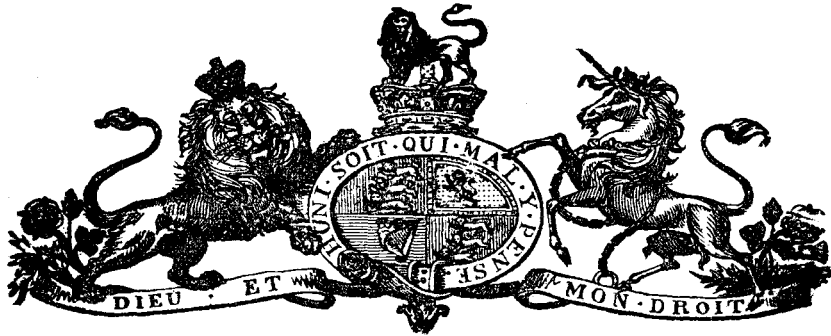


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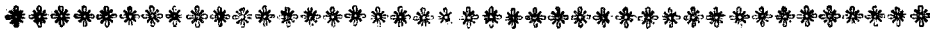


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ANNO QUINQUAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 22.



AN ACT to amend "The Mount *Dundas* and *Zeehan* Railway Act." [19 October, 1891.] — A.D. 1891.

WHEREAS, in pursuance of the power conferred on him for that purpose by "The Mount *Dundas* and *Zeehan* Railway Act," the Minister, with the consent of the Governor in Council, did, on the Fourth day of *February*, in the year One thousand eight hundred and ninety-one, grant to *John Dye La Monte* and *John Russell* a Lease of a strip or piece of Crown Land for the purpose of constructing thereon a Railway from a point within the Mineral Section marked on the official Chart in the name of — *Anderson*, and numbered 2303-87M, to a point at or near the terminus of the *Zeehan* Railway at the Town of *Zeehan*, as provided in the said Act: PREAMBLE.
54 Vict. No. 54.

And whereas on the Seventh day of *February*, in the year One thousand eight hundred and ninety-one, a Company was incorporated and registered in *Melbourne*, in the Colony of *Victoria*, under the name of "The Mount *Dundas* and *Zeehan* Railway Company, Limited":

And whereas by an Indenture dated the Nineteenth day of *February*, in the year One thousand eight hundred and ninety-one, the said *John Dye La Monte* and *John Russell* assigned and transferred all their right, title, and interest in and under the said Lease to the said Company:

And whereas the said Company have commenced to construct a Railway in accordance with the provisions of the said Lease and the said Act:

Dundas and Zeehan Railway Act Amendment.

A.D. 1891.

And whereas the said Company are desirous of obtaining a Lease of other Crown Lands for the purpose of constructing a branch Railway from a point on the Railway which the said Company has commenced to construct as aforesaid to a point within the Mineral Section at *Dundas* marked on the official Chart in the name of "The *Maestri* Silver Prospecting and Mining Association, No Liability," and numbered No. 2549-87M, and also an extension of the said Railway which the said Company has commenced to construct as aforesaid to a point within the Mineral Section at *Dundas* marked on the official Chart in the name of "The *Melbourne* Proprietary Silver Mining Company, No Liability," and numbered 2300-87M:

And whereas it is expedient to amend the said Act in the manner hereinafter appearing:

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 Mount *Dundas* and *Zeehan* Railway Act Amendment Act."

Interpretation.
54 Vict. No. 54.

2 In this Act the expression "the said Act" shall mean and include "The Mount *Dundas* and *Zeehan* Railway Act."

Lease may be granted for purpose of constructing Railway.

3 It shall be lawful for the Minister, with the consent of the Governor in Council, to grant to "The Mount *Dundas* and *Zeehan* Railway Company, Limited," for a term of Twenty-one years, from the Fourth day of *February*, 1891, at a nominal rental, a Lease of any Crown Land not exceeding one chain in width, for constructing, maintaining, and working thereon a branch Railway from a point on the Railway which the said Company has commenced to construct from Mount *Dundas* to *Zeehan* to a point within the Mineral Section marked on the official Chart in the name of "The *Maestri* Silver Prospecting and Mining Association, No Liability," and numbered 2549-87M; and also an extension of the said Railway now being constructed from a point on the last-mentioned Railway to a point within the Mineral Section marked on the official Chart in the name of "The *Melbourne* Proprietary Silver Mining Company, No Liability," and numbered 2300-87M; and also such area of Crown land for all stations, branches, sidings, crossings, side-cuttings, cuttings, embankments, and conveniences in connection with the said Railway as may be proper, subject to such covenants, terms, and conditions as to the Governor in Council may seem fit.

Lease subject to provisions of the said Act.

4 Except as is hereinafter provided, the Lease which the Minister is by this Act empowered to grant to "The Mount *Dundas* and *Zeehan* Railway Company, Limited," as aforesaid, shall contain all the provisions and conditions required by the said Act to be contained in the Lease which the Minister is thereby empowered to grant to said *John Dye La Monte* and *John Russell*, and shall be subject to all the provisions of the said Act, so far as the same may be applicable.

Matters to be provided for in Lease.

5 The Lease which the Minister is by this Act empowered to grant to the said Company as aforesaid shall contain provisions—

- (1.) For settling the mode in which the said Lease and the works connected and used therewith may be resumed by the Crown at any time after the expiration of Twenty-one years

Dundas and Zeehan Railway Act Amendment.

from the date of the Lease, upon giving to the said Company or their Agent Six months' notice of their intention so to do, and the amount of the compensation to be paid to the said Company therefor, and the mode in which such compensation shall be ascertained. A.D. 1891.

Such compensation shall be the actual cost of *bonâ fide* construction work (exclusive of any Promoters' expenses) with an amount added equal to Twenty per centum on such cost of construction, and the value of all equipment, rolling-stock, appliances, goods, and chattels of the said Company used on or intended for use on or in connection with the said branch Railway and extension.

Provided, that at the time of such resumption the said branch Railway shall be in such repair and condition as shall be specified in the said lease.

(2.) For providing for the forfeiture of the said Lease unless—

- (a) The contract survey of the said branch Railway and extension is completed, and a copy of plans and sections are deposited with the Minister of Lands and Works, within Four months from the date of this Act:
- (b) The construction of the said branch Railway and extension is commenced in a *bonâ fide* manner within Six months from the date of this Act:
- (c) The said branch Railway and extension are completed, fully equipped, and ready for traffic, to the satisfaction of the Governor in Council, within Two years from the date of this Act:
- (d) The work under the said Lease is duly and properly completed and maintained in good working order and condition:
- (e) The said Company provides for the maintenance of engines and rolling stock sufficient for the conveyance of passengers and the tonnage which may be offered for carriage on the said branch Railway and extension:
- (f) The conditions of the said Lease are duly performed.

6 In the event of the provisions contained in this Act with regard to the said branch Railway and extension being duly performed to the satisfaction of the Governor in Council, then, notwithstanding anything contained to the contrary in the said Act or in the Lease granted thereunder, it shall not be lawful for the Crown to resume the lands comprised in the said last-mentioned Lease, and the works connected and used therewith, until after the expiration of Twenty-one years from the date of the said Lease. Extension of time
for resuming
Lease.

7 Notwithstanding anything contained in the said Act, or in the Lease granted thereunder, it shall be lawful for the said Company from time to time to demand, take, collect, levy, and make such reasonable tolls, rates, fares, and charges for the carriage and conveyance of passengers, goods, merchandise, live stock, chattels, and other things of every description over and along any of the said Railways as may from time to time be fixed by any by-law to be made as mentioned in the said Act; but such tolls, rates, fares, and charges for the carriage and conveyance of passengers shall not at any time exceed Rates and tolls

Dundas and Zeehan Railway Act Amendment.

A.D. 1891.

Four-pence per mile for First-class passengers and Three-pence per mile for Second-class passengers, and for the carriage and conveyance of goods and merchandise not less than a ton in quantity shall not at any time exceed Nine-pence per ton per mile, and for the carriage and conveyance of live stock shall not at any time exceed Three Shillings per ordinary truck per mile :

Provided that Members of the Parliament of *Tasmania* shall be entitled to travel free on the said railways :

Provided also, that after the expiration of Ten years from the date of the Lease made under the said Act, the Governor in Council may from time to time, after Three months' notice in writing to the Company, make reductions in such tolls, rates, fares, and charges ; but such reductions shall not exceed Thirty per centum of the maximum sums hereby authorised to be demanded, taken, collected, levied, and made.

Minister may
renew Leases.

8 It shall be lawful for the Minister, with the consent of the Governor in Council, from time to time at or after the expiration of the said Lease dated the 4th day of *February*, 1891, or of any Lease issued under this Act, to grant a renewal of such Leases to the said Company for a further term not exceeding Twenty-one years, upon and subject to all the conditions herein prescribed and all the provisions of the said Act and this Act, so far as the same may be applicable.

Minister may
agree to maintain
and work
Railway.

9 It shall be lawful for the Minister, with the consent of Parliament, from time to time to enter into an agreement with the said Company, upon such terms and conditions as may be agreed upon, whereby the Minister shall undertake either to maintain and work, or maintain or work, the Railway which the said Company have commenced to construct from Mount *Dundas to Zeehan*, and the said branch and extension Railway, or either of them, and to provide all locomotives, carriages, wagons, and other rolling stock and appliances necessary for that purpose, together with the requisite staff of officers and men.

Agreement
heret fore made
by Minister
ratified.

10 Any agreement heretofore made between the Minister and the said *John Dye La Monte* and *John Russell*, whereby the Minister shall have undertaken to maintain and work the Railway which the said Company have commenced to construct from Mount *Dundas to Zeehan*, shall be deemed to have been made under the authority of this Act, and shall not be deemed to extend to the said branch or extension lines.

Company to have
a registered
Office in
Tasmania.

11—(1.) The said Company incorporated and registered in *Melbourne*, in the Colony of *Victoria*, under the name of "The Mount *Dundas and Zeehan Railway Company, Limited*," shall register with the Registrar of Companies under *The Companies Act*, 1869, the name and place of abode or business of the person appointed by such Company to carry on the business of the Company in *Tasmania*, and also the situation of the Office of such Company ; and the person so registered shall be deemed to be the Agent of such Company, and such Office shall for all purposes be the registered Office of such Company.

(2.) Upon such registration the said Company may sue and be sued in its corporate name in *Tasmania*, and the liability of and proceedings against such Company shall be in the same manner as if such Company

Dundas and Zeehan Railway Act Amendment.

had been duly registered in *Tasmania* under the provisions of *The Companies Act, 1869*. A.D. 1891.

(3.) Sections Forty-three, Forty-four, Forty-five, and Forty-six of *The Companies Act, 1869*, shall be incorporated with this Act, and shall apply to any such Company aforesaid in the same manner and to the like effect as if such Company had been duly registered under the said Act.

12 Until the said Leases shall have been resumed or forfeited as provided by the said Act or by this Act, all the rights, powers, privileges, benefits, concessions, advantages, and liabilities conferred or imposed upon the said Company under the said Act or under this Act, or by the said leases, shall, as far as the same be applicable, continue in force in like manner and to the like effect as if the said leases were still undetermined. Until resumption Company to have all rights, &c.

13 No part of the said railway which the said Company has commenced to construct as aforesaid, or the said branch railway, shall be opened for public traffic until the Engineer-in-Chief or such officer as the Minister may appoint has certified that such part has been efficiently constructed, and all the rolling stock to be used thereon is in good and efficient condition and repair, and may be safely used for public traffic thereon. Railway not to be used until Engineer certifies.

14 In the event of any dispute, question, or difference arising between the said Company and the Minister, or any official to whom any powers are given by the said Act, the same shall be referred to and decided by arbitration. All disputes referred to arbitration.

15 Any such arbitration shall be determined by Three arbitrators, One of whom shall be appointed by the Governor in Council, and One of whom shall be appointed by the said Company, and the Third arbitrator shall be appointed by the Two other arbitrators. How arbitrators to be appointed.

16 If the said Company fails or refuses to appoint an arbitrator for the purpose aforesaid within a period of Three months after having received notice in writing from the Minister so to do, it shall be lawful for the Governor in Council to appoint an arbitrator to act with the arbitrator appointed by the Governor in Council, and such Two arbitrators shall appoint a Third arbitrator, and the Three arbitrators so appointed shall determine any such arbitration as aforesaid. If Company fail to appoint arbitrators.

17 If any vacancy shall occur among the arbitrators before they have determined any dispute, question, or difference which has been referred to them as aforesaid, such vacancy shall be filled up by the appointment of another arbitrator by the same authority by which the arbitrator whose place has become vacant was appointed. Vacancy in arbitrators.

18 It shall be lawful for the said Company, with the consent of the Governor in Council, from time to time to let the said railway which the said Company has commenced to construct as aforesaid, and the said branch railway, and the said extension, tolls, rates, fares, and charges, together with all or any equipment or rolling stock of the said Company; and during the continuance of any such letting the person to whom the same shall be let, or the persons or person Company may let tolls, &c.

Dundas and Zeehan Railway Act Amendment.

A.D. 1891.
—

by him appointed, are hereby empowered to demand, levy, and take the said tolls, rates, fares, and charges, and to use the said equipment and rolling stock, and to manage the said railway and works of the said Company in like manner, and shall have the like remedies and rights, and be subject to the like liabilities in respect of the same as the said Company would have been empowered, or would have had and would have been subject to, but for such letting.

Acts to be read
together.

19 This Act and the said Act shall be read together as one and **the same Act.**