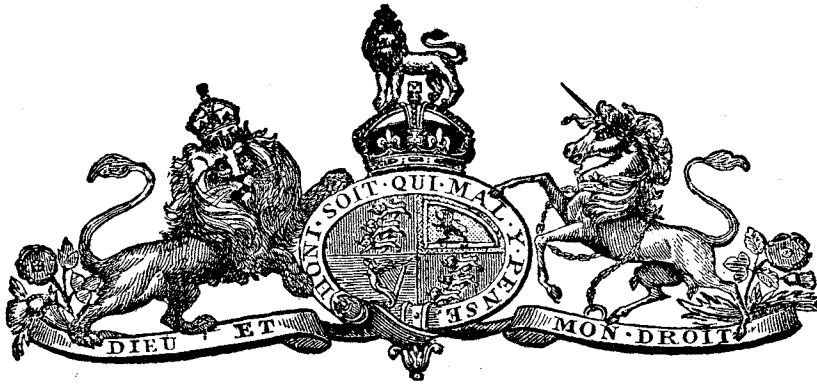


TASMANIA



1914.

ANNO QUINTO

GEORGI V. REGIS.

No. 30.

ANALYSIS.

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AN ACT to authorise the Construction and Completion of a Railway from Stanley to Trowutta, and for other purposes.

A.D. 1914.

[8 January, 1915.]

WHEREAS under "The Stanley and Balfour Railway Act" (hereinafter called "the said Act"), certain rights, powers, privileges, and concessions are conferred upon "The Mount Balfour Copper Mines No Liability" (hereinafter called "the Company"), a company incorporated in the State of Victoria but which has never been registered in this State under either "The Foreign Companies' Act," or "The Companies' Act, 1869," and in exercise thereof, portion of a proposed railway from Stanley to Balfour by way of Trowutta has been partially constructed;

PREAMBLE.

Stanley-Trowutta Railway.

A.D. 1914.

And whereas by a Rule of the Supreme Court made under the provisions of the said Act, and dated the Twenty-fifth day of September, One thousand nine hundred and fourteen, it was ordered that the Company be prohibited from proceeding further with the construction of the railways authorised by the said Act, or continuing to work the same, and all rights, powers, privileges, and concessions conferred by the said Act upon the Company were declared to be forfeited thereby :

And whereas it is expedient to empower the Minister of Lands and Works to carry out, construct, and complete in the manner hereinafter indicated, so much of such railway from Stanley to Balfour as is hereinafter mentioned :

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 :—

Short title.

1 This Act may be cited as “The Stanley-Trowutta Railway Act, 1914.”

Interpretation.

2 In this Act, unless the context otherwise determines—

“The Company” means the Mouni Balfour Copper Mines No Liability, hereinbefore referred to :

“The Minister” means the Minister of Lands and Works for the time being, and includes any contractor or other person appointed or employed by him :

“The Stanley-Trowutta railway” means that portion of the proposed railway from Stanley to Balfour hereinbefore mentioned, which lies between the Stanley terminus and the proposed station and its appurtenances at Trowutta (being of a distance of Twenty-five miles or thereabouts), and includes all works, buildings, stations, and erections to be erected or built on or connected with such Stanley-Trowutta Railway, the land upon which the same are or may be respectively erected or built, and all land used in connection therewith :

“The purposes of this Act” means the execution of all works necessary to construct, uphold, and maintain the railway, the construction and completion whereof is authorised by this Act.

Railway and
rights of
Company vested
in Minister.

3 All the railway authorised by the Stanley and Balfour Railway Act to be constructed, and the permanent way thereof, with all works, buildings, and stations, erected or built on, or connected with such railway, and all rolling stock, railway material, and tools and implements for railway construction in the State belonging to the Company, and all the interest acquired by the Company in any land in this State for the purposes of such railway, and all rights and privileges used in connection with such railway or vested in or enjoyed by the Company in connection with, or for the purposes of such railway, together with the benefit of all contracts made or entered into by the

Stanley-Trowutta Railway.

Company in connection with, or for the purpose of such railway, are hereby declared to be vested in the Minister, freed and absolutely discharged from all claims, demands, rights, liens, mortgages, charges, encumbrances, and burdens of whatsoever kind. A.D. 1914.

4—(1) It shall be lawful for the Minister to cause the Stanley-Trowutta Railway to be constructed and completed. Minister to cause extension of railway to be constructed.

(2) The Minister may make such deviations from the surveyed route of the said railway as in his opinion may be necessary.

5 The expenditure for the construction and completion of the Stanley-Trowutta railway, including any payment to the Company made under the authority of Section Six of this Act, and generally for the purposes of this Act, shall not exceed the sum of One hundred and thirty thousand Pounds, and the whole of such expenditure shall be defrayed out of moneys to be provided by Parliament for that purpose. Limit of expenditure and defrayment of cost.

6 The Minister may pay to the Company such amount not exceeding in the whole the sum of Eighteen thousand six hundred and forty-seven Pounds Eighteen shillings and Ninepence, and upon such terms and conditions as to the manner of payment and otherwise as the Governor may determine. Minister may pay up to £18,647 18s. 9d. to the Company.

7 The sum of Two thousand five hundred Pounds deposited with the Minister by the Company under the provisions of Section Thirty-two of the said Act, together with any interest thereon to which the Company may be entitled, is hereby declared to be forfeited to His Majesty, and the same shall forthwith be paid into and form part of the consolidated revenue. £2500 deposited under Section 32 of said Act forfeited.

8 All the provisions contained in Sections Six, Eight, Ten, Twelve, and Thirteen, Sections Fifteen and Sixteen, Twenty-four and Twenty-five, and Sections Thirty-one and Thirty-two of "The Railway Construction Act, 1885," are hereby incorporated with this Act, and where in any of the said incorporated sections the said Act is referred to, it shall be deemed to mean this Act. Provisions of 49 Vict. No. 41 incorporated.

9—(1) The provisions of "The Lands Resumption Act, 1910," shall apply, subject to any modifications or alterations made by this Act. The expressions "public purpose" and "public work" in "The Lands Resumption Act, 1910," shall be deemed to include any purpose for which land may be acquired by virtue of this Act. Application of "The Lands Resumption Act, 1910."

(2) Any claim for compensation under Section Twelve of "The Railway Construction Act, 1885," shall be made and determined under "The Lands Resumption Act, 1910," in like manner as in the case of a claim under that Act for damage suffered by reason of the exercise of any powers under Part III. of that Act; and the provisions of "The Lands Resumption Act, 1910," applicable in the case of any such last-mentioned claim, especially Section Thirty-seven thereof, shall, with

Stanley-Trowutta Railway.

any necessary alterations, apply in the case of every claim for compensation under Section Twelve of "The Railway Construction Act, 1885."

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

All rights
forfeited.

10—All rights of any kind under the said Act, and any amendments thereof, are hereby forfeited.