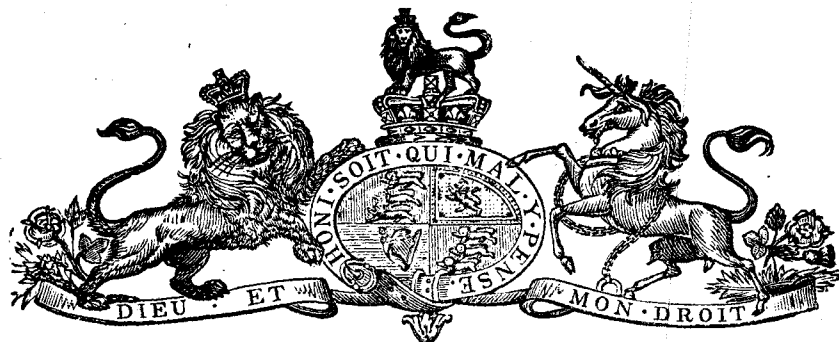


T A S M A N I A.



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ.

AN ACT to further amend "The Mount *Lyell* and *Strahan* Railway Act." A.D. 1898.
[7 September, 1898.]

WHEREAS it is desirable to further amend "The Mount *Lyell* and *Strahan* Railway Act" in the manner hereinafter appearing: PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Mount *Lyell* and *Strahan* Railway Act, 1898." Short title.

2 In this Act—

Interpretation.

The expression "The said Act" shall mean the Act of the Parliament of *Tasmania* intituled "An Act to authorise the Mount *Lyell* Mining Company, No Liability, to construct and maintain a Railway from Mount *Lyell* to the Town of *Strahan*": 56 Vict. *Private*.

The expression "The said Company" shall mean the Mount *Lyell* Mining and Railway Company, Limited, and its assigns: and

The expression "The said Railway" shall mean the Railway which the said Company is authorised by the said Act to construct and maintain:

The expression "The Minister" shall mean the Minister of Lands and Works of *Tasmania* for the time being.

[*Private*.]

Mount Lyell and Strahan Railway.

A.D. 1898.

Repeal.

57 Vict. *Private.*

Minister not to give notice of intention to purchase Railway until expiration of special leases in certain event.

3 Section Five of "The Mount *Lyell* and *Strahan* Railway Act, 1893," is hereby repealed.

4 If the said Company shall within Three years from the passing of this Act construct the said Railway in accordance with the provisions of the said Act from *Teepookana* to a point in the Town of *Strahan* at or near *Regatta* Point to be approved by the Minister, then notwithstanding anything contained in the said Act, it shall not be lawful for the Minister to give notice to the said Company of the intention of the Crown to take over the said Railway under the provisions of the said Act until the expiration of any special lease or leases granted by the Minister to the said Company under the provisions of "The Mount *Lyell* Company's Leases Act, 1893," and held by the said Company at the date of the passing of this Act.

Rates and tolls chargeable by the Company for the carriage of goods.

5—(1.) If at any time after the passing of this Act any toll, rate, or charge upon any goods, merchandise, or live stock on the *Strahan-Zeehan* Railway shall be reduced, such reduction shall not apply to the toll, rate, or charge upon similar goods, merchandise, or live stock upon the said Company's Railway for a period of Two months after such reduction is made, and the said Company may at any time after such reduction is made, require by notice in writing to the Minister, that the question whether such reduction shall be applied to the toll, rate, or charge upon similar goods, merchandise, or live stock upon the said Company's Railway shall be referred to the determination of Three Arbitrators, One of whom shall be appointed by the Minister, and One of whom shall be appointed by the said Company, and the Third shall be appointed by the other Two Arbitrators.

(2.) If the Minister fails or refuses to appoint an Arbitrator for the purpose aforesaid within a period of One month after having received notice in writing from the Company to do so, it shall be lawful for the Company to appoint an Arbitrator to act with the Arbitrator appointed by the Company, and such Two Arbitrators shall appoint a Third Arbitrator; and if any vacancy shall occur among the Arbitrators before they have determined the matter referred to them, such vacancy shall be filled up by the appointment of another Arbitrator by the same authority by which the Arbitrator whose place has become vacant was appointed.

(3.) The Arbitrators, or a majority of them, after taking into consideration the causes of such reduction on the *Strahan-Zeehan* Railway and the profits being made on the Company's Railway, shall determine whether such reduction in whole or in part shall be made in the toll, rate, or charge upon similar goods, merchandise, or live stock on the Company's Railway.

(4.) The tolls, rates, and charges upon such goods, merchandise, and live stock on the Company's Railway shall not during the continuance of such reduction exceed the tolls, rates, and charges so determined by the Arbitrators as aforesaid.

(5.) For the purposes of this Section the provisions of "The Arbitration Act, 1892," except as hereby varied, are incorporated with this Act.

Company may add mileage for *Abt* section.

6 It shall be lawful for the said Company to add Nine miles to the actual through mileage in computation of the tolls, rates, fares, and charges for the conveyance and carriage of all passengers, goods,

Mount Lyell and Strahan Railway.

merchandise, live stock, chattels, and other things over and along those sections of the said Railway which are worked with the assistance of a rack or third rail in accordance with either of the systems known respectively as the "*Abt* and *Fell* Systems;" but such additions to the mileage shall not be allowed until the Railway is constructed and opened for traffic from *Teepookana* to a point in the Town of *Strahan* at or near *Regatta* Point as aforesaid; and such addition to the mileage shall not be allowed in respect of the tolls, rates, fares, and charges for the conveyance and carriage of passengers in any train unless accommodation is provided therein for the carriage of passengers at both First and Second class rates.

A.D. 1898.

7 If in the exercise of the powers granted by the said Act, the said Company causes any obstruction to the navigation of any river, stream, or harbour, and the same be not removed therefrom without delay, it shall be lawful for the Minister, having first called upon the Company to remove such obstruction, to cause the same to be removed at the cost of the Company. The provisions of this Section shall be in addition to any other remedy that may lie against the Company for causing such obstruction.

Company to remove obstructions to rivers, &c.

8 Every member of the Defence Force of *Tasmania*, being in uniform, shall, on production of a pass, signed by the Commanding Officer of the Corps, be conveyed free over the railway to all musters, drills, parades, and rifle practices, and back again, under Regulations similar to those in force for the time being on the Government Railways.

Members of Defence Force to have free conveyance over railway.

Any person, whether a member of the Defence Force or not, who fraudulently obtains or attempts to obtain free conveyance by the railway under the provisions of this Section, either, in the case of a member of the Force, by falsely representing that he is on his way to or from any muster, drill, parade, or rifle practice, or, in the case of any other person, by wearing the uniform of any Corps, shall be liable for every such offence to a penalty not exceeding Ten Pounds.

In this Section the word "Corps" shall have the same meaning as is assigned to it in Section Two of "The Defence Act, 1885."

49 Vict. No. 16.

9 Nothing in this Act contained shall be construed to prevent the construction of any Public Road across the said Railway at any point directed by the Minister, upon payment of proper compensation for any interference with the works of the Company, which compensation, in case of dispute, shall be settled by arbitration in the manner prescribed by *The Lands Clauses Act* in cases of disputed compensation.

Minister may authorise construction of Public Road across Railway.

10 This Act and the said Act and all other Acts amending the said Act shall be read and construed together as one Act.

Acts to be read together.

