

T A S M A N I A.

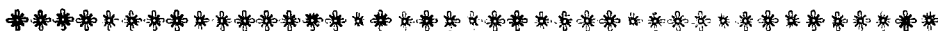


1889.

ANNO QUINQUAGESIMO-SECUNDO

VICTORIÆ REGINÆ.

No. 56.



AN ACT to authorise the Construction of a A.D. 1889.
certain Line of Railway from *Strahan* to
Mount Zeehan. [4 February, 1889.]

BE it 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 *Zeehan* Railway Short Title.
Construction Act, 1889.”

2 In this Act, unless the context otherwise determines—

Interpretation.

“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 Railway” and “the said Railway” includes all works, buildings, stations, and erections erected or built on or connected with the Railway to be constructed under this Act, the land upon which the same is or may be respectively erected or built, all land used in connection therewith, and all plant, rolling-stock, steam engines, machinery, and carriages used with the same :

“The purposes of this Act” means the execution of all works necessary to construct, uphold, and maintain the Railway to be constructed under this Act.

Zeehan Railway Construction.

A.D. 1889.

Minister to cause
Railway to be
constructed.Limit of expendi-
ture and defray-
ment of cost.Provisions of
49 Vict. No. 41
incorporated.Lessee may mine
under Mineral
or Auriferous
land resumed
under this Act.Minister may
allow sluice-boxes,
tramways, and
culverts on or
under railway.

3 It shall be lawful for the Minister to cause to be constructed and completed a Line of Railway from *Strahan* to *Mount Zeehan*, to be called "The *Zeehan Railway*."

4 The expenditure for the construction and completion of the said Line of Railway shall not exceed the sum of Sixty thousand Pounds; and the whole of the moneys to be expended under and for the purposes of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

5 All the provisions contained respectively in Sections Five to Thirty-three, both inclusive, and in Sections Thirty-eight to Fifty-seven, both inclusive, 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.

Provided, that the Governor in Council shall not make any By-law under the Fifty-first Section of the said Act fixing the charges for the conveyance of goods and other things on the said Railway at a rate less than Ninepence per ton per mile.

6 In every case in which any portion of any land held under any lease granted under the provisions of any Act in force in *Tasmania* relating to Mining shall be resumed by the Governor in Council for the purposes of this Act, the lessee of such land may, at such depth from the surface thereof and upon such conditions as the Minister may deem necessary for the safety of the traffic on the said Railway, extend into such resumed land as aforesaid the excavations and other mining operations carried on under the powers conferred by the said lease or any renewal thereof on any other portion of the said land, and to remove from such resumed portion as aforesaid of the said land, at such depth and upon such conditions as aforesaid, all metals and minerals which the lessee is empowered by the said lease or any renewal thereof to remove from the said land, as freely as if such resumed portion as aforesaid of the said land had never been resumed as aforesaid.

7 Upon the application of any holder of a Miner's Right, Consolidated Miner's Right, Lease, or Grant under any Act in force in *Tasmania* relating to Mining, and upon the report of any Engineer or Surveyor that a sluice-box, tramway, or culvert can be laid or constructed on or under the said railway without any substantial injury to, or obstruction of, the traffic thereon, and that such sluice-box, tramway, or culvert is necessary for the due and proper working of any mine, or for the conveyance of water for mining purposes, the Minister may, by order in writing, made after inspection by some officer of his Department of the said Railway, subject to the rights of occupiers of adjoining or contiguous lands, allow such sluice-box, tramway, or culvert to be laid or constructed by any holder of a Miner's Right, Consolidated Miner's Right, Lease, or Grant as aforesaid, for the purpose of conveying any water, tailings, sludge, or waste water, or earth: Provided that such works shall be so constructed as not to substantially injure the said railway, or obstruct the traffic thereon; and if after the construction of any such sluice-box, tramway, or culvert under such order it is

Zeehan Railway Construction.

made to appear to the Minister that the same does so injure the said railway, or obstruct the traffic thereon, it shall be lawful for the said Minister to order that the obstruction be removed, and if after Seven days from the date of such last-mentioned order the obstruction caused by such sluice-box, tramway, or culvert is not removed or remedied, the same shall be deemed a nuisance, and the person who obtained the said first-mentioned order, or the owner or occupier, shall be liable to a penalty not exceeding Twenty Pounds; and the said nuisance may be abated by an order of any Justice upon proof of the said last-mentioned order, and of the disobedience thereof; and any person authorised by the Minister or such Justice may enter the premises to which the order to abate the nuisance relates, and remove or abate such nuisance, and do whatever may be necessary in execution of such order, and charge the cost to the person who obtained the said first-mentioned order.

A.D. 1889.

8 It shall be lawful for the Minister to authorise any person to make or construct any Railway or temporary or permanent ways or other works over, across, or through any part of such works made or constructed by the holder of a Miner's Right, Consolidated Miner's Right, Lease, or Grant as aforesaid: Provided that, before the Minister shall give such authority, Seven days' notice thereof shall be given to the person lawfully interested in such last-mentioned works.

Minister may
authorise Rail-
way, &c. across
works.

