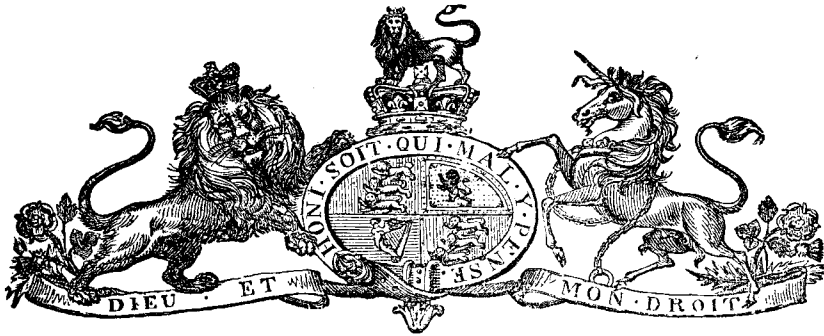


T A S M A N I A.

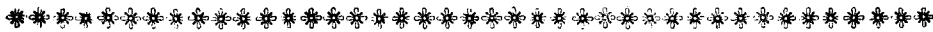


1892.

ANNO QUINQUAGESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 33. Amended by 63 Vict. No. 9



AN ACT to confer on certain Companies A.D. 1892.
authorised by Acts of Parliament to
construct Railways, Tramways, and other
Undertakings Power to borrow Money for
the Construction and Maintenance thereof,
and Power to sell and assign the same.
[21 December, 1892.]

WHEREAS by certain Public and Private Acts of the Parliament PREAMBLE.
of *Tasmania* mentioned in the Schedule hereto certain companies have
been respectively authorised to construct, maintain, and work certain
Railways, Tramways, and other Undertakings :

And whereas it is desirable that the companies so authorised to
construct, maintain, and work the said Railways, Tramways, and
other Undertakings should be enabled to borrow money for the
construction and maintenance thereof in the manner hereinafter
mentioned, and to sell, assign, and transfer the same as hereinafter
provided :

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 :—

1 This Act may be cited as “The Promoters’ Enabling Act, 1892.” Short title.

Promoters' Enabling.

A.D. 1892.

Interpretation.

2 In this Act the words following shall have the meanings hereinafter immediately assigned to them ; that is to say—

“Company” shall mean and include any company incorporated or registered in accordance with law in any part of Her Majesty’s Dominions for the purpose of obtaining, acquiring, or carrying out the rights, powers, and privileges conferred by any of the Acts mentioned in the Schedule :

“Undertaking” shall mean and include any undertaking which any company has been authorised by any public or private Act of the Parliament of *Tasmania* to construct, maintain, and work for the purposes of profit to such company.

Power to sell and assign.

3 Every company authorised by any public or private Act of the Parliament of *Tasmania* to construct, maintain, and work any Railway, Tramway, or other Undertaking may at any time hereafter, with the consent of the Governor in Council, sell, assign, and transfer to any other company all the powers, rights, and privileges conferred upon or vested in such company as first aforesaid by the Act of Parliament authorising the construction, maintenance, and working of such Railway, Tramway, or other Undertaking, together with all the right, title, and interest of such company as first aforesaid to and in any lease of Crown land granted to such company as first aforesaid under and by virtue of the provisions of such Act of Parliament as aforesaid, and together also with all the right, title, and interest of any such company as first aforesaid to and in any Railway, Tramway, or other Undertaking constructed or partially constructed under the authority of such Act of Parliament as aforesaid.

Power to borrow.

4 Every company authorised by any public or private Act of the Parliament of *Tasmania* to construct, maintain, and work any Railway, Tramway, or other Undertaking, and every company to whom or which such company as first aforesaid shall, in accordance with the provision for that purpose hereinbefore contained, assign and transfer all the powers, rights, and privileges conferred upon or vested in such company as first aforesaid by such Act of Parliament as aforesaid, may from time to time borrow or raise money by mortgages or debentures or debenture stock or bonds charged upon any Railway, Tramway, or other Undertaking constructed under the authority of such Act of Parliament as aforesaid, and on the fares or tolls which the company so borrowing or raising money may at any time be authorised to demand and take for the carriage and conveyance of passengers and goods over and upon any such Railway or Tramway as aforesaid, or upon the uncalled capital of any such company as aforesaid, or upon any other property of the company so borrowing or raising money as aforesaid.

Debentures may be charged on all the securities mentioned in Section Four.

5 The mortgages or debentures or debenture stock or bonds by which any such company as aforesaid may borrow money under the authority of this Act may be charged on all or any one or more of the securities mentioned in Section Four.

Powers conferred by this Act to be cumulative.

6 The powers conferred by this Act shall be additional to any powers conferred by any such Act of Parliament as aforesaid upon the company thereby authorised to construct, maintain, and work the Railway, Tramway, or other Undertaking therein mentioned.

Promoters' Enabling.

7 It shall be lawful for the Governor in Council to confirm any transfer or assignment of any such Railway, Tramway, or other Undertaking as aforesaid which may have been made before the passing of this Act, and every such transfer or assignment which shall be confirmed by the Governor in Council shall thereupon be deemed to have been made with the consent of the Governor in Council in accordance with this Act.

A.D. 1892

—
Governor in Council may confirm transfers made previous to the passing of this Act.

8 Any company which is not registered in *Tasmania* under *The Companies Act*, 1869, shall, within Six months after the passing of this Act, register with the Registrar of Companies under the said Act 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.

Company to have registered Office.

(2.) Upon such registration such 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 had been duly registered in *Tasmania* under the provisions of *The Companies Act*, 1869.

(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.

SCHEDULE.

1. "The Hobart Tramway Company's Act, 1884."
2. "The East Coast Harbour and Coal Company's Act."
3. "The New Dundas Tramway Company's Act."
4. "The Australasian Rights Purchase Act."

