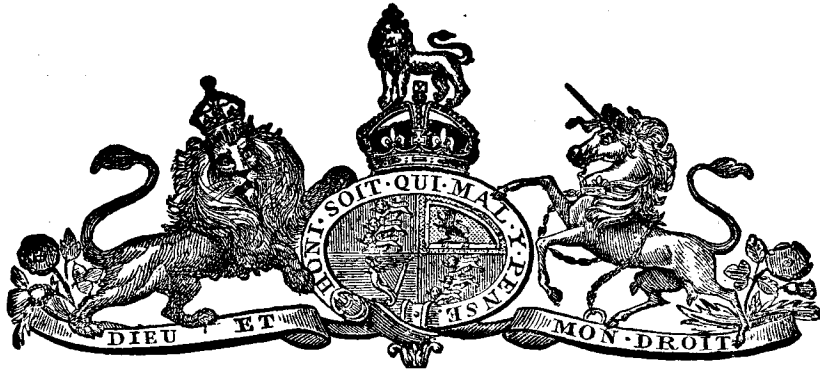


TASMANIA



1915.

ANNO SEXTO

GEORGII V. REGIS.

No. 58.

ANALYSIS.

- | | |
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| <ol style="list-style-type: none"> 1. Short title. 2. Interpretation. 3. Resumption of Pelican Point Tramway. 4. Abolition of powers, &c., of Smithton Harbour Trustees as to tramway. 5. Minister may work the tramway. | <ol style="list-style-type: none"> 6. Minister may make rules as to wharfage rates. 7. Minister may acquire other land if necessary. 8. Governor not liable. 9. Regulations. |
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AN ACT for the Resumption of the Pelican ^{A.D.} 1915.
 Point Tramway, and for other purposes.
 [29 January, 1916.]

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 as “The Pelican Point Tramway Resumption Act, 1915.”

4d.]

Pelican Point Tramway Resumption.

A.D. 1915.

Interpretation.

2 In this Act—

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

“The tramway” means --

- i. All that tramway or strip of land known as the Pelican Point Tramway, commencing at a point at high-water mark on Duck River at the centre of the north-western extremity of the Duck River Bridge, and extending north-westerly in several bearings through the Crown reservations along that river, opposite land purchased by *Ann Ryan*, through that land and through other lands purchased by *E. M. Burgess*, *J. S. Lee*, *W. A. Lee*, *J. Jones*, and *W. Lee* respectively, and through Crown land (crossing Two reserved roads Seventy-five links and One chain wide respectively, and crossing *Lee's* tramway) to Pelican Point on Duck Bay, including the permanent way thereof, and a timber trestle bridge through and terminating in a wharf in that bay and including the said wharf, together with all works, buildings, stations, sidings, erections, and things erected or built on or connected with the said tramway, bridge, and wharf: and
- ii. All land upon which the same are respectively constructed, erected, or built, or used in connection therewith: and
- iii. All plant, carriages, trucks, rolling-stock, machinery, or any parts of the same, furniture, books, tools, implements, equipment, and appliances of every kind whatsoever, stores and tramway material used or connected with or appertaining to the said tramway, bridge, wharf, or works, or any of them; and all the rights, powers, privileges, authorities, advantages, and concessions whatsoever, conferred upon, vested in, held, enjoyed, or possessed by the Smithton Harbour Trustées, or any person claiming by, through, or under them in connection with, or appurtenant to, the tramway, bridge, wharf, and works.

Resumption of
Pelican Point
Tramway.

3—(1) The tramway is hereby resumed from the Smithton Harbour Trustees or other the persons having in law possession of the same.

(2) On the passing of this Act the tramway, as defined by this Act shall, by force of this Act, and without the necessity of any conveyance,

Pelican Point Tramway Resumption.

transfer, assignment, or other assurance forthwith revert to and vest in and be held, enjoyed, possessed, and used by His Majesty, freed and discharged from all encumbrances, estates, interests, trusts, obligations, contracts, licences, charges, rates, claims for compensation or otherwise, and demands, rights-of-way, or other easements. A.D. 1915.

(3) The tramway shall not be deemed to be a railway within the meaning of "The Railway Management Act, 1891," the provisions of which Act shall not apply thereto.

4 The powers and duties of the Smithton Harbour Trustees in, upon, and over the tramway as defined by this Act by virtue of "The Smithton Harbour Trust Act, 1913," and the several Acts incorporated therewith are hereby declared to be abolished. Abolition of powers, &c., of Smithton Harbour Trustees as to tramway. 4 Geo. V. No. 29.

5 It shall be lawful for the Minister, from time to time, with the consent of the Governor, to make such provisions for the working under the Minister's control of the tramway or any part thereof, as the Governor may approve. Minister may work the tramway.

Provided that in any case the management, working and control, shall be subject to such regulations in that behalf as the Governor may think fit to make.

6 It shall be lawful for the Minister with the approval of the Governor from time to time to make, and from time to time to alter and rescind rules for prescribing the rates of wharfage to be paid for the use of the said wharf at Pelican Point forming part of the tramway. Such rates of wharfage shall be payable and paid by such person, boat, or vessel, and in such manner, and at such time and place as the Minister with the approval of the Governor shall, from time to time, by rules direct, and to such officer or person as shall be appointed by the Minister to be collector thereof. Minister may make rules as to wharfage rates.

7 It shall be lawful for the Minister from time to time, with the consent of the Governor, out of moneys to be provided by Parliament for the purpose, to purchase, acquire, and take under and subject to the provisions of "The Lands Resumption Act, 1910," such land—other than the land included in the tramway as defined by this Act—as the Minister may deem necessary for or in connection with the tramway or the purposes thereof. Minister may acquire other land if necessary. 1 Geo. V. No. 11.

The expressions "public purpose" and "public work," in "The Lands Resumption Act, 1910," shall be deemed to include any purpose for which land may be acquired by virtue of this Act.

The powers exercisable under Section Twenty-five of "The Lands Resumption Act, 1910," may be exercised on or in relation to any land, whether in the vicinity of the land purchased, acquired, or taken, or not.

Pelican Point Tramway Resumption.

A.D. 1915.
—
Governor not
liable.
Regulations.

8 Nothing contained in this Act shall render the Governor personally liable for anything done or omitted to be done by him under this Act.

9 The Governor may make all regulations, not inconsistent with this Act, prescribing all matters and things which by this Act are required or permitted to be prescribed or which he deems necessary or convenient to be prescribed, for giving effect to or carrying out this Act.