

ANNO SEXAGESIMO-QUARTO

No. 54.

WHEREAS by Section Three of "The Mount *Lyell* and *Strahan* Railway Act," it is provided that it should be lawful for the Mount *Lyell* Gold Mining Company, No Liability, subject to the provisions of the said Act, to construct, maintain, and work a railway from a point in or near the mining leases at Mount *Lyell*, in *Tasmania*, held by the said Company, to a point in or near the Town of *Strahan*, in *Tasmania*, along such route as should be approved by the Minister of Lands and Works for the time being under the provisions of the said Act, and to take and use so much of the Crown or private lands and of the roads, streets, and reserves, both public and private, through which such route should pass as might be required for the construction and working of the said railway : Provided always that nothing therein contained should authorise the said Company to take and use for the construction or maintenance of the said railway any piece or strip of Crown land more than One chain in width : Provided also that the right thereby conferred upon the said Company to take and use Crown land and any road, street, or reserve for the construction and main-

PREAMBLE.
56 Vict. (Private).

4d.]

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tenance of the said railway should not be deemed to be of any greater or other nature or extent than that of an easement :

And whereas by Section Forty-one of the said Act the said Company is empowered, for the purpose of constructing, maintaining, and working the said railway, to execute works as in the said Section mentioned :

And whereas the said Company have duly constructed the said railway and have executed various works as in the said Section mentioned to the satisfaction of the Engineer in Chief and in accordance with the provisions of the said Act, and have, with the consent and approval of the Minister of Lands and Works for the time being, taken and used for the said purposes, where necessary, certain pieces or strips of Crown lands in excess of One chain in width, and may hereafter require for the said purposes to take and use other pieces or strips of Crown land of more than One chain in width :

And whereas it was intended by the said Act that the said Company should be entitled to take and use all such pieces or strips of Crown land as were necessary for the construction and execution of the said railway and works, and for the maintenance and working of the said railway, but doubts have arisen as to the legal construction of the powers in that behalf conferred upon the said Company by the said Act, and it is desirable to remove such doubts :

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 for all purposes as “ The Mount *Lyell* and *Strahan* Railway Act, 1900.”

Interpretation.

2 In this Act—

The expression “ the said Act ” shall mean the Act of the Parliament of *Tasmania*, intituled “ An Act to authorise the Mount *Lyell* Mining Company, No Liability, to construct and maintain a Railway from Mount *Lyell* to the Town of *Strahan* ” ;

The expression “ the said Company ” shall mean the Mount *Lyell* Mining and Railway Company, Limited, and its assigns ; and

The expression “ the said Railway ” shall mean the Railway which the said Company is authorised by the said Act to construct, maintain, and work.

Company entitled to continue the use of and take further portions of Crown land in lieu of One chain in width.

3 The said Company shall be deemed to have been entitled, as from the date of the coming into operation of the said Act, to take and use, and shall hereafter be entitled to continue to use all such portions of Crown land exceeding the width of One chain as have in fact been taken and used by them for the construction and execution of the said Railway and works, and for the maintenance and working of the said Railway, such portions of Crown land to be delineated on plans which have been or which may be supplied by the said Company to the Minister, and to be approved of by the Governor in Council and signed by the Minister ; and it shall be lawful for the said Company at any time or times hereafter, subject to the provisions of the said Act where not inconsistent with this Act, and subject to the approval of the Governor in Council, to take and use all such further portions

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of Crown land in excess of One chain in width as may be required for the construction and execution of any of the works mentioned in Section Forty-one of the said Act, or for the maintenance or better or more efficient working of the said Railway. A.D. 1900.

Provided always, that the right by this Act conferred upon the said Company to take and use, or to continue to use, Crown land, shall not be deemed to be of any greater or other nature or extent than that of an easement.

4 It shall be lawful for the Minister to construct and maintain any road across the Railway at any point directed by the Minister upon payment of proper compensation for any interference with the works of the Company, which compensation, in case of dispute, shall be settled by arbitration in the manner prescribed by *The Lands Clauses Act* in cases of disputed compensation; but the Minister may construct any public road across the Railway without paying any compensation to the Company: Provided always that no road shall be constructed over any land used by the said Company as a station-yard without the consent of the said Company, nor over any portion of the said Railway if the traffic thereon is likely to be interfered with by the use of such road. Minister may authorise construction of public roads across Railway.

5 The passing of this Act shall not affect any claim for compensation or right to accommodation works, which, but for the passing of this Act, might be made, or demanded. Saving rights to compensation and accommodation works.

5 This Act, and the said Act, and all other Acts amending the said Act, shall be read and construed together as one Act. Acts to be read together.

