liabilities, obligations, responsibilities, conditions, stipulations, duties, and penalties of the assignors under and by virtue of "The *Launceston Tramway Act, 1906*" (as amended by this Act), and "their agreement" thereunder (including the power to assign given by this section), in all respects as if such assignees had been the original party to the lastmentioned agreement.