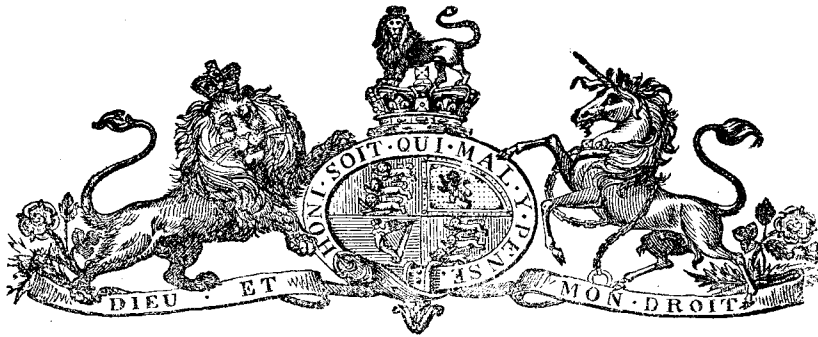


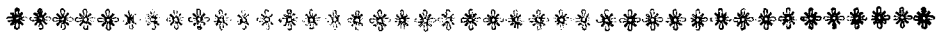
T A S M A N I A.



1884.

ANNO QUADRAGESIMO-OCTAVO

VICTORIÆ REGINÆ.



AN ACT to authorise "The *Hobart* Tramway Company Limited" to construct maintain and work Tramways in the City of *Hobart* and the Suburbs thereof. [24 November, 1884.] A.D. 1884.

WHEREAS the making of the Tramways hereinafter particularly described and the works connected therewith would be of great public and local advantage: PREAMBLE

And whereas "The *Hobart* Tramway Company Limited" is a Company duly incorporated under *The Companies Act*, 1869:

And whereas the said Company are willing and it is expedient that they should be authorised to construct the said tramways and works:

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 for all purposes as "The *Hobart* Tramway Company's Act, 1884." Short title.

2 The following words and expressions in this Act shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to or inconsistent with such construction (that is to say):— Interpretation Clause.

The expression "The Minister" means the Minister of Lands and Works for the time being: Minister.

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Company.

Tramway—tramways.

Road.

Local authority.

Person—persons.

Incorporation.
21 Vict. No. 11.Power to take
land.Compensation for
land taken.Signature of
notice under
"Lands Clauses
Act."Power to make
tramways.

The expression "the Company" shall mean "The *Hobart* Tramway Company Limited :"

The words "Tramway" and "Tramways" shall mean the tramways or any tramway by this Act authorised or any part thereof :

The word "Road" shall mean any public road street footpath wharf pier or place along or across which the tramways are authorised to be laid :

The expression "Local Authority" shall mean the municipal authority road trust or persons having the control or management of the road in respect of which such expression shall be used if the same shall be used in respect of any particular road but if the same shall not be used in respect of any particular road it shall mean any person having the control or management of any road :

The words "Person" and "Persons" shall mean any Corporation or Company and shall include the expression "Local Authority."

3 Except so far as the same shall be inconsistent herewith there shall be incorporated with this Act "The Lands Clauses Act" and for the purposes of such incorporation the Company shall be deemed to be the promoters of the undertaking.

4 For the purposes of this Act the Company may enter upon purchase take and use such lands as they may require.

5 The compensation to be paid by the Company in respect of any land entered upon or taken for the purpose of the tramways shall unless otherwise fixed by agreement be the compensation payable under "The Lands Clauses Act" but so that the same shall not exceed what would have been payable if the value of such land had been assessed six calendar months before the entering upon and taking of the said lands for the purpose of the tramways.

6 Any notice required to be given by the Company under "The Lands Clauses Act" shall be sufficient if signed by the Chairman or the Solicitors of the Company.

7 Subject to the provisions of this Act the Company may construct and maintain all or any of the tramways described in the First Schedule hereto with all proper rails plates sidings turnouts tunnels turntables crossings junctions buildings erections and other works and conveniences connected therewith or necessary for the purposes thereof and may work and use the same and may from time to time make maintain alter and remove and if necessary replace all such rails plates sidings turnouts tunnels turntables, crossings junctions buildings erections and other works as they may find necessary or convenient for the efficient working of the said tramways or for providing access to any stables sheds business premises or works connected with the same. Provided that nothing in this Act contained shall prejudice the right of the Government of *Tasmania* to construct and maintain tramways and work and use the same along or across any road along or across which the tramways are by this Act authorised to be laid or in any way affect the power of the Government to obtain and exercise authority for any engines carriages or other vehicles of the Government to pass over and

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along and to use any part of the tramways by this Act authorised upon payment to the Company of reasonable tolls and compensation for so doing.

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8 The Company may construct maintain and work in accordance with the provisions of this Act any lines of tramway from and forming a junction with the lines hereby authorised along or across any road street or footpath for the purpose only of entering leaving or using any stables sheds or other business premises which the Company may from time to time use in connection with their business.

Company may make tramways for purpose of entering stables or sheds.

9 It shall be lawful for the Company to cross or connect with any other tramways or any railways of or belonging to any other persons for the necessary purpose of the formation of the tramways of the Company.

Right to cross other tramways or railways.

10 The tramway shall consist of a single line and shall be constructed and maintained as nearly as may be in the middle of the road excepting in such streets or roads where the existing width of the same will render it compulsory to keep altogether on one side or to be placed in such position on the road so that the greatest convenience may be allowed for passing traffic but at no part thereof shall the tramway be so laid that a less space than Three feet shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway. Provided that the Company may with the consent of the local authority construct the tramway elsewhere than in the middle of the road and also lay down for a length not exceeding Five hundred feet a second line connected with the main line for the purposes of a siding.

Regulations as to construction of tramways and branches.

33 & 34 Vict. c. 78 s. 9.

11 The tramway shall be constructed on the gauge of Three feet Six inches and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road. The tramway shall be constructed in the best and most approved manner as to design material and workmanship to the satisfaction of the local authority and should any dispute arise as to the sufficiency of the tramway in the above particulars the matter in difference shall be settled in manner provided by Section Twenty-one of this Act.

Mode of formation of tramways.

Ib. s. 25.

12 The tramways shall be constructed fit for passenger traffic within Three years from the passing of this Act or within such further time (if any) from the end of such Three years as the Governor in Council may see fit to allow. And upon the expiration of the said Three years or of such further time (if any) as may have been allowed as aforesaid the powers by this Act granted to the Company for constructing such tramways shall cease except as regards such portion thereof as shall then be completed.

Completion of tramways.

13 Every tramway shall be constructed and maintained in such a manner as not to cause any impediment or injury to the use by the public for the purpose of traffic of any road whereon the same shall be laid and the public shall at all times be entitled to the free uninterrupted use of every part of such road save when any conveyance of the Company shall be passing over or be about to pass over any part thereof or to be standing thereon and then the public shall not be entitled to the

Tramways not to impede traffic.

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use of the part of such street over which such conveyance shall be passing or about to pass or upon which such conveyance shall be standing. Provided that no such conveyance shall stand at any point in any road other than a terminus turnout or siding of the tramways except for the purpose of taking up or setting down passengers.

Power to break
up streets &c.
33 & 34 Vict.
c. 78 s. 26.

14 The Company from time to time for the purpose of making forming laying down maintaining and renewing the tramways may open and break up any road subject to the following regulations:—

- (1.) They shall in the execution of work that is altogether new give to the local authority notice of their intention specifying the time at which they will begin to do so and the portion of road proposed to be opened or broken up such notice to be given Fourteen days at least before the commencement of the work:
- (2.) They shall not open or break up any road for such new work except under the superintendence and to the satisfaction of the local authority unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the work:
- (3.) They shall pay all reasonable expenses to which the local authority is put on account of such superintendence:
- (4.) They shall not alter the level of any road without the previous consent of the local authority or some duly authorised officer thereof and they shall be responsible for any and all damages and claims from their negligence in regard thereto which may arise in consequence of any such alteration:
- (5.) Whenever the local authority shall decide to alter any level of any road, the Company shall at their own cost raise or lower the rails and so much of the roadway maintained by the Company as shall be necessary to suit such altered level:
- (6.) They shall not without the consent of the local authority or some duly authorised officer thereof open or break up at any one time a greater length than Two hundred yards of any road which does not exceed a quarter of a mile in length and in the case of any road exceeding a quarter of a mile in length the Company shall leave an interval of at least one-eighth of a mile between any two places at which they may open or break up the road and they shall not open or break up at any such place a greater length than Two hundred yards:
- (7.) Where the carriageway over any bridge forms part of or is a road within the jurisdiction of a local authority but such bridge is vested in some persons distinct from such local authority any work which the Company may be empowered to construct and which affects or in anywise interferes with the structural works of such bridge shall be constructed under the superintendence (at the cost of the Company) and to the satisfaction of such persons unless after notice to be given by the Company three days at least before the commencement of such work such superintendence is refused or withheld:
- (8.) Where the carriageway in or upon which any Tramway is proposed to be formed or laid down is crossed by any then existing Railway or Tramway on the level any work which

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the Company may be empowered to construct and which affects or in anywise interferes with such Railway or Tramway or the traffic thereon shall be constructed and maintained under the superintendence (at the cost of the Company) and to the satisfaction of the persons owning such railway or tramway unless after notice to be given by the Company three days at least before the commencement of such work such superintendence is refused or withheld :

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In all cases the Company shall be responsible for the sound safe and proper mode of carrying out the works which by this Act it is empowered to perform.

15 When the Company have opened or broken up any portion of any road they shall be under the following further obligations (namely) :—

Completion of works and reinstatement of roads.
33 & 34 Vict.
c. 78 s. 27.

- (1.) They shall with all convenient speed and in all cases within ten weeks at the most (unless the local authority or some duly authorised officer thereof otherwise consent) complete the work on account of which they opened or broke up the same and subject to the formation maintenance or renewal of the tramway fill in the ground and make good the surface and to the satisfaction of the local authority restore the portion of the road to as good condition as that in which it was before it was opened or broken up and clear away all surplus paving or metalling material or rubbish occasioned thereby :
- (2.) They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night where this is necessary for the public safety :
- (3.) They shall bear or pay all reasonable expenses of the repair of the road for three months after the same is restored as far as those expenses are increased by the opening or breaking up :
- (4.) They shall in no case unless the local authority or some duly authorised officer thereof otherwise consent in writing keep any road wholly closed and unavailable for traffic.

If the Company fail to comply in any respect with the provisions of the present section they shall for every such offence without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy be liable to a penalty not exceeding Five Pounds and to a further penalty not exceeding One Pound for each day during which any such failure continues after the first day on which such penalty is incurred.

16 The Company shall at their own expense at all times maintain and keep in good condition and repair with such materials and in such manner as the local authority shall direct and to their satisfaction so much of any road whereon any tramway belonging to it is laid as lies between the rails of the tramway and so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway. The material of every road (opened or broken up by the Company) may be used by them in reconstructing the road so far as the same shall be applicable to that purpose and all such material not so used and not required by the local authority shall be removed and retained by the

Repair of part of road where tramway is laid.
Ib. s. 28.

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Company. If the Company abandon their undertaking or any part of the same and take up any tramways belonging to them they shall with all convenient speed and in all cases within ten weeks at the most (unless the local authority or some duly authorised officer thereof otherwise consent in writing) fill in the ground and make good the surface and to the satisfaction of the local authority restore the portion of the road upon which such tramway was laid to as good a condition as that in which the adjacent portion of the road shall then be and clear away all surplus paving or metalling material or rubbish occasioned by such work and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night in all cases where required for the public safety. Provided always that if the company fail to comply with the provisions of this section the local authority if they think fit may themselves at any time after seven days' notice to the Company open and break up the road and do the works necessary for the repair and maintenance or restoration of the road to the extent in this section above mentioned and the expense incurred by the local authority in so doing shall be repaid to them by the Company.

The local authority and Company may contract for paving roads on which tramways are laid.

33 & 34 Vict.
c. 78 s. 29.

17 The local authority on the one hand and the Company on the other hand may from time to time enter into and carry into effect and from time to time alter renew or vary contracts agreements or arrangements with respect to the metalling or paving and keeping in repair of the whole or any portion of the roadway of any road on which the Company shall lay any tramway and the proportion to be paid by either of them of the expense of such metalling or paving and keeping in repair.

Provision as to Gas and Water.

Ib. s. 30.

18 For the purpose of making forming laying down maintaining repairing or renewing any tramways the Company may from time to time when and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same alter the position of any mains or pipes for the supply of gas or water or any tube wire or apparatus for telegraphic telephonic or other purposes subject to the provisions of this Act and also subject to the following restrictions (that is to say):—

- (1.) Before laying down a Tramway in a road in which any mains or pipes tubes wires or apparatus may be laid the Company shall whether they contemplate altering the position of any such mains or pipes wires or apparatus or not give three days' notice to the persons to whom such mains or pipes tubes wires or apparatus may belong or by whom they are controlled of their intention to lay down or alter the tramway and shall at the same time deliver a specification of the proposed work. If it should appear to such persons that the construction of the tramway as proposed would endanger any such main or pipes tube wire or apparatus or interfere with or impede the supply of water light or gas or the telegraphic telephonic or other communication such persons may give notice to the Company to lower or otherwise alter the position of the said mains or pipes tubes wire or apparatus in such manner as may be considered necessary and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by section Twenty-one of this Act for the settlement of differences between the Company

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and other persons and all alterations to be made under this section shall be made with as little detriment and inconvenience to the persons to whom such mains or pipes tubes wires or apparatus may belong or by whom the same are controlled or to the inhabitants of the district as the circumstances will admit and under the superintendence of such persons or of their surveyor or engineer if they or he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Company is hereby required to give:

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- (2.) The Company shall not remove or displace any of the mains or pipes valves syphons plugs tubes wires or apparatus or other works belonging to or controlled by such persons or do anything to impede the passage of water light or gas or the telegraphic telephonic or other communication into or through such mains or pipes wires or apparatus without the consent of such persons or in any other manner than such persons shall approve until good and sufficient main pipes valves syphons plugs and other works necessary or proper for continuing the supply of water light or gas or telegraphic telephonic or other communication as sufficiently as the same was supplied by the mains or pipes tubes wires or apparatus proposed to be removed or displaced shall at the expense of the Company have been first made and laid down in lieu thereof and be ready for use and to the satisfaction of such persons or their surveyor or engineer or in case of disagreement between such persons or their surveyor or engineer and the Company as an engineer appointed by the Minister of Lands shall direct:
- (3.) The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament:
- (4.) The Company shall make good all damage done by them to property belonging to or controlled by such persons and shall make full compensation to all parties for any actual loss or damage which they may sustain by reason of any interference with such property or with the private service pipes of any person supplied by such person with water or gas:
- (5.) If by any such operation as aforesaid the Company interrupt the supply of water or gas in or through any main or main pipe they shall be liable to a penalty not exceeding Ten Pounds for every day upon which such supply shall be so interrupted.

19 Where in any district any tramway or any work connected therewith interferes with any sewer drain watercourse subway defence or work in such district or in any way affects the sewerage or drainage of such district the Company shall not commence the tramway or work until they shall have given to the proper authority three days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of such authority with all necessary particulars relating thereto nor until such authority shall have signified their approval of the same unless such authority do not signify their approval disapproval or other directions within three days after service of the said notice and particulars as aforesaid and the Company shall

For protection of
sewers.
33 & 34 Vict.
c. 78 s. 31.

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comply with and conform to all reasonable directions and regulations of the said authority in the execution of the said works and shall provide by new altered or substituted works in such manner as such authority shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by or by reason of the said tramway and shall save harmless the said authority against all and every the expense to be occasioned thereby and all such works shall be done under the direction superintendence and control of the engineer or other officer of the said authority at the reasonable costs charges and expenses in all respects of the Company and when any new altered or substituted work as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said authority and be maintained by it as any sewers or works now or hereafter may be.

Company to be
liable for acci-
dents.

20 The Company shall be answerable for all accidents damages and injuries happening through the default of the Company by reason or in consequence of any works of the Company and shall indemnify all persons from all damages and costs in respect of such accidents damages and injuries.

Preservation of
power of other
persons.

21 Nothing in this Act contained shall take away any power for the time being vested in any persons to open or break up any road on which any tramway shall be laid for any necessary purpose of laying down repairing altering removing examining or inspecting any pipes for the supply of gas or water or for drainage or any other purpose or any tubes wires or apparatus for telegraphic telephonic or other purposes but in the exercise of such powers such persons shall be subject to the following restrictions (that is to say) :—

- (1.) They shall cause as little damage or inconvenience to the Company as can be avoided :
- (2.) Before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work specifying the time at which they will begin to do so such notice to be given Three days at least before the commencement of the work :
- (3.) They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work other than the actual cost that is entailed upon the Company thereby or for loss of traffic occasioned thereby or for the reasonable and unavoidable exercise of the powers vested in them as aforesaid :
- (4.) Whenever for the purpose of enabling them to execute such work such persons shall so require the Company shall either stop traffic on the tramway to which the notice shall refer or shore up and secure the same during the execution of the work there. Provided that such work shall always be completed by such persons with all possible expedition :
- (5.) If it shall become necessary to remove the tramway from any part of the street to enable any such work to be effected it shall be lawful for the Company to lay down the tramway

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so removed in some adjacent and convenient position and after such work shall have been effected to replace the tramway in its original position and the cost of such laying down and replacing shall be borne by such persons: **A.D. 1884.**

- (6.) They shall not execute such work so far as it immediately affects the tramway except under the superintendence of the Company unless the Company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the work and they shall execute such work at their own expense and to the reasonable satisfaction of the Company.

22 If any difference or dispute arise between the Company on the one hand and any persons to whom any sewer drain tube wires or apparatus for telegraphic or other purposes may belong or any other persons on the other hand with respect to any interference or control exercised or claimed to be exercised by such persons or on their behalf or by the Company by virtue of this Act in relation to any tramway or work or in relation to any work or proceeding of such persons or with respect to the propriety of or the mode of execution of any work relating to any tramway or with respect to the amount of any compensation to be made by or to the Company or on the question whether any work is such as ought reasonably to satisfy the local authority or persons concerned or with respect to any other subject or thing regulated by or comprised in this Act the matter in difference shall be settled by an engineer or other fit person nominated as referee by the Minister of Lands and Works on the application of either party and the expenses of the reference shall be borne and paid as the referee directs. **Difference between Company and local authority. 33 & 34 Vict. c. 78 s. 33.**

23 The Company may use on the said tramways carriages with flanged wheels or other wheels suitable only to run on the rails thereof and subject to the provisions of this Act the Company shall have the exclusive use of the tramways for carriages with flanged wheels or other wheels suitable as aforesaid. No carriage used on the tramway shall extend beyond the outer edge of the wheels of such carriage more than Two and a half feet on each side. **Power to Company to use Tramways with flanged wheeled carriages. Ib. s. 34.**

24 All carriages used on the tramway may be moved by steam or horse power by cables or by electricity or such other motive power as the Company may think fit and no carriage shall travel along any street in the City of *Hobart* at a greater speed than shall be allowed by law or by the bye laws of the municipal authority of the said city. **Motive power and speed.**

25 The Company and any other persons may from time to time make and enter into and carry into effect contracts agreements and arrangements for or with reference to the use by such persons of the tramways and the tolls rates and charges to be paid for such use and the terms and conditions of such uses and all incidental matters. **Company may make arrangements for use by others of tramways.**

26 If at any time after the opening for traffic of any tramway the Company discontinue the working thereof or of any part thereof for the space of Six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company for which purpose the want of sufficient funds shall not be considered a circumstance beyond **Tramways to be removed in certain cases. Ib. s. 41.**

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its control) it shall be lawful for the local authority of any place to remove the tramway or part thereof situate in such place the working whereof shall be so discontinued as aforesaid and the Company shall pay to such local authority the cost of such removal and of the making good of the road by such local authority such cost to be certified by some authorised officer of the local authority whose certificate shall be final and conclusive and if the company fail to pay the amount so certified within One calendar month after delivery to it of such certificate or a copy thereof the said local authority may (without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of tramway removed either by public auction or private sale and for such sum or sums and to such person or persons as the local authority may think fit and may out of the proceeds of such sale pay and reimburse themselves the amount of the costs certified as aforesaid and of the cost of sale and the balance (if any) of the proceeds of the sale shall be paid over by the local authority to the Company.

Power to make charges.

27 It shall be lawful for the Company to make tolls and 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, but subject to the approval of the Governor in Council.

Passengers' luggage &c.

28 Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage be in such a portable form that it may be placed under the seat of the cars without inconveniencing other passengers and not otherwise. The Company shall not be bound to carry unless it thinks fit any dogs or other animals parcels goods articles or things other than passengers' luggage and shall not be bound to carry passengers' luggage exceeding twenty-eight pounds in weight or that is not in the portable form above mentioned.

List of tolls &c. to be exhibited in carriages.

29 A list of all the tolls and charges authorised by this Act to be taken and which shall be demanded by the Company shall be exhibited in a conspicuous place inside each of the carriages used by the Company upon the tramways.

Tolls to be paid as directed by the Company.

30 The tolls and charges by this Act authorised to be taken and which shall be demanded by the Company shall be paid to such persons and at such places upon or near the tramways and in such manner and under such regulations as the Company shall by notice to be annexed to the list of tolls appoint.

Limits on tolls and charges not to apply to special carriages.

31 The restrictions in this Act contained as to the tolls and charges which the Company may demand and take for the conveyance of passengers shall not extend to any special carriage but shall apply only to the ordinary carriages appointed by the Company from time to time for the conveyance of passengers.

Advertisements.

32 The Company may use or upon such terms as they shall think fit to be used any of their omnibusses carriages cars or other conveyances for the purpose of publishing notifications or advertisements upon the same.

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33 It shall be lawful for the Company from time to time to make bye-laws:—

- (1.) For preventing the commission of any nuisance in or upon any carriage or on any premises of the Company :
- (2.) For regulating the travelling upon or using and working of the tramways :
- (3.) For regulating the conduct of the officers and servants of the Company :
- (4.) For the levying and making of tolls and charges :
- (5.) And generally for providing for the management of the affairs of the Company :

And it shall also be lawful for the Company from time to time to repeal or alter any such bye-laws. Provided that such bye-laws be not repugnant to law.

34 Any person offending against any bye-law of the Company shall forfeit for every such offence any sum not exceeding Five Pounds to be imposed by the Company in such bye-laws as a penalty for any such offence and if the infraction or non-observance of such bye-laws be attended with danger or annoyance to the public or hindrance to the Company in the lawful use of the tramways it shall be lawful for the Company summarily to interfere to obviate or remove such danger annoyance or hindrance and that without prejudice to the penalty incurred by the offender.

35 A copy of all bye-laws made by the Company shall be sealed with the seal of the Company and submitted for approval to the Governor in Council who on being satisfied that the same are framed in conformity with law and are reasonable and proper may confirm the same and no bye-laws made by the Company shall have any force or effect until the expiration of Fourteen days after a copy of such bye-laws and of the confirmation thereof by the Governor in Council shall have been published in the *Hobart Gazette*.

36 A copy of all bye-laws made by the Company shall also be painted on boards or printed on paper and posted on boards and hung up and affixed and kept hung up and affixed on some conspicuous part of every office station or waiting-room belonging to the Company.

37 It shall be lawful for the Governor in Council at any time to notify to the Company his disallowance of any bye-laws then in force and the time at which the same shall cease to be in force and no bye-laws which shall be so disallowed shall have any force or effect after the time fixed by the notice of such disallowance saving in so far as any penalty may have been then already incurred under the same. Provided that a copy of such notice shall be published in the *Hobart Gazette* and the time of disallowance fixed by such notice shall not be earlier than Fourteen days after the date of the first publication of such notice.

38 The production of a copy of the *Hobart Gazette* containing a notice purporting to be a copy of any bye-laws of the Company and of the confirmation thereof by the Governor in Council or a notice of the disallowance by the Governor in Council of any bye-laws of the Company shall in all cases and for all purposes be deemed to be conclusive

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Power for Company to make bye-laws.

Penalty for infringement of bye-laws.

Bye-laws to be confirmed by the Governor in Council and published in *Gazette*.

Further publication of bye-laws.

Governor in Council may disallow bye-laws.

Gazette to be evidence of bye-laws.

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evidence that such bye-laws have been duly made and confirmed or disallowed in manner therein appearing and shall be *prima facie* evidence that the provisions of this Act with respect to the publication of such bye-laws have been complied with.

Penalty for obstruction of Company in laying out tramways.

33 & 34 Vict.
c. 78 s. 49.

39 If any person wilfully obstruct any person acting under the authority of the Company in the lawful exercise of their powers in setting out or making forming laying down repairing or renewing a tramway or defaces or destroys any mark made for the purpose of setting out the line of the tramway or damages or destroys any property of the Company he shall for every such offence forfeit to the Company a penalty not exceeding Five Pounds.

Penalties for wilfully injuring or obstruction to tramways.

Ib. s. 50.

40 If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully do any of the following things (namely):—

- (1.) Interfere with remove or alter any part of a tramway or of the works connected therewith:
- (2.) Place or throw any stone dirt wood refuse or other material on any part of any tramway:
- (3.) Do or cause to be done anything in such manner as to obstruct any of the Company's carriages using the tramway or to endanger the lives of persons therein or thereon:
- (4.) Obstruct or impede or endeavour to obstruct or impede any officer agent or servant of the Company in the execution of his duty:
- (5.) Obstruct or impede or endeavour to obstruct or impede any person from getting in or out of any carriage lawfully using the tramways either by shepherding such carriage or otherwise:
- (6.) Refuse to quit the tramway or any station office stable or other premises connected therewith upon the request to him made by any officer agent or servant of the Company:

Or knowingly aid or assist in the doing of any such thing:

He shall for every such offence (in addition to any proceedings by way of indictment or otherwise to which he may be subject) forfeit to the Company a penalty not exceeding Twenty Pounds.

Penalties on evasion of payment of fare.

Ib. s. 51.

41 If any person travelling or having travelled in any carriage on the tramway avoids or attempts to avoid payment of his fare or if any person having paid his fare for a certain distance proceeds in any such carriage beyond such distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof or if any person refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage every such person shall for every such offence be liable to a penalty not exceeding Forty Shillings.

Power to detain offenders.

Ib. s. 52.

42 It shall be lawful for any officer or servant of the Company and all persons called by him to his assistance to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned and whose name or residence is unknown to such officer or servant until such person can be conveniently delivered to a constable or gaoler and all constables and gaolers may detain such person until he can conveniently be dealt with according to law.

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- 43** No person shall be entitled to carry or to require to be carried on the tramway any goods which may be of a dangerous nature or which may be or are calculated to injure the furniture of the carriages or the clothing of any passenger therein and if any person take by the tramway any such goods he shall be liable to a penalty not exceeding Twenty Pounds for every such offence and it shall be lawful for any authorised servant of the Company to refuse to take any parcel that he may suspect to contain goods of a dangerous nature or to require the same to be opened to ascertain the fact.
- A.D. 1884.
Penalty for bringing dangerous goods on the tramway.
33 & 34 Vict. c. 78 s. 23.
- 44** If any person (except by agreement with the Company) uses the tramway or any part thereof with carriages having flange wheels or other wheels suitable only to run on the rail of such tramway such person shall for every such offence forfeit and pay to the Company a penalty not exceeding Twenty Pounds.
- Penalty for persons using tramways with carriages with flange wheels &c.
Ib. s. 54.
- 45** Where no other mode is provided in this Act all tolls penalties and charges under this Act or under any bye-law made in pursuance of this Act may be recovered and enforced before any Police or Stipendiary Magistrate or before any two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*.
- Recovery of tolls penalties &c.
19 Vict. No. 8.
- 46** 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 appeal against the same in the mode prescribed by *The Appeals Regulation Act*.
- Appeal.
- 47** Notwithstanding anything in this Act contained the Company shall not acquire or be deemed to acquire any right other than that of user of any road along or across which it shall lay any tramway.
- Right of user only.
Ib. s. 57.
- 48** Nothing in this Act shall limit the powers of the local authority in any district to regulate the passage of any traffic along or across any road along or across which the tramway is laid down and such authority may exercise any such power as well on as off the tramway and with respect as well to the traffic of the Company as to the traffic of other persons.
- Power for local or police authorities to regulate traffic on roads.
Ib. s. 61.
- 49** The Company shall be answerable for all accidents damages and injuries happening through their default or through the default of any person in their employment by reason or in consequence of the defective condition of any of their works or carriages and shall save harmless all local authorities and persons collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages or injuries.
- Company to be responsible for all damage.
Ib. s. 55.
- 50** Every notice by this Act required to be given by or to the Company shall be in writing or print or partly in writing or partly in print and shall be signed by the Company local authority or persons giving the same or by their secretary or clerk and such notice shall be deemed to have been duly given if left at the principal office of the Company local authority or persons to whom the same shall be intended to be given or if posted in a registered letter prepaid addressed to such Company local authority or persons or their secretary or clerk at their principal
- Service of notices.

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office. Provided that if such notice shall be posted as aforesaid the same shall be deemed to have been given at the last moment of the day on which the same ought to be delivered at such principal office in the ordinary course of post.

Company may borrow.

51 The Company may from time to time borrow for the purposes of this Act on mortgage or bond such sum of money not exceeding in the whole Twelve thousand Pounds as any general meeting of the Company shall authorise the borrowing of but no money shall be borrowed until two-thirds of the capital of Twelve thousand Pounds shall have been subscribed for and one-half thereof paid up nor until the Company has proved to the satisfaction of the Colonial Auditor of *Tasmania* and obtained from him a written certificate signed by himself to the effect that satisfactory proof has been given to him that two-thirds of the capital has been issued and accepted that one-half thereof has been paid up and that not less than one-tenth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued *bonâ fide* and is held by the subscribers or their assigns and that such subscribers or their assigns are legally liable for the same.

Evidence of issued capital and of order to borrow.

52 Upon any application to the Auditor for such certificate there shall be produced to him a copy of the Company's order authorising the borrowing of the money and such copy shall be certified by one of the Directors or by the Secretary of the Company to be a true copy of such order and shall be to the Auditor sufficient evidence of the facts that the requisite amount of capital has been issued and accepted and paid up and that such order has been duly made.

Evidence on which Auditor is to grant certificate.

53 Upon production to the Auditor of such certificate and of the books of the Company (if he require their production) and of such (if any) other evidence as he shall think sufficient he shall grant a certificate to the effect as aforesaid and his certificate shall be sufficient evidence that such proof was so given.

Power to re-borrow.

54 The Company if they repay the whole or any part of any sum of money borrowed on mortgage or on bond under the powers granted in that behalf by this Act may again borrow the whole or a portion of the amount paid off and so from time to time but unless the money be re-borrowed for the purpose of paying off any then existing mortgage or bond of the Company the power to re-borrow shall not be exercised without the authority of a general meeting of the Company.

Forms of mortgage and bond.

55 Every mortgage and bond for securing the repayment of money borrowed by the Company shall be made by deed under the common seal of the Company and the consideration shall be truly stated therein and every such indenture of mortgage or bond shall be in the respective forms set forth in the Third Schedule to this Act or in some form to the like effect but no such indenture of mortgage shall contain any provision securing or purporting to secure further advances.

Rights of mortgagees.

56 The respective mortgagees and their assigns of the Company shall one with another be entitled to their respective proportions of the tolls sums and premises comprised in their respective indentures of mortgage and of the future calls (if comprised therein) payable by the shareholders

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according to the sums in such indentures of mortgage respectively mentioned to have been advanced by the respective mortgagees and to be repaid respectively the sums so advanced with interest at the rate mentioned in such indentures of mortgage without any preference one above another by reason of priority of the date of any such indenture of mortgage or of the meeting at which the borrowing of the money secured thereby was authorised.

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57 Notwithstanding that any such mortgage security comprises future calls on the shareholders of the Company the moneys paid in respect of each such call shall unless the indenture of mortgage expressly provides the contrary be received by the Company and applied to its purposes and any shareholder of the Company who shall without notice in fact of such express provision having been made pay to the Company any money in respect or on account of any such call shall not be liable for the same or any part thereof to the mortgagee.

Application of calls notwithstanding mortgage.

58 The respective obligees in such bonds and their assigns shall rateably according to the amount of the moneys secured thereby be entitled to be paid out of tolls or other property or effects of the Company the respective sums mentioned in such bonds and intended to be thereby secured without any preference one above another by reason of priority of date of any such bond or of the meeting at which the borrowing of the moneys thereby secured was authorised or otherwise howsoever.

Rights of obligees.

59 A register of mortgages and bonds shall be kept by the Secretary of the Company and within Fourteen days after the date of any such mortgage or bond an entry or memorial specifying the number and the date of such mortgage or bond and the sum of money secured thereby and the names of the parties thereto with their proper additions shall be made in such register which may at all reasonable times be perused without fee or reward by any shareholder or mortgagor or bond creditor of the Company or by any person interested in such mortgage or bond or by any person authorised to act on behalf of any such mortgagee bond creditor or person.

Register of mortgages and bonds.

60 Any person entitled to any such mortgage or bond may from time to time transfer his right and interest therein to any other person and every such transfer shall be made by a deed in which the consideration for the transfer shall be truly stated and every such transfer shall be according to the form in the Third Schedule to this Act or in a form to the like effect and every deed of transfer in which the consideration is not truly stated shall be void.

Transfer of mortgage and bonds.

61 Within Thirty days after the date of the execution of each such deed of transfer (if it be executed within *Tasmania*) or within Thirty days after its arrival therein (if it be executed elsewhere) it shall be produced to the Company's Secretary who shall thereupon cause an entry or memorial thereof to be made in the manner hereinbefore prescribed with respect to the original indenture of mortgage or bond. After such entry or memorial has been made the transferee named in such deed of transfer shall be entitled under it to the full benefit of the original mortgage or bond in all respects and the person by whom such transfer has been made shall not have power to make void release or discharge the mortgage or bond so transferred or the whole or any part of the

Production of transfers for registration.

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money thereby secured. For making such entry the Company may demand from the person requiring it to be made the sum of Two Shillings and Sixpence but the Company shall not be bound to make such entry until such sum has been paid nor shall the Company be in any manner responsible to such transferee in respect of such mortgage or bond until such entry has been made and the Secretary has been paid such sum of Two Shillings and Sixpence and duly required to make such entry. Every such deed of transfer which is executed out of *Tasmania* or a copy thereof shall within Thirty days after its execution be transmitted to the Company's Secretary for registration.

Interest.

62 The interest of the mortgage debts and bond debts respectively shall at the times named in the mortgages and bonds respectively for payment of such interest be paid to the several persons entitled thereto and in preference to any dividends payable to the shareholders of the Company but shall not be transferred except by deed. If times for payment of the interest be not named in any bond or indenture of mortgage the interest on the moneys thereby respectively secured shall be paid half-yearly and the first payment thereof shall be made at the expiration of Six months from the date at which the moneys thereby respectively secured were paid to the Company.

Fixing date of repayment.

63 The Company may if they think proper fix a day on which the principal moneys so borrowed with the interest thereon shall be repaid and shall on or before that day repay the same to the person entitled thereto and the day (if any) so fixed shall be specified in the bond or indenture of mortgage. If the whole or any part of the principal moneys so borrowed or of the interest (if any) due thereon shall on the day after that specified for the repayment thereof remain unpaid the person entitled thereto may forthwith sue the Company for the recovery thereof.

Repayment.

64 Repayment of the whole or any part of the principal moneys so borrowed and payment of the interest thereon shall in all cases be made at the Company's principal office or place of business unless some other place be named for that purpose in the indenture of mortgage or bond and the Company shall always have its principal office or place of business in the City of *Hobart*.

Repayment when time not specified notice by creditor.

65 If in any indenture of mortgage or bond a time for the repayment of the principal money be not fixed the person entitled thereto may at or at any time after the expiration of One year from the date of such indenture of mortgage or bond demand repayment of such principal moneys and payment of all (if any) arrears of interest due thereon provided that a notice (in writing or in print or in both) of the intention to make such demand has at least Six months before the making thereof been given to the Company by or on behalf of the person who at the time of the giving of such notice is entitled to such principal moneys and if the whole or any part of the principal moneys or of the interest (if any) due thereon shall at the expiration of One week from the day on which such demand is made remain unpaid the person entitled thereto may forthwith sue the Company for the recovery thereof.

Repayment when time not specified. Notice by the Company.

66 If in any indenture of mortgage or bond a time for repayment of the principal moneys be not fixed the Company may at or at any time after the expiration of one year from the date of any such indenture of

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mortgage or bond respectively repay to the person entitled thereto the principal moneys secured thereby respectively and pay all (if any) arrears of interest due thereon provided that a notice (in writing or in print or both) expressing the intention of the Company to make such repayment and payment and requiring the person entitled to such principal moneys and interest to attend on a day named in such notice at the principal office or place of business of the Company (or if a place has been named for that purpose in the indenture of mortgage or bond then requiring attendance at such place) has at least six months before the day in such notice named for such attendance been given by the Company to the person who is at the time of the giving of such notice entitled to such principal moneys and interest and such person shall personally or by some agent authorised by him in writing to receive such principal moneys and interest and to give a proper discharge for the same attend on the day and at the place named in such notice and receive such principal moneys and interest and give a proper discharge therefor.

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67 Every such notice of an intention to demand repayment of the principal moneys secured by any indenture of mortgage or bond and payment of the interest thereon shall be delivered to the Secretary of the Company or left at its principal office or place of business and every such notice of any intention on the part of the Company to repay such principal moneys and pay the interest thereon shall be delivered to the person entitled thereto or shall be left at or sent by post to some place situate within *Tasmania* and named in the indenture of mortgage or bond as his address or to such other address within *Tasmania* as the person for the time being entitled to such principal moneys and interest shall from time to time furnish in writing to the Company. If an address is not mentioned in the indenture of mortgage or bond and the person entitled to the principal moneys and interest has not furnished an address in writing to the Company then notice shall be given by an advertisement published once in the *Hobart Gazette* and in some one or more of the newspapers which shall then be published daily in the City of *Hobart*.

Services of such notices.

68 Whenever the Company has given (as in this Act is provided) to any such mortgagee or bond creditor notice of their intention to repay the principal moneys and pay the interest thereon at a time when the Company are entitled to make such repayment and payment then from and after the day named in such notice for such repayment and payment interest shall cease to accrue on or be payable in respect of such principal moneys unless the Company shall fail to make such repayment and payment on the day named in such notice for that purpose if the person entitled to such principal moneys and interest personally or by some agent authorised by him in writing to receive such principal moneys and interest and to give a proper discharge therefor attends on the day named in such notice at the Company's principal office or place of business to receive the principal moneys and interest and to give a proper discharge for the same.

Right to interest lost.

69 All or any of the mortgagees of the Company may severally or in conjunction with each other enforce by obtaining the appointment of a receiver the payment of arrears of interest due on any mortgage debt or debts due to him or them or the repayment of such debt or debts and payment of the interest due thereon.

Enforcing payment by a receiver.

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When appointment of receiver may be required to enforce payment of interest.

70 Whenever the arrears of interest due to any mortgagee or mortgagees of the Company amount to the sum of One hundred Pounds and have remained unpaid for Thirty days after the day or days on which they became payable the person or persons to whom such arrears of interest are due may after having respectively made on the Company a written demand for payment thereof but without prejudice to his or their right to sue at law or in equity for such arrears of interest by an application to be made in the manner hereinafter mentioned require the appointment of a receiver.

To enforce payment of principal.

71 Whenever any mortgage debt or debts of the Company have without the consent of the mortgagee remained unpaid for six months after they became repayable and amount to the sum of One thousand Pounds the person or persons to whom they are due may after respectively making on the Company a written demand for the repayment of the respective sums due to them but without prejudice to his or their right to sue at law or in equity for any such mortgage debt or debts together with all arrears of interest due thereon require the appointment of a receiver in the manner hereinafter mentioned.

To whom application for receiver shall be made.

72 Every application for a receiver under either of the last two sections shall be made to a Judge of the Supreme Court of *Tasmania* and such Judge may when any such application has been made after hearing the applicant mortgagee or mortgagees or any practitioner of the Supreme Court of *Tasmania* acting on his or their behalf and if the Company oppose such application after hearing them by their Secretary or by some such practitioner acting on the behalf of the Company appoint some fit person to receive the whole or a competent part of the tolls or moneys liable to the payment of such interest or the repayment of such mortgage debt or debts as the case may be until there has been made full payment of such interest and full repayment of such mortgage debt or debts as the case may be together with all costs of the applicants properly or necessarily incurred in making or in respect of the said application and also all costs charges and expenses properly or necessarily incurred in receiving and collecting the aforesaid sums and tolls and in paying over the same to the applicants

Payment of tolls &c. to the receiver.

73 After such appointment has been made by a Judge and after a true copy of the order whereby such appointment is made has been delivered to the Company's Secretary or left at its principal office or place of business all tolls and sums of money which are liable to pay such interest and repay such principal and which the Company may receive shall be paid by the several persons receiving them or by the Company to the person appointed receiver thereof by such order and shall be received by him to the use of the applicant mortgagee or mortgagees and his or their transferees and shall be applied by the receiver to pay in the first place all the aforesaid costs charges and expenses and the surplus (if any) shall be applied in paying to the applicants rateably the amounts due to them respectively.

Termination of powers to the receiver.

74 The power and authority of the receiver shall determine whenever all such costs charges and expenses arrears of interest and mortgage debt or debts have been fully paid and the surplus receipts (if any) shall be then paid by him to the Company.

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- 75** At all reasonable times the Company's books of account shall be open to the inspection of every mortgage and bond creditor of the Company and of any person acting on his behalf and every such mortgage bond creditor or person shall be entitled to make extracts therefrom without fee or reward. A.D. 1884.
Books of account
to be open for
inspection.
- 76** All interest for the time being due on any money borrowed on mortgage under this Act and all such principal moneys from the times at which they respectively are advanced shall have against the Company and against the property from time to time of the Company priority over all other claims on account of any debt to be incurred or engagement to be entered into by them. Provided always that such priority shall not prejudice or affect any claim right or remedy against the Company or their property in respect of any rent charge to be granted by them in pursuance of "The Lands Clauses Act" or any act whereby it has been amended nor shall any provision hereinbefore contained prejudice or affect the lien of any unpaid vendor for the unpaid purchase money of any land taken from him by the Company for the purposes of the railway. Priority of pay-
ment of moneys
borrowed on
mortgage.
- 77** It shall be lawful for the Minister with the approval of the Governor in Council to purchase for and on behalf of Her Majesty— Minister may
purchase tram-
way.
The tramway and all works buildings stations and erections connected therewith and the land belonging to the Company upon which the same are respectively erected and built or used in connection therewith and
All plant permanent way rolling stock machinery and steam engines used in connection with the tramway together with all its
Rights privileges powers and advantages whatsoever both existing and prospective upon giving Six calendar months notice in writing to the Company at a price to be ascertained failing agreement in manner hereinafter mentioned.
- 78** The purchase money of the tramway and all moneys to be expended under this Act in or connected with the purchase thereof shall be defrayed out of moneys provided by Parliament for the purpose. Defrayment of
cost of purchase.
- 79** The tramway and all the right title and interest of the Company and of any person or persons claiming by through or under the Company in and to the same and all the rights privileges powers and advantages whatsoever affecting or appurtenant to the tramway which are vested in held enjoyed or possessed by or conferred on the said Company or such person or persons shall upon payment of the purchase money thereof by the Minister without the necessity of any transfer or connecting title other than this Act be transferred to and become vested in and be held enjoyed possessed used and exercised by Her Majesty the Queen freed and discharged from all claims and demands by or on the part of the shareholders in the said Company or any other person whomsoever in all respects in the same manner as the said Company or such person or persons could have held possessed enjoyed used and exercised the same if this Act had not been passed. The undertaking
of the Company
vested in Her
Majesty upon
payment of the
purchase money.
- 80** If the Minister and the Company cannot agree upon the sum to be paid as the purchase money of the tramway the question shall be In case of
difference amount

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of purchase money
to be settled by
arbitration.How Arbitrators
to be appointed.Appointment by
Governor in
Council.Appointment of
Arbitrators to
supply vacancies.Appointment of
Arbitrators by
Governor in
Council to supply
vacancies.Appointment of
Arbitrator not
revocable.Appointment of
Umpire by
Arbitrators.Appointment of
Umpire by
Governor in
Council.Appointment of
Umpire by
Arbitrators to
supply vacancy.Appointment of
Umpire by
Governor in
Council to supply
vacancy.

referred to two or more Arbitrators to be mutually agreed upon by the Minister and the said Company or failing such agreement the reference shall be made in the manner hereinafter provided.

81 If the Minister and the Company do not agree upon the Arbitrators as aforesaid the reference shall be made to Four Arbitrators of whom the Minister shall appoint Two and the remaining Two shall be appointed by the said Company.

82 If the Company fails to appoint such Arbitrators within Fourteen days after being thereunto requested in writing by the Minister then the Governor in Council may appoint such Two Arbitrators and the Arbitrators so appointed shall for the purposes of this Act be deemed to be appointed by the Company.

83 Upon any reference being made to Arbitrators under this Act if before the matters referred to them are determined any Arbitrator dies becomes incapable or unfit or for Seven consecutive days fails to act as Arbitrator the Minister or the Company as the case may be shall appoint an Arbitrator in his place.

84 If the Company fails within Fourteen days after being thereunto requested in writing by the Minister to appoint an Arbitrator in place of the Arbitrator so deceased incapable unfit or failing to act then the Governor in Council may appoint an Arbitrator and the Arbitrator so appointed by the Governor in Council shall for the purposes of this Act be deemed to be appointed by the Company.

85 When any appointment of an Arbitrator is made the Minister or the Company shall have no power to revoke the appointment without the previous consent in writing of the Company or the Minister as the case may be.

86 Upon the appointment of Arbitrators under this Act whether by mutual agreement or otherwise they shall before entering on the business of the reference appoint by writing under their hands an impartial and qualified person to be their Umpire.

87 If the Arbitrators do not appoint an Umpire within Seven days after the reference is made to the Arbitrators then the Governor in Council may appoint an Umpire and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators.

88 Upon any reference being made to Arbitrators under this Act if before the matters referred to them are determined their Umpire dies or becomes incapable or unfit or for Seven consecutive days fails to act as Umpire the Arbitrators shall by writing under their hands appoint an impartial and qualified person to be their Umpire in his place.

89 If the Arbitrators fail to appoint an Umpire within Seven days after notice in writing to them of the decease incapacity unfitness or failure to act of their Umpire then the Governor in Council may appoint an Umpire and the Umpire so appointed shall for the purposes of this Act be deemed to be appointed by the Arbitrators so failing.

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- 90** Every Arbitrator appointed in the place of a preceding Arbitrator and every Umpire appointed in the place of a preceding Umpire shall respectively have the like powers and authorities as his respective predecessor. A.D. 1884.
Succeeding Arbitrators and Umpires to have powers of predecessors.
- 91** If the Arbitrators do not within such a time as the Minister and the Company agree on or failing such agreement within Thirty days next after the reference is made to the Arbitrators agree on their award thereon then the matters referred to them or such of those matters as are not then determined shall stand referred to their Umpire. Reference to Umpire.
- 92** The Arbitrators and the Umpire respectively may call for the production of any documents or evidence in the possession or power of the Minister or the Company or which the Minister or the Company can produce and which the Arbitrators or the Umpire thinks necessary for determining the matter referred and may examine witnesses on oath and may administer the requisite oath. Power for Arbitrators, &c. to call for Books, &c. and administer Oath.
- 93** If the Minister and the Company do not otherwise agree the Arbitrator and the Umpire respectively may proceed in the business of the reference in such manner as they and he respectively think fit. Procedure in the Arbitration.
- 94** The award of the Arbitrators or of the Umpire if made in writing under their or his respective hands or hand and ready to be delivered to the Minister and the Company within such a time as may be agreed on or failing such agreement within Thirty days next after the reference is made to the Arbitrators or the Umpire shall be binding and conclusive on the Minister and the Company. Award made in due time to bind all parties.
- 95** Provided always that (except where and as the Minister and the Company otherwise agree) the Umpire from time to time by writing under his hand may extend the period within which his award is to be made and if it be made and ready to be delivered within the extended time it shall be as valid and effectual as if made within the prescribed period. Power for Umpire to extend period for making his Award.
- 96** No award made on any arbitration in accordance with this Act shall be set aside for any irregularity or informality. Awards not to be set aside for informality.
- 97** Except where and as the Minister and the Company otherwise agree the costs of and attending the arbitration and the award shall be in the discretion of the Arbitrators and the Umpire respectively. Costs of arbitration and award.
- 98** Any notice required to be given by or on behalf of the Queen or the Governor in Council or the Minister by virtue of the provisions of this Act or in connection with or relating to the purchase of the said railway shall be sufficient if signed by the Minister. Notices to be signed by Minister.
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SCHEDULES.

THE FIRST SCHEDULE.

Tramway No. 1.—Railway Station to Cascades.

Commencing at the junction of *Park-street* with *Macquarie-street*, thence along *Macquarie-street* and *Cascades Road* to the *Cascades Brewery*, the whole distance being 210 chains, with branch lines to the *Old Wharf* and the *New Wharf*, and upon and along all wharves and jetties.

Tramway No. 2.—Post Office to Sandy Bay (Lipscombe's).

Commencing by branching off *Tramway No. 1* at the junction of *Murray-street* and *Macquarie-street*, thence along *Murray-street* to *Davey-street*, thence along the latter street to *Harrington-street*, thence along the latter street, or along a certain new road proposed to be constructed from *Harrington-street* to *Montpelier Road* or through private property to *Montpelier Road* aforesaid, thence along *Montpelier Road* to *Sandy Bay Township*, and thence along the *Sandy Bay Road* to a terminus at or about the third mile-stone, commonly known as *Lipscombe's*, the whole distance being 200 chains.

Tramway No. 3.—Railway Station to New Town.

Commencing at the junction of *Park-street* and *Macquarie-street*, thence along *Park-street* to *Liverpool-street*, thence along the latter street to *Elizabeth-street*, thence up *Elizabeth-street* and *viâ* the *New Town Road* to a terminus at or about the third mile-stone near *Cooley's Hotel*, the whole distance being 270 chains.

The terminus at *Park-street* to be connected with the *Tasmanian Main Line Railway* by a loop line passing through the *Railway Reserve*, and connecting with ten-chain curves on the *Tasmanian Main Line Railway* at the back of the *Slaughter-houses*.

THE SECOND SCHEDULE.

Form of Indenture of Mortgage.

The *Hobart Tramway Company, Limited, Mortgage Deed.*

By virtue of an Act of Parliament of Tasmania passed in the Session holden in the year of the reign of Her Majesty Queen Victoria, and intituled

and of all and every other the Acts relating to our undertaking, we, the *Hobart Tramway Company, Limited*, in consideration of the sum of £

of

paid to us by

do assign unto the said

h

executors,

administrators, and assigns, the said undertaking [and (*in case the loan shall be in anticipation of the capital authorised to be raised*) all future calls on shareholders], and all the tolls and sums of money arising by virtue of the said Act, and all the estate, right, title, and interest of the Company in the same, to hold unto the said

h executors, administrators, and assigns, until the said sum of £ , together with interest, payable half-yearly, for the same, at the rate of for every One hundred Pounds by the year, be satisfied. The principal to be payable on day of , 18 , as hereinafter mentioned; and, in the same time the said Company, in respect of the said principal sum, to pay to the bearer of the coupons or interest warrants hereto annexed at the times specified therein the several sums mentioned in such warrants; Provided also, and these presents are made upon this express condition, that the said

h executors, administrators, or assigns shall not nor will call in or require payment of the said principal sum or any part thereof on the said

day of 18 , or any time thereafter, nor take any proceedings for recovering the same, without first giving to the said *Hobart Tramway Company, Limited*, their successors or assigns, calendar months' notice in writing; neither shall the said *Hobart Tramway Company, Limited*, their successors or assigns, pay off the said principal sum, or any part thereof on the said

day of , 18 , or at any time thereafter, without first giving the like notice to the said , h executors, administrators or

Hobart *Tramway Company*.

assigns in the manner pointed out by the above-mentioned Act; and that such A.D. 1884.
 payment shall not be required to be made or accepted at any period other than
 the _____ day of _____, or the _____ day
 of _____ in any year.

Given under our common seal this _____ day of _____, in the year
 of our Lord one thousand eight hundred and _____

Attested and registered by

Secretary.

Form of Bond.

The Hobart Tramway Company, Limited.

Bond No. _____, £ _____.

By virtue of an Act of the Parliament of *Tasmania* passed in the Session holden
 in the _____ year of the reign of Her Majesty Queen *Victoria*, and
 intituled

and of all and every other the Acts relating to our undertaking, we, the Hobart
 Tramway Company, Limited, in consideration of the sum of £ _____ to
 us in hand paid by _____ of _____, do bind
 ourselves and our successors unto the said _____, h
 administrators, and assigns in the penal sum of £ _____ :

The condition of the above obligation is such that if the said Company shall
 pay to the said _____, h
 assigns [at _____], on the _____ day of _____
 _____, which will be in the year of our Lord one thousand eight
 hundred and _____, the principal sum of £ _____ together
 with interest for the same at the rate of £ _____ per centum per annum,
 payable half-yearly on the _____ day of _____ and the
 day of _____ in each year, then the above-written obligation is to become
 void, otherwise to remain in full force.

Given under our common seal this _____ day of _____, one
 thousand eight hundred and _____

Form of Deed of Transfer of Mortgage or Bond.

I, _____ of _____, in consideration of the sum of £ _____
 paid to me by _____, of _____, do hereby transfer to
 the said _____, h
 bond [or mortgage as the case may be] number _____ in the Register of the Com
 pany, and made by The Hobart Tramway Company, Limited, _____ to _____,
 and bearing date the _____ day of _____ 18 _____, for securing the
 sum of £ _____, and £ _____ interest [if the transfer is made by the deed
 endorsed on the security, omit all the words after "assigns," and substitute "the within
 security"] and all my right, estate, and interest in and to the money thereby
 secured. [If the transfer be one of a mortgage, add these words—"and in and to the
 tolls, moneys, and property thereby assigned"] In witness hereof I have hereunto
 set my hand and seal, this _____ day of _____, one thousand eight hundred
 and _____

