

TASMANIA.



1871.

ANNO TRICESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 9.



AN ACT to further amend *The Launceston and Western Railway Act.* [21 December, 1871.]

WHEREAS it is expedient and necessary to further amend *The Launceston and Western Railway Act*: 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:—

PREAMBLE.  
29 Vict. No. 24.

1 Any act, matter, or thing required by *The Launceston and Western Railway Act* to be done, performed, or executed by the Commissioners may be done, performed, and executed by a majority in number of the said Commissioners.

Majority of Commissioners.

2 The Roll made out under the Seventieth Section of the said Act by the Commissioners appointed by the Governor under that Act, and hereinafter styled the Commissioners, shall be intituled "The Valuation Roll of the Railway District," and is hereinafter referred to as the Valuation Roll.

Title of Valuation Roll.

3 The Commissioners shall notify in the *Gazette*, and in one newspaper published in the District, the situation of their office or place of business.

Commissioners to notify their office.

4 In the construction and for the purposes of the said Act and this Act "Property" shall mean lands or buildings, or both conjointly.

"Property" defined.

*Launceston and Western Railway Act, No. 6.*

Particulars to be set out in Roll.

**5** The Valuation Roll shall specify in each case the description or nature of the property, the situation of the property, the names and residences of the occupier and proprietor of the property respectively, the area of the property where such area is not less than one acre, and the annual value of the property.

Unoccupied property to be described in Roll as "empty."

**6** If at the time of making any valuation under the said Act any property is unoccupied, or the name of the owner of any property is unknown, the Commissioners shall nevertheless include such property in the Valuation Roll, describing it in the column appropriated to the name of the occupier as being "empty," or describing the owner of such property by the designation of the "owner" without stating his name, as the case may be; and if any person afterwards occupies such property, or if the name of the owner of such property afterwards becomes known to the Commissioners, they shall insert in the Valuation Roll the name of such occupier or owner, as the case may be.

Commissioners to publish Valuation Roll.

Notice of holding Court of Appeal.

**7** The Commissioners having completed the Valuation Roll shall cause the same to be published in the *Gazette*, with a Notice, specifying a time, not being less than Fourteen nor more than Twenty-one days after the publication of the same in the *Gazette*, for holding the Court of Appeal hereinafter mentioned, to the effect that any person who considers himself aggrieved by any valuation made by the Commissioners may appeal against the same to such Court, or may obtain redress without the necessity of appeal by satisfying the Commissioners, on or before the Sixth day before the holding of such Court, that he has well-founded ground of complaint.

Court of Appeal to be held for hearing Appeals.

**8** The Justices resident in the District, not being Shareholders or Commissioners, shall assemble in Special Session and hold a Court of Appeal at the Court House in the Town of *Launceston*, at such time as aforesaid, for hearing Appeals against the said Valuation Roll, which Court may be adjourned from time to time until all such Appeals and complaints shall be disposed of by the said Court; and the decision of a majority of the Justices present at such Court of Appeal shall be final.

Grounds of Appeal.

**9** Any person affected by any such valuation, or his Attorney or Agent, may appeal against the same, either on the ground that his property is over-valued in proportion to the benefit it has received, or which it may be reasonably expected to receive, from the construction of the Railway mentioned in the said Act, or that he is erroneously stated in the Valuation Roll as the proprietor or occupier of any property, or that the property of some other person is under-valued or is omitted altogether from the said Roll, or on any other ground whatsoever of the inequality, unfairness, or incorrectness of such valuation.

Notice of Appeal to be given.

**10** No such Appeal shall be entertained by the Court of Appeal unless notice in writing of such Appeal, specifying the grounds thereof, is given by the Appellant to the Commissioners by leaving the same at their office at *Launceston*, either personally or by posting the same in a duly registered letter addressed to the Commissioners, so that the same may in due course of post be received by the said Commissioners at least Five days previous to the day of holding such Court.

One Commis-

**11** At least one of the said Commissioners shall attend at each sitting

*Launceston and Western Railway Act, No. 6.*

of the Court of Appeal, and answer on oath all such questions as may be put to him by the Court touching the Valuation Roll, or any matter relating thereto.

sioner at least to attend Court of Appeal.

**12** The said Court of Appeal shall have all the powers of a Court of General Sessions of the Peace in relation to the summoning and compelling the attendance and examination of witnesses and the punishment of contempts; and the Clerk of the Peace at *Launceston* shall act as the Clerk of the said Court in all respects as if the same were a Court of General Sessions of the Peace.

Court of Appeal to have powers of Court of General Sessions as to process, &c.

**13** The said Court of Appeal shall be presided over by the Chairman of the Court of General Sessions of the Peace for the District of *Launceston*, who shall, in respect of the said Court of Appeal, have and exercise all the powers and authority vested in him as such Chairman as aforesaid; and in the absence of the said Chairman the Justices present shall elect one of their number to be Chairman of any such Meeting of the Court, and such elected Chairman shall have all the powers aforesaid.

Chairman of General Sessions to preside over Court.

**14** The said Court of Appeal shall hear and determine all Appeals in the order in which the properties appear in the published Valuation Roll, and shall have power to increase or diminish such valuation, or to confirm the same, and also to correct any mistake and supply any omission which is proved to the Court to have been made in such Valuation Roll.

Court to determine Appeals and correct valuation.

**15** As soon as all Appeals have been disposed of and the Valuation of the District thereby completed, the said Roll shall be authenticated by the signature of the Chairman of the said Court of Appeal, and the Roll shall thenceforth be "The Valuation Roll of the Railway District" for the purposes of the said Act; and such Roll shall forthwith be transmitted by the Chairman to the Colonial Treasurer, who shall cause the same to be published in the *Gazette*.

Valuation Rolls when completed and authenticated, to be printed.

**16** The Valuation Roll made up as aforesaid shall be in force until a new Valuation Roll is made up for the District; and the Valuation Roll last made shall always be the Valuation Roll in force until the new one is made up.

Roll how long to be in force.

**17** Any Meeting of the said Court of Appeal shall not be deemed to be invalid by reason that any Justice who was present at any Meeting of such Court is absent from any subsequent Meeting; and any Justice present at any subsequent Meeting of the said Court shall be competent to act as a Justice at such Court, although he may not have been present at any former Meeting of such Court.

When Meetings of Court not to be deemed invalid.

**18** The Justices resident in the said District, not being Shareholders or Commissioners, shall yearly between the 1st day of *November* and the 31st day of *December* in every year after such Valuation Roll has been completed and in operation in the District, meet in Special Session and revise the Valuation Roll of the District, and shall insert the name of any person, or the description and valuation of any property, which ought to be included in or has been omitted from such Valuation Roll, and shall make all insertions, additions, alterations, or amendments in the Valuation Roll which may appear to be necessary by reason of the change of ownership, occupation, limits, or value of any property,

Justices authorised to revise Valuation Roll.

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or the acquisition or creation of new Property, since the last preceding valuation or revision; and may cause to be made any specific or particular valuation which may be necessary for any of such purposes; and every such insertion, addition, alteration, and amendment shall be valid and effectual for all purposes, but shall not be finally made until Notice thereof is published in the *Gazette*, in order that all persons thereby affected may have opportunity afforded to them of being heard before an adjourned Meeting of such Special Sessions which shall be held not less than Fourteen days after the publication of such Notice against such insertion, addition, alteration, or amendment being made: Provided that, if at any time it appears to the said Justices that any property or the name of any owner or occupier which ought to be included in the said Valuation Roll has been omitted therefrom, such Justices shall cause any valuation to be made which may be necessary, and insert such property or the name of such owner or occupier in the said Valuation Roll, subject to the foregoing provisions as to the publication of Notice and the right of appeal; and the Chairman of such Court shall forthwith, after any such revision or insertion is made, transmit a Statement thereof, signed by him, to the Colonial Treasurer, who shall cause the same to be published in the *Gazette*.

Provides for irregularity of proceedings.  
Time prescribed may be extended.

**19** The validity of the Valuation Roll shall not be affected by reason that any of the provisions of the said Act or this Act have not been complied with; and if in any case any matter is not completed within the time prescribed, the Governor in Council may, if he thinks fit, extend the time for completing the same.

Application of this Act.

**20** The provisions of this Act shall be applicable to any new Valuation made under the Eighty-fourth Section of the said Act.

Repeal.

**21** All the Sections of the said Act from the Seventy-second to the Eighty-third, both inclusive, and the Eighty-fifth Section of the said Act are hereby repealed, save as to any thing duly done thereunder before the commencement of this Act.

Acts to be read together.

**22** This Act and *The Launceston and Western Railway Act*, and all other Acts altering or amending the same, shall, save as altered or amended by this Act, be read and construed together as one Act.

Short Title.

**23** This Act may be cited for all purposes as "The Launceston and Western Railway Act, No. 6."