

T A S M A N I A.



1874.

ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ.



AN ACT to enable "The *Bangor* Slate Quarry A.D. 1874.  
Company, Registered," to construct a Tram-  
way or Railway, Wharves, Piers, and Jetties.  
[18 September, 1874.]

WHEREAS a Company has been established in *Tasmania*, and duly PREAMBLE.  
registered under "The Mining Companies Limited Liability Act, 1869," 33 Vict. No. 3.  
by the name of "The *Bangor* Slate Quarry Company, Registered:"

And whereas it is expedient to enable the said Company to construct  
a Tramway or Railway from the Quarries of the said Company to the  
River *Tamar*, and Wharves, Piers, and Jetties upon the said river:

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 In this Act

Interpretation.

"Company" means "The *Bangor* Slate Quarry Company, "Company."  
Registered."

"Owner" means the person appearing on the Valuation Roll for "Owner."  
any district through which the Tramway passes as the owner of  
any lands therein named.

[Private.]

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"Justice."	"Justice" or "Justices of the Peace," means a justice or justices not being shareholders in the Company.
"Lands."	"Lands" comprises lands, tenements, and hereditaments of any tenure and buildings, and includes any estate or interest therein.
"Plan."	"Plan" means the plan of the proposed Tramway or Railway, Wharves, Piers, and Jetties, signed by the Chairman of the said Company, and lodged in the office of the Deputy Commissioner of Crown Lands in <i>Launceston</i> .
"Person."	"Person" includes bodies politic and corporate.
"Tramway."	"Tramway" includes "Railway."
"Works."	"Works" includes Wharves, Piers, Jetties, and the approaches thereto, and the conveniences connected therewith, and with the Tramway.

*Plan.*

Plan to be deposited.

2 Upon the passing of this Act the plan shall be deposited with the Deputy Commissioner of Crown Lands at *Launceston*, and kept safely by him and his successors in his office, and be at all convenient times open for public inspection without fee, and all persons may make copies of and extracts therefrom.

Errors in plan.

3 No advantage shall at any time be taken of or against the Company on account of any error or omission in such plan in any case in which it appears to some Justice of the Peace, and by such Justice certified by writing under his hand, that such error or omission proceeded from mistake.

Deviations.

4 The Company in constructing the Tramway and works may deviate from the line laid down in the plan, but may not take or use for the purpose of such deviation any lands not comprised within the limits of deviation shown upon the said plan, (hereafter called "the limits of deviation,") without the consent in writing of the owner of such lands or his authorised agent.

*Construction of Tramway.*

Power to enter and construct Tramway.

5 The Company may, by themselves, their engineers, surveyors, agents, officers, and workmen, and all other persons by them authorised, enter into and upon the lands shown upon the said plan through which the Tramway is intended to pass, and upon which the said works are to be constructed, and thereon to make and maintain a Tramway, either with single or double track, for waggons and other carriages, with all necessary stations, sidings, approaches, roads, branches, piers, wharves, cuttings, embankments, drains, and fences, and all other necessary works, commencing at the Quarries of the said Company and terminating in the River *Tamar*, as the same are more particularly delineated in the said plan.

Power to take land.  
21 Vict. No. 11.

6 The Company may from time to time purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land as they may deem necessary for the purpose of constructing, maintaining, repairing, or improving the said Tramway and works, or of obtaining materials for

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any such purpose, or as they may deem necessary for any other of the purposes of this Act; and, subject to the provisions of this Act, *The Lands Clauses Act* shall be incorporated with this Act, and for the purposes of such incorporation the directors of the said Company shall be deemed to be the promoters of the undertaking. A.D. 1874.

7 Any notice required to be given by the Company under *The Lands Clauses Act*, or this Act, shall be sufficient if signed by the Chairman of the Company or their Solicitor. Signature of notice.

8 Subject to the provisions herein contained, or in any Act incorporated herewith, the Company may— Power to enter, take, and hold land, &c.

Without any previous agreement with the owners enter upon any land, and take the levels and other particulars necessary for a survey of the same, and enter upon, take, and hold all lands, or any part thereof, comprised within the limits of deviation delineated in the said plan, save and except as hereinafter mentioned.

From time to time make, maintain, alter, or continue such drains, sidings, approaches, jetties, wharves, culverts, embankments, fences, and other works, as may be necessary for making, maintaining, and using the said Tramway and works.

Without previous payment, tender, or deposit, enter upon and use any land for the purpose of taking earth, gravel, clay, or other materials therefrom, and enter upon and use any lands adjacent for making temporary roads, or approaches thereto, or to the works: Provided always that, before temporary use is made of any such lands, the Company shall give Fourteen days notice of their intention to the owners and occupiers of such lands, except in case of accident to the works requiring immediate reparation. Until any land taken by the Company for temporary use is given up to the owner or occupier (as the case may be), the Company shall pay to the owner or occupier reasonable compensation for the use of such land, and for any damage or injury done thereto, or to any crop thereon; and such compensation shall be settled in case of disagreement as in cases of disputed compensation.

During the construction of the Tramway and works respectively, the Company may fell and use timber, and dig, take, and use clay, gravel, stone, and rubbish upon and from any convenient part of the Waste Lands of the Crown, not being public highways, and may lay and place thereon any timber, clay, stone, rubbish, and ballasting required for the purposes of the said Tramway or works respectively.

The power of purchasing land hereby conferred shall not extend to any public street or highway. Streets or highways not to be purchased.

9 The Company shall make to all persons interested in any lands taken or used for the purposes of this Act, or injuriously affected by any thing done under the authority thereof, full compensation for the value of the lands so used, and for all damages sustained by such persons by reason of the exercise of the powers vested in the Company by this Act; and if any dispute arise between the Company and any person interested, such dispute shall, if not otherwise provided for by this Act, be referred to arbitration in the manner hereinafter prescribed. Compensation to be made for lands taken or injuriously affected.

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Traffic over roads  
not to be inter-  
rupted.

**10** The Tramway and works shall, as far as possible, be made so as not to impede, injure, prevent, or interrupt any ordinary or rightful traffic upon any public highway, and so as not to increase the cost of making, maintaining, repairing, and upholding the same.

Penalty for  
damage to pegs,  
&c.

**11** If any person wilfully interferes with, injures, or damages any instrument or thing used by the Company, or if any person wilfully commits any damage, injury, or spoil, or any nuisance to or upon the Tramway or works, or to or upon any other works of or belonging to the Company, such person shall for every such offence forfeit and pay any sum not exceeding Twenty Pounds over and above the damages occasioned thereto.

Penalty for  
leaving trucks  
&c. on public  
road.

**12** If any person leaves any truck, carriage, or waggon used upon the said Tramway upon any public road at any time between sunset and sunrise, such person shall for every such offence forfeit and pay a penalty not exceeding Five Pounds.

Compensation to  
be ascertained  
under *The Lands  
Clauses Act.*

**13** The amount and application of the purchase-money and other compensation payable by the Company in any of the cases aforesaid shall be determined in the manner provided by *The Lands Clauses Act*, for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

Land to be taken  
for additional  
Stations, &c.

**14** It shall be lawful for the Company, in addition to the lands authorised to be compulsorily taken by them under this Act, to contract with any person for the purchase of any land adjoining or near to the Tramway—

For the purpose of making and providing additional stations, yards, wharves, piers, landing-places, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods and cattle to be conveyed upon the Tramway, and for the erection of weighing machines, toll-houses, offices, warehouses, and other buildings and conveniences.

For the purpose of making convenient roads or ways to the Tramway, or making or doing any other work or thing whatever which may be requisite or convenient for the forming, working, or use of the Tramway.

Company may  
employ locomo-  
tive engines, &c.,  
and make charges.

**15** It shall be lawful for the Company to use and employ locomotive engines or any other motive power, and carriages or waggons to be drawn or propelled; and to make such reasonable charges for the carriage and conveyance of mails, passengers, goods, stock, and merchandise as they may from time to time determine upon, by any bye-laws to be by them passed as hereinafter mentioned.

Stations.

**16** All requisite stations may be erected and put up at such places as the Company think fit.

Power to detain  
goods on non-  
payment of  
charges.

**17** In case default is made in payment of any money due and payable to the Company under this Act, the same may be recovered in a summary way before any two Justices by the Company, or by any person from time to time appointed and authorised by the Company to receive the same; and it shall be lawful for the Company to detain the stock, goods, and merchandise in respect of which such money shall be payable until such money has been fully paid and satisfied.

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**18** Nothing herein contained shall extend to charge or make liable the Company further or in any other case than where stage-coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the Company of any protection or privilege which such stage-coach proprietors or common carriers may be entitled to, but on the contrary the Company shall at all times be entitled to the benefit of every such protection and privilege.

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Company not to be liable to a greater extent than common carriers.

**19** If any person travels or attempts to travel in any train or carriage of the Company without having previously paid his fare, and with intent to avoid payment thereof; or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such train or carriage beyond such distance without previously paying the additional fare for such additional distance, and with intent to avoid payment thereof; or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such train or carriage, every such person shall for every such offence forfeit to the Company a sum not exceeding Forty Shillings.

Penalties on passengers travelling without paying fare, &c.

**20** If any person is discovered either in or after committing or attempting to commit any such offence as in the preceding Section mentioned, all officers and servants, and other persons on behalf of the Company, and all constables and gaolers may, if the name and address of such person cannot then be reasonably ascertained, lawfully apprehend and detain such person until he can conveniently be taken before some Justice, or until he is otherwise discharged by due course of law.

Offenders may be detained.

**21** No person shall be entitled to carry or to require the Company to carry upon the Tramway any aquafortis, oil of vitriol, gunpowder, blasting material, lucifer matches, or any other goods which in the judgment of the Company, their station master, or booking clerk, may be of a dangerous nature; and if any person sends by the Tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the booking clerk, or other servant of the Company with whom the same are left, at the time of so leaving, he shall forfeit to the Company a sum not exceeding Twenty Pounds for every such offence; and it shall be lawful for the Company to refuse to take any parcel, case, or package they may suspect to contain goods of an explosive or dangerous nature, or may require the same to be opened to ascertain the fact.

Penalty for bringing dangerous goods on the Tramway.

*Bye-laws.*

**22** It shall be lawful for the Company from time to time to make such bye-laws for regulating their affairs, and the management of the said Tramway, and fixing the charges and fares for the conveyance of passengers, goods, and other things thereon, as they may think fit, and to repeal or alter any such bye-laws, provided that such bye-laws are not repugnant to the provisions of this Act, and such bye-laws shall be signed by the Chairman of the Company, and, if affecting other persons than their own officers and servants, shall be subject to the approval of the Governor in Council and be published as hereinafter provided.

Power to make bye-laws and to alter same.

**23** The Company may by such bye-laws impose such reasonable penalties as they think fit, not exceeding Ten Pounds for each breach of such bye-laws or any of them.

Penalties under bye-laws.

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Bye-laws to be  
gazetted, &c.

**24** All such bye-laws relating to other persons than the servants and officers of the Company, not being tables of the charges for the conveyance of passengers, goods, and other things thereon, shall, when the same have been approved as aforesaid, be published in the *Gazette*, and shall also be printed in clearly legible letters, and put up in some conspicuous place in the head office of the said Company, and at the different stations, and renewed there from time to time as occasion may require, and be open to inspection without fee or reward; and in case any person prevents the same from being inspected at any reasonable time, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Bye-laws to be  
binding on all  
persons.

**25** All bye-laws made according to the provisions of this Act when so published and put up shall be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same.

*Crossing of Roads.*Crossing the  
*George Town*  
Road.

**26** Where the said Tramway crosses the Main Road from *Lan-ceston* to *George Town* the Company shall allow Sixteen feet of the Tramway for such road, and shall, if required by the Trustees of the Road District, erect and at all times maintain good and sufficient gates across the same on each side of the Tramway where the same communicates therewith, and shall employ proper persons to open and shut such gates, and such gates shall be kept constantly open on both sides of the Tramway except when trains are about to pass along the same, Five minutes before which time they shall be closed, and kept closed until the train passes; and such gates shall be of such dimensions and so constructed as when closed to fence in the Tramway, and prevent horses or cattle or other stock passing along the road from entering upon the same; and the persons entrusted with the care of the said gates shall cause the same to be opened as soon as the trains have passed, under a penalty not exceeding Ten Pounds for every default therein.

Crossing other  
public roads.

**27** Where the Tramway crosses any other public roads than the road aforesaid, the Company shall allow Twelve feet of the said Tramway for each such road, and shall, when required to do so by the Trustees of the Road District, likewise erect and at all times maintain good and sufficient gates across the same on each side of the Tramway where the same communicates therewith, in the manner provided by the Twenty-sixth Section of this Act.

Crossing private  
roads.

**28** Where the Tramway crosses any private or occupation road, the Company shall allow Twelve feet of the Tramway for the same; and from time to time they may make and maintain other private level crossings, or occupation roads, where and at such places as they may think fit, allowing Twelve feet for each such road.

Trains to slacken  
speed crossing  
public roads  
adjoining stations.

**29** Where the Tramway crosses any public road on a level adjoining to a Station, all trains on the Tramway shall be made to slacken their speed before arriving at such public road, and shall not cross the same at any greater rate of speed than Four miles an hour.

*Leasing.*

Power to lease.

**30** It shall be lawful for the Company from time to time to let the

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tolls and charges authorised to be taken and collected under this Act from the said Tramway and works, or either of them, together with the rolling stock, and all other the appurtenances thereto belonging, and such security shall be taken by the Company as they may think necessary for the due payment of the rent or sum stipulated to be paid for the same; and during the continuance of any such demise the lessee, or any collector or person or persons by him appointed, is and are hereby empowered to demand and take the tolls and charges so let, and to use the same means for the recovery thereof in case of non-payment or evasion as the Company or their appointees are by this Act empowered to use.

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*Accommodation and Protection Works.*

**31** The Company shall make and at all times maintain the following works for the accommodation of the owners and occupiers of lands adjoining the Tramway; that is to say,—

Company to make and maintain gates, bridges, &amp;c.

Such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the side of or leading to or from the Tramway as shall be necessary for the purpose of making good any interruptions caused by the Tramway to the use of the lands through which the Tramway is made, and such works shall be made forthwith after the part of the Tramway passing over such lands has been laid out or formed or during the formation thereof.

**32** The Company shall, if required so to do by the owner or occupier of any land taken and used for the purposes of the said Tramway, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also to all private roads used as aforesaid put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads; and in case of any difference between the owners or occupiers of such roads and lands and the Company as to the necessity for such fences and gates, the Company shall erect such fences and gates as any Two Justices deem necessary for the purposes aforesaid, on application being made to them by either party.

Company to separate lands before using them.

*Arbitration.*

**33** When any dispute arises for the settlement of which no other provision is made by this Act, or any Act incorporated herewith, then such dispute shall be settled by arbitration in the manner provided by *The Lands Clauses Act*, and the appointment of an Arbitrator on behalf of the Company shall be made under the hands of the Chairman and any two of the Directors of the Company; and any award or determination made under or by virtue of the provisions of the said Act shall be final, and shall not be set aside for irregularity or error in matter of form; and the submission to such arbitration may, on the application of either or any of the parties, be made a Rule of the Supreme Court.

Questions to be settled by arbitration.

*Limitation of Actions.*

**34** No plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act unless such action be commenced within Three months after the cause of action has accrued,

Action to be commenced within Three months.

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Notice of action.

Plea.

and unless notice in writing of such intended action, signed by the plaintiff or his attorney, specifying the cause of action, has been given to the defendant One month at least before such action or suit is commenced; and the defendant in every such action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act or any Act incorporated herewith; and if the same appears to have been so done, or if such action or suit has not been brought within Three months after the cause of action had accrued, or has been brought before the expiration of One month next after such notice has been given as aforesaid, or after sufficient satisfaction made or tendered as aforesaid, then and in every such case a verdict shall be found for the defendant; and upon such verdict, or if the plaintiff is nonsuited or discontinues his action, or if on demurrer or otherwise the judgment is given against the plaintiff, then and in every such case the defendant shall have double costs, and shall have the same remedy for recovering the same as any other defendant has for his costs in any other cases by law.

Double costs.

*Recovery and Appropriation of Penalties.*

Offences to be dealt with summarily.

19 Vict. No. 8.

**35** All offences against this Act or any Act incorporated herewith, or any bye-law made in pursuance hereof, and all penalties and sums of money imposed or made payable thereby, shall, where no other proceeding is by law provided, be heard, determined, and recovered in a summary way by and before two Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*; and all penalties received by virtue of this Act or any Act incorporated herewith, or any bye-law as aforesaid, shall, if not otherwise specially directed, be paid to the said Company, and shall form part of the moneys at their disposal for the purposes of this Act.

*Appeal from Penalties.*

Appeals.

19 Vict. No. 10.

**36** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act or any Act incorporated herewith, or any bye-law as aforesaid, which is recoverable in a summary way, may, unless it be otherwise expressly provided, appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

*Short Title.*

Short Title.

**37** This Act may be cited as "The *Bangor Slate Quarry Company's Pier and Tramway Act*."