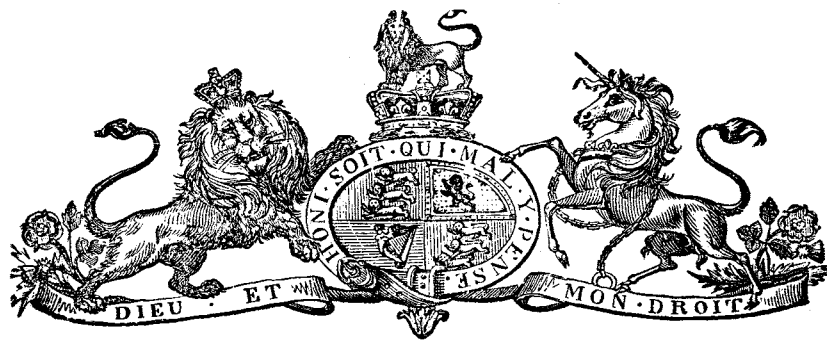


T A S M A N I A.



1865.

ANNO VICESIMO-NONO

VICTORIÆ REGINÆ,

No. 24.



AN ACT to empower the Construction and Maintenance of a Railway from *Launceston* to *Deloraine*, and for other Purposes.

[29 September, 1865.]

**W**HEREAS it is expedient to make, construct, and maintain for the use of the Public a Railway, with all necessary sidings and approaches thereto, from the Town of *Launceston* to the Township of *Deloraine*; and, for the purposes aforesaid, to make charges for the carriage and conveyance of passengers, goods, and merchandise thereon: And whereas a Survey of the Line for the said Railway has been made, and the requisite Plan and Section thereof have been duly prepared: And whereas *William Archer* he Elder, *John Kinder Archer*, *William Stammers Button*, *John Crookes*, *R. C. D. Home*, *Henry Berkley Nickolls*, *William J. Norwood*, *Adolphus Frederick Rooke*, *James Robertson*, and *John Scott* have agreed to form themselves into a Company for the construction and maintenance of a Railway as aforesaid, under *The Limited Liability Act*, to be called *The Launceston and Western Railway Company (limited)*, with a Capital of £100,000 in 5000 Shares of £20 each: 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.

*Launceston and Deloraine Railway.**Interpretation.*

- 1** The terms hereinafter mentioned shall, for the purpose of construing this Act, have the force and signification hereby attached to them, unless there be something in the context repugnant thereto or inconsistent therewith; that is to say,—
- “ District.” The term “ District ” shall mean the *Launceston and Western Railway District* as hereinafter described and set forth :
- “ Company.” The term “ Company ” shall mean the persons aforesaid or *The Launceston and Western Railway Company (limited)* :
- “ Board.” The term “ Board ” shall mean the Board of Directors of the said Company :
- “ Landholder.” “ Landholder ” or “ Owner ” shall mean the Proprietor on the Valuation Roll for the District in which his property is situate of the annual value of not less than Ten Pounds :
- “ Lands.” “ Lands ” shall comprise lands, tenements, and hereditaments of any tenure, and buildings, and shall include any estate or interest therein :
- “ Plan ” and “ Section.” The term “ Plan ” shall mean the plan and section respectively of the proposed Railway, signed by the Chairman of the said Company, and hereafter to be deposited and lodged in the Office of the Deputy Commissioner of Crown Lands in *Launceston* :
- “ Person.” The term “ Person ” shall include bodies politic and corporate.
- “ Valuation Roll.” The term “ Valuation Roll ” shall, as to any property situate in *Launceston*, mean the Assessment Roll for the time being in force for the said Town, and as to any other property in the District shall mean the Valuation Roll for the time being in force as to such property.

*Boundaries of District.*

- 2** The *Launceston and Western Railway District* shall comprise the Town of *Launceston*, as described in *The Launceston Corporation Act*, (and which, for the purposes of this Act, shall be deemed and taken to be a Road District subject to the provisions of *The Cross and Bye Roads Act, 1860*), that portion of the land between the Road District of *Breadalbane*, the Township of *Launceston*, and the *North Esk River* and the following Road Districts, that is to say—the Road District of *Patterson’s Plains*, *Breadalbane*, that part of *Evandale* described in Schedule (1.) to this Act, *Perth*, *Longford*, *Carrick*, *Westbury*, *Exton*, *Deloraine*, *Chudleigh*, *Upper Meander*, and *Midhurst*.

*Plan and Section.*

- 3** Upon the passing of this Act, the plan and section shall be deposited with the Deputy Commissioner of Crown Lands at *Launceston*, and shall be kept in his office, and be at all convenient times open for public inspection without fee.
- 4** No advantage shall be taken of or against the Company, or any interruption be given during or after the making of the Railway, or any approaches, works, or conveniences connected therewith, on account of any error or omission in any such plan, in any case in which it shall appear, so far as respects the Town of *Launceston*, to the Mayor for the time being of the said Town, and so far as respects the other portions of the District, to the nearest Justice of the Peace in or near the place in which the lands shall be situated, and be

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certified by writing under the hand of such Mayor or Justice, as the case may be, that such error or omission proceeded from mistake.

5 The Company, in constructing the Railway and Works, may deviate from the line of the works laid down in the said Plan; but may not take or use, for the purpose of such deviation, any lands not comprised within the limits of deviation marked or shown upon the said Plan, without the consent in writing of the owner of such lands or his authorised agent.

Not to deviate beyond limits defined upon the plan.

*Construction of Railway.*

6 It shall be lawful for the Company to make and maintain a Railway, either with single or double track, for waggons and other carriages, with all necessary stations, sidings, approaches, bye-ways, roads, branches, piers, wharves, bridges, cuttings, embankments, drains, water-courses and fences, and all other necessary Works, commencing at the Town of *Launceston* and terminating at *Deloraine*, as the same is more particularly delineated on the said plan: Provided always that, within the limits of deviation marked or shown thereon, the Company may deviate from or alter the gradients, curves, or other engineering works described in the said plan and section.

Company may construct Railway.

7 The Company is hereby authorised from time to time to purchase and take, in the mode prescribed by *The Lands Clauses Act*, such land within the District as they may deem necessary for the purpose of constructing, repairing, maintaining, or improving the said Railway and other Works, or of obtaining materials for any such purpose, or as they may deem necessary for any other of the purposes of this Act; and subject to the provisions of this Act, *The Lands Clauses Act* shall be incorporated with this Act; and, for the purposes of such incorporation, the Directors of the said Company shall be deemed to be the Promoters of the Undertaking.

*Lands Clauses Act*, 21 Vict. No. 11.

8 Any notice required to be given by the Company by virtue of the provisions of *The Lands Clauses Act* or of this Act shall be sufficient if signed by the Chairman of the Company, or by their Solicitor.

Form of notice by the Chairman of the Company.

9 Subject to the provisions contained in this Act, or in any Act incorporated herewith, the Company may exercise any of the following powers and execute any of the following works; that is to say—

Power to take and hold land, &c.

They may, without any previous agreement with the landholders, enter upon any lands or other places in the district, and take the levels and other particulars necessary for a survey of the same:

They may enter upon, take, and hold all lands or any part thereof comprised within the limits of deviation delineated in the said plan, save and except as hereinafter mentioned:

They may, from time to time, make, maintain, alter, or continue such drains, cuts, sluices, sidings, approaches, branches, jetties, wharves, bridges, culverts, cuttings, embankments, fences, and other works as may be necessary for making, maintaining, and using the said Railway:

They may, without previous payment, tender, or deposit, enter upon and use any land within the district for the purpose of taking earth,

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gravel, clay, or other materials therefrom; and they may, as aforesaid, enter upon and use any lands adjacent for making temporary roads or approaches thereto or to the works: Provided always, that before they make such temporary use of any such lands, they shall give Fourteen days notice of such their intention to the owners and occupiers of such lands, except in case of accident to the works requiring immediate reparation: Provided also, that the Company shall, until any land taken by them for temporary use be given up to the owner or occupier (as the case may be), pay to the owner or occupier, half-yearly or otherwise as may be agreed upon, reasonable compensation for the use of such land, and for any damage or injury done to the crop, or to the surface of the land, or otherwise; and such compensation shall be settled, if they cannot agree with the owner or occupier, as in cases of disputed compensation:

They may, during the construction of the said Railway and other works, respectively fell timber and use the same, and dig, take, and use clay, gravel, stone, and rubbish upon and from any convenient part of the waste lands of the crown, not being public highways, and may lay and place upon any convenient part of the said lands any timber, clay, stone, rubbish, and ballasting which they may require for the purposes of the said Railway and other works respectively:

They may make, lay, and place, and from time to time amend and repair, one main Railway, either with single or double track, with all necessary sidings and bye-ways thereto, in the usual manner, by digging the soil, and levelling the ground, and ballasting upon, over, and along all or any part of the public highways and streets comprised within the said limits of deviation:

Highways not to be purchased.

The power of purchasing land by this Act conferred shall not extend to any public street or highway.

Compensation to be made for lands taken or injuriously affected.

**10** The Company shall make to the owners and occupiers of, and all other persons interested in, any lands taken or used for the purposes of this Act, or injuriously affected by the construction or maintenance of the Railway and Works by this Act authorised, or otherwise by the execution of the powers hereby conferred, full compensation for the value of the lands so used, and for all damages sustained by such owners, occupiers, and other persons by reason of the exercise, as to such lands, of the powers vested in the Company by this Act: Provided always, that the Company shall not be liable to make any compensation to any person for the usage or occupation of any public street or highway; and if any dispute arise between the Company and any person interested, such dispute shall, if not otherwise provided for by this Act, be referred to arbitration in the manner hereinafter prescribed.

Railway not to interrupt traffic over roads and streets.

**11** The said Railway and other Works shall, as far as possible, be so made as not to impede, injure, prevent, or interrupt any ordinary or rightful traffic upon the said Public highways or streets respectively, and so as not to increase the cost of making, maintaining, repairing, and upholding the same.

Penalty for non-compliance.

**12** Provided always, that if at any time the Town Surveyor so far as respects the Town of *Launceston*, or the District Surveyor so far as respects any Municipality, or the Director of Public Works so

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far as respects the other portions of the District, shall make any complaint to a Justice of the Peace to the effect that the provisions in the last Section are being infringed or not properly carried into effect by the Company, it shall be lawful for a Bench of not less than two Justices, at any time before the completion of the portion of the Works so complained of, to make such order upon the Company for securing due compliance by them with these provisions as to such Bench shall seem just; and, in default of the Company complying with such order, they shall be liable to a penalty to the said Surveyor or Director of Public Works not exceeding Twenty Pounds for each such default, to be recovered in a summary way; and they shall also be liable to the cost of remedying every such impediment, injury, prevention, or interruption as in the said last Section is mentioned; such cost to be assessed by the said Bench, or any two or more Justices, and also recovered in a summary way.

**13** During the making of the said Railway and other Works, and for the purposes thereof, the Company may, subject to the last preceding provision, from time to time as occasion may require, lead, place, lay, and fix wood, timber, earth, stones, gravel, rails, posts, sleepers, and other materials in and upon any such Public highway and streets, or any part of the same respectively, and may use and employ workmen, horses, carts, and carriages to cut, dig, and make trenches, water-gates, and water-courses therein or thereon for the purpose of keeping the said Railway and other Works dry and free from water, and may do all other necessary acts and things as well for the making and constructing of the said Railway and other Works as for the repairing and upholding of the same, when and as often as occasion shall require.

Company may place materials on public roads and streets.

**14** If any omission, misstatement, or erroneous description shall have been made of any lands, or of the owners or occupiers of any lands, described in the plans, or in the Schedule to the Act, it shall be lawful for the Company, after giving Ten days' notice to the owners of the lands affected by such proposed correction, to apply to Two Justices for the correction thereof; and if it shall appear to such Justices that such omission, misstatement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been mis-stated or erroneously described; and such certificate shall be deposited with the said Deputy Commissioner along with the other documents to which they relate, and thereupon such plan or Schedule shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Errors and omissions in plans may be corrected.

**15** It shall not be lawful for the Company to proceed in the execution of the Railway unless they shall have, previously to the commencement of such Work, deposited with the said Deputy Commissioner of Crown Lands a Plan and Section of all such alterations from the original Plan and Section, on the same scale and containing the same particulars as the original Plan and Section of the Railway.

Alterations to plan and section.

**16** The said Deputy Commissioner shall receive the said Plans and Sections of alterations, and shall retain the same, as well as the said original Plan, and shall without fee permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same.

Deputy Commissioner of Crown Lands to receive plans of alterations, and allow inspection.

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- Copies of plans, &c. to be evidence. **17** True copies of the said Plans, or of any alteration or correction thereof or extract therefrom, certified by any such Commissioner, which certificate such Commissioner shall give to all parties interested when required, shall be received in all Courts of Justice or elsewhere as evidence of the contents thereof.
- Lateral deviations. **18** It shall be lawful for the Company to deviate from the line delineated on the Plans so deposited, provided that no such deviation shall extend to a greater distance than the limits of deviation delineated upon the said Plans.
- Works to be executed. **19** Subject to the provisions and restrictions in this Act, and any Act incorporated herewith, it shall be lawful for the Company, for the purpose of constructing the Railway, or the Accommodation Works connected therewith hereinafter mentioned, to execute any of the following Works ; (that is to say,)
- Inclined planes, &c. They may make or construct in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters within the lands described in the said plans, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences as they think proper ;
- Alteration of course of rivers, &c. They may alter the course of any rivers not navigable, brooks, streams, or watercourses, and of any branches of navigable rivers, such branches not being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams, roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the Railway, as they may think proper ;
- Drains, &c. They may make drains or conduits into, through, or under any lands adjoining the Railway for the purpose of conveying water from or to the Railway ;
- Warehouses, &c. They may erect and construct such houses, warehouses, offices, and other buildings, yards, stations, wharves, engines, machinery, apparatus, and other works and conveniences as they think proper ;
- Alterations and repairs. They may, from time to time, alter or discontinue the before-mentioned works or any of them, and substitute others in their stead ; and
- General power. They may do all other acts necessary for making, maintaining, altering, or repairing, and using the Railway ;
- Proviso as to damages. Provided always, that in the exercise of the powers by this Act granted the Company shall do as little damage as can be, and shall make full satisfaction, in manner herein and in any Act incorporated herewith provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.
- Alteration of water and gas pipes, &c. **20** It shall be lawful for the Company, for the purpose of constructing the Railway, to raise, sink, or otherwise alter the position of

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any of the water-courses, water pipes, or gas pipes belonging to any of the houses adjoining or near to the Railway, and also the mains and other pipes laid down by any Company or person who may furnish the inhabitants of such houses or places with water or gas, and also to remove all other obstructions to such construction, so as the same respectively be done with as little detriment and inconvenience to such Company or person, or inhabitants, as the circumstances will admit, and be done under the superintendence of the Company or person to whom such water pipes or gas pipes belong, and of the several Commissioners or Trustees or persons having control of the pavements, sewers, roads, streets, highways, lanes, and other public passages and places within the Parish or District where such mains, pipes, or obstructions shall be situate, or of their Surveyor, if they or he may think fit to attend, after receiving not less than Forty-eight hours notice for that purpose.

**21** Provided always, that it shall not be lawful for the Company to remove or displace any of the mains or pipes (other than private service pipes), syphons, plugs, or other works belonging to any such water or gas works, or to do anything to impede the passage of water or gas into or through such mains or pipes until good and sufficient mains or pipes, syphons, plugs, and all other works necessary or proper for continuing the supply of water or gas, as sufficiently as the same was supplied by the mains or pipes 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, in a position as little varying from that of the pipes or mains proposed to be removed or displaced as may be consistent with the construction of the Railway, and to the satisfaction of the Surveyor or Engineer of such water or gas works, or in case of disagreement between such Surveyor or Engineer and the Company, as a Justice shall direct.

Company not to disturb pipes until they have laid down others.

**22** It shall not be lawful for the Company to lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas works, or to cause any road to be lowered for the purposes of the Railway, without leaving a covering of not less than eighteen inches from the surface of the road over such mains or pipes.

Pipes not to be laid contrary to any Act, and 18 inches surface road to be retained.

**23** The Company shall make good all damage done to the proprietors of the water or gas works by the disturbance thereof, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the mains, pipes, or works of such water or gas works, or with the private service pipes of any person supplied by them with water.

Company to make good all damages.

**24** If it shall be necessary to construct the Railway or any of the works over any mains or pipes of any such water or gas works, the Company shall, at their own expense, construct and maintain a good and sufficient culvert over such main or pipe, so as to leave the same accessible for the purpose of repairs.

When Railway crosses pipes, Company to make a culvert.

**25** If by any such operations as aforesaid the Company shall interrupt the supply of any water or gas, they shall forfeit Twenty Pounds for every day that such supply shall be so interrupted.

Penalty for obstructing supply of gas or water.

**26** The Company shall, from time to time, make good and sufficiently repair and amend all damage, injury, or spoil which shall be done by them to or upon any public highway or street in, through, over,

Company to repair public roads and streets.

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and along which any railway, sideway, or bye-way, or other road or way, shall be made by the Company under the authority of this Act; and in case of neglect or refusal so to do, after having received Seven days notice to make such repairs and amendment as may be requisite, from the Town Surveyor as far as respects the Town of *Launceston*, from the District Surveyor so far as respects any Municipality, and from the Director of Public Works so far as respects the other portions of the District, or other persons duly authorised to have the superintendence or control of the streets of the said Town or the highways in the District, or any of them, such Surveyor or Director of Public Works, or other persons, shall have power to effect such repair and amendments, and shall recover the expenses incurred in so doing from the Company in a summary way upon complaint before Two Justices of the Peace.

Penalty for damage to instruments, way, &c.

**27** If any person shall, during the erection of the said Works or afterwards, wilfully interfere with, move, injure, or damage any poles, stakes, marks, or instruments used by the Company, or their Agents, Servants, or Workmen, for the purpose of surveying or marking out the line of the Railway or otherwise in connection therewith, or if any person shall wilfully do or commit any damage, injury, or spoil, or any nuisance to or upon the said Railway or other roads or ways, or to or upon any other works of or belonging to the Company, such person shall, for every such offence, forfeit and pay to the Company any sum not exceeding Twenty Pounds over and above the damages occasioned thereto.

Penalty for leaving trucks, &c. on public ways.

**28** If any person shall leave any truck, carriage, or waggon used upon the said Railway upon any public road or street at any time between sunset and sunrise, such person shall, for every such offence, forfeit and pay a fine not exceeding Five Pounds.

Company may occupy temporarily private roads within Five hundred yards of the Railway.

**29** Subject to the provisions herein contained, it shall be lawful for the Company, at any time before the completion of the Railway, to enter upon and use any existing private road, being a road gravelled or formed with stones or other hard materials, and not being an avenue or a planted or ornamental road, or an approach to any mansion house within the prescribed limits, if any, or if no limits be prescribed not being more than Five hundred yards distant from the centre of the Railway as delineated on the plans; but before the Company shall enter upon or use any such existing road they shall give Three weeks' notice of their intention to the owners and occupiers of such road, and of the lands over which the same shall pass, and shall in such notice state the time during which, and the purposes for which, they intend to occupy such road; and shall pay to the owners and occupiers of such road, and of the lands through which the same shall pass, such compensation for the use and occupation of such road, either in a gross sum of money or by half-yearly instalments, as shall be agreed upon between such owners and occupiers respectively and the Company, or in case they differ about the compensation the same shall be settled by arbitration in the manner hereinafter provided.

Power to take temporary possession of lands without previous payment of price.

**30** Subject to the provisions herein contained, it shall be lawful for the Company at any time before the completion of the Railway, without making any previous payment, tender, or deposit, to enter upon any lands within the prescribed limits, or if no limits be prescribed not being more than Two hundred yards distant from the centre of the



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Railway as delineated on the plans, and not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamentally planted, and not being nearer to the mansion house of the owner of any such lands than the prescribed distance, or if no distance be prescribed then not nearer than Five hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction or repair of that portion of the Railway, or of the Accommodation Works connected therewith, hereinafter mentioned, and to use the same for any of the following purposes; (that is to say,)

For the purpose of taking earth or soil by side cuttings therefrom;

For the purpose of depositing spoil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the Railway or such Accommodation Works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the Railway:

And, in exercise of the powers aforesaid, it shall be lawful for the Company to deposit, and also to manufacture and work, upon such lands materials of every kind used in constructing the Railway, and also to dig and take from out of any such lands any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the Railway or any such roads as aforesaid, and for the purposes aforesaid to erect thereon workshops, sheds, and other buildings of a temporary nature: Provided always, that nothing in this Act contained shall exempt the Company from an action for nuisance or other injury, if any, done in the exercise of the powers herein-before given to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid: Provided also, that no stone or slate quarry, brick-field, or other like place, which at the time of the passing of this Act shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the Company, either wholly or in part, for any of the purposes lastly herein-before mentioned.

**31** In case any such lands shall be required for spoil banks or for side cuttings, or for obtaining materials for the construction or repair of the Railway, the Company shall, before entering thereon (except in the case of accident to the Railway requiring the immediate reparation) give Three weeks notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes; and in case the said lands are required for any other of the purposes herein-before mentioned, the Company shall (except in the cases aforesaid) give Ten days like notice thereof, and the Company shall in such notices respectively state the substance of the provisions hereinafter contained respecting the right of such owner or occupier to require the Company to purchase any such lands, or to receive compensation for the temporary occupation thereof, as the case may be.

Company to give notice previous to such temporary possession.

**32** The said notice shall either be served personally on such owners and occupiers, or left at their last usual place of abode, if any such can after diligent enquiry be found; and in case any such owner shall be absent from the Colony, or cannot be found after diligent enquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

Service of notices on owners and occupiers of lands.

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The Company to give Sureties if required.

**33** Before entering, under the provisions hereinbefore contained, upon any such lands as shall be required for spoil banks or for side cuttings, or for obtaining materials or forming roads as aforesaid, the Company shall, if required by the owner or occupier thereof, Seven days at least before the expiration of the notice to take such lands as hereinbefore mentioned, find two sufficient persons, to be approved of by a Justice in case the parties differ, who shall enter into a bond to such owner or occupier in a penalty of such amount as shall be approved of by such Justice, in case the parties differ, conditioned for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Company to separate the lands before using them.

**34** Before the Company shall use any such lands for any of the purposes aforesaid, they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads; and in case of any difference between the owners or occupiers of such roads and lands and the Company as to the necessity for such fences and gates, such fences and gates as any Two Justices shall deem necessary for the purposes aforesaid, on application being made to them in like manner as hereinbefore is provided in respect to the use of such roads.

Lands taken for getting materials &c. to be worked as the Surveyor or owner may direct.

**35** That if any land shall be taken or used by the Company under the provisions of this Act, for the purpose of getting materials therefrom for the construction or repair of the Railway or the accommodation works connected therewith, they shall work the same in such manner as the Surveyor or Agent of the Owner of such land shall direct; or in case of disagreement between such Surveyor or Agent and the Company, in such manner as any Justice shall direct, on the application of either party, after notice of the hearing the application shall have been given to the other party.

Owners of lands may compel Company to purchase lands so temporarily occupied.

**36** In all cases in which the Company shall, in exercise of the powers aforesaid, enter upon any lands for the purpose of making spoil banks or side cuttings thereon, or for obtaining therefrom materials for the construction or repair of the Railway, it shall be lawful for the owners or occupiers of such lands, or parties having such estate or interest therein as under the provisions in the said *Lands Clauses Act* mentioned would enable them to sell or convey lands to the Company, at any time during the possession of any such lands by the Company, and before such owners or occupiers shall have accepted compensation from the Company in respect of such temporary occupation, to serve a notice in writing on the Company requiring them to purchase the said lands, or the estates and interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their estate or interest in such lands, and the amount of their claim in respect thereof, and the Company shall thereupon be bound to purchase the said lands, or the estate and interest therein capable of being sold and conveyed by the parties serving such notice.

Compensation to be made for temporary occupation.

**37** In any of the cases aforesaid, where they shall take temporary possession of lands by virtue of the powers herein granted, it shall be

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incumbent on the Company, within One month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands; and shall also from time to time, during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by Two Justices in case the parties differ; and shall also within Six months after they shall have ceased to occupy the said lands, and not later than Six months after the completion of the Railway, pay to such owner and occupier, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

**38** The amount and application of the purchase money and other compensation payable by the Company in any of the cases aforesaid shall be determined in the manner provided by the said *Lands Clauses Act* for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof. Compensation to be ascertained under the Lands Clauses Act.

**39** It shall be lawful for the Company, in addition to the lands authorised to be compulsorily taken by them under the powers of this Act, to contract with any party willing to sell the same for the purchase of any land adjoining or near to the Railway for extraordinary purposes; that is to say— Land to be taken for additional Stations, &c.

For the purpose of making and providing additional stations, yards, wharves, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon the Railway, and for the erection of weighing machines, toll-houses, offices, warehouses, and other buildings and conveniences:

For the purpose of making convenient roads or ways to the Railway, or any other purpose which may be requisite or convenient for the formation or use of the Railway.

*Passengers and Goods.*

**40** Over and along such Railway and Works, or upon any part thereof, the Company may, from time to time, and at all times, carry and convey passengers, goods, and merchandise, and may do all such other things as may by them be deemed requisite in such manner as to them may be most convenient. Company may carry goods, &c.

**41** It shall be lawful for the Commissioners to use and employ locomotive engines or other motive power, and carriages or waggons to be drawn or propelled, and to make such reasonable charges for the carriage and conveyance of passengers, goods, and merchandise as they may from time to time determine upon, by any Bye-laws to be by them passed as hereinafter mentioned. Company to employ locomotive engines, &c. And to make charges

**42** The Company shall run one train at least every day (*Sundays* One train daily.

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excepted) from the Station in *Launceston* to the Station in *Deloraine*, or the reverse, and one return train.

Stations, where placed.

**43** All requisite Stations shall be erected and put up at such places as the Company shall think fit.

Power to retain goods in default of payment of charge.

**44** In case default shall be made in payment of any money due and payable to the Company under the authority of this Act, the same may be recovered in a summary way before any Two Justices of the Peace by the Company or by any person from time to time appointed and authorised by the Company to receive the same; and it shall be lawful for the Company to detain the goods and merchandise in respect of which such money shall be payable until the money payable in respect thereof shall have been fully paid and satisfied.

Company not to be liable to a greater extent than common carriers.

**45** Nothing in this Act contained shall extend to charge or make liable the Company further or in any other case than where, according to the Laws of the Realm, stage coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the Company of any protection or privilege which common carriers or stage coach proprietors may be entitled to; but, on the contrary, the Company shall at all times be entitled to the benefit of every such protection and privilege.

Penalty on passengers practising frauds on the Company.

**46** If any person travels or attempts to travel in any carriage of the Company without having previously paid his fare, and with intent to avoid payment thereof; or if any person having paid his fare for a certain distance, knowingly and wilfully proceeds in any such carriage beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof; or if any person knowingly and wilfully 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 forfeit to the Company a sum not exceeding Forty Shillings.

Detention of offenders.

**47** If any person be discovered, either in or after committing, or attempting to commit, any such offence as in the preceding enactment mentioned, all Officers and Servants and other persons on behalf of the Company, and all Constables, Gaolers, and Peace Officers, may, if the name and address of such person cannot then be reasonably ascertained, lawfully apprehend and detain such person until he can conveniently be taken before some Justice, or until he be otherwise discharged by due course of law.

Penalty for bringing dangerous goods on the Railway.

**48** No person shall be entitled to carry, or to require the Company to carry, upon the Railway any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the Company, may be of a dangerous nature; and if any person send by the Railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Book-keeper or other servant of the Company with whom the same are left, at the time of so sending, he shall forfeit to the Company Twenty Pounds for every such offence; and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

*Launceston and Deloraine Railway.**Bye-laws.*

**49** It shall be lawful for the Company, from time to time, to make such Bye-laws for regulating their affairs and the management of the said Railway, and the fixing of the charges for the conveyance of passengers, goods, and other things thereon, as they may think fit, and to repeal or alter any such Bye-laws, provided that such Bye-laws shall not be repugnant to the provisions of this Act; and such Bye-laws shall be in writing under the hand of the Chairman of the Company, and, if affecting other persons than their own Officers and Servants, shall be subject to the approval of the Governor in Council, and be published as hereinafter is provided.

Bye-laws may be made,

and altered.

**50** The Company, by the Bye-laws so to be made by them, may, subject to the approval of the Governor in Council, impose such reasonable penalties as they may think fit, not exceeding Ten Pounds, for each breach of such Bye-laws or any of them.

Bye-laws may be enforced by penalties.

**51** All such Bye-laws relating to other persons than the Servants and Officers of the Company, when the same shall have been made and approved as aforesaid, shall be published in the *Gazette*, and shall also be printed in legible letters and put up in some conspicuous place in the principal office of the Company, and at the different Stations, and be open to inspection without fee or reward; and in case any person shall prevent the same being inspected at all reasonable times, he shall for every such offence be liable to a penalty not exceeding Five Pounds.

Bye-laws to be published.

**52** All Bye-laws made according to the provisions of this Act, when so published and put up, shall be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same.

Bye-laws to be binding on all persons.

*Crossing of Roads.*

**53** Where the Railway crosses the following public roads; namely, the *George Town Road*, the *Patterson's Plains Road*, the *Evandale Road*, the *High Road to Hobart Town at Perth*, *Wellington-street* in the Township of *Longford*, the *Road from Longford Bridge to Bishopsbourne*, and the *Road at Exton*, the Company shall allow Twelve feet of the Railway for all such roads, and shall also erect, and at all times maintain, good and sufficient gates across the said several public roads on each side of the Railway where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly open on both sides of the Railway except when the trains are about to pass along the same, Five minutes before which time they shall be closed, and kept closed until the train passes; and such gates shall be of such dimensions and so constructed as, when closed, to fence in the Railway and prevent cattle or horses passing along the road from entering upon the Railway; and the persons entrusted with the care of the said gates shall cause the same to be opened as soon as the trains shall have passed, under a penalty not exceeding Ten Pounds for every default therein.

Crossing of roads.

**54** Where the Railway crosses any other public Roads than those enumerated in the preceding Section, the Company shall allow Twelve feet of the Railway for all such roads, and shall likewise erect, and at all times maintain, good and sufficient gates across the same on each side of the Railway where the same shall communi-

Crossing of public roads.

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cate therewith; and such last-mentioned gates shall also be of such dimensions, and so constructed, as when closed to fence in the Railway and prevent cattle or horses passing along the road from entering upon the Railway; and the said last-mentioned gates shall be opened and closed by the person and persons using and passing through the same, as soon as he and the carriage, cattle, or other animals under his care have passed through the same, under a penalty in case of neglect not exceeding Ten Pounds.

Crossing of private roads.

**55** Where the Railway crosses any private or occupation road, the Company shall allow Twelve feet of the Railway for the same; and from time to time they may make and maintain other private level crossings or occupation roads where and at such places as they may think fit, and shall allow Twelve feet of the Railway for all such roads; and in all such cases they shall likewise erect and maintain good and sufficient field-gates, set and placed in the line of the fence on each side of the Railway; and all such field-gates shall also be opened and shut by the person and persons using and passing through the same, as soon as he and the carriage, cattle, or other animals under his care have passed through the same, under the penalty last aforesaid.

As to crossing of turnpike roads adjoining Stations.

**56** Where the Railway crosses any turnpike road on a level adjoining to a Station, all trains on the Railway shall be made to slacken their speed before arriving at such turnpike road, and shall not cross the same at any greater rate of speed than Four miles an hour.

*Leasing.*

Exercise of power to lease the Railway.

**57** It shall be lawful for the Company, from time to time, to let the Tolls and Charges authorised to be taken and collected under the provisions of this Act, together with the Rolling Stock and all other the appurtenances thereunto belonging; and such security shall be taken by the Company as they may think necessary for the due payment of the rent or sum stipulated to be paid for such Tolls and Charges, and Rolling Stock, and appurtenances; and during the continuance of any such demise the Lessee, or any Collector, or person or persons by him appointed, is hereby empowered to demand and take the Tolls and Charges so let, and to use the same means for the recovery thereof, in case of non-payment or evasion, as the Company, or any person or persons for such purpose appointed by them, is by this Act empowered to use.

*Works for Protection and Accommodation of Lands.*

Gates, bridges, &c.

**58** The Company shall make, and at all times thereafter maintain, the following works for the accommodation of the owners and occupiers of lands adjoining the Railway; (that is to say,)

Such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of or leading to or from the Railway as shall be necessary for the purpose of making good any interruptions caused by the Railway to the use of the lands through which the Railway shall be made; and such works shall be made forthwith after the part of the Railway passing over such lands shall have been laid out or formed, or during the formation thereof;

Fences.

Also sufficient posts, rails, hedges, ditches, mounds, or other fences for separating the land taken for the use of the Railway from the adjoining lands not taken, and protecting such lands from

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trespass, or the cattle of the owners or occupiers thereof from straying thereout by reason of the Railway, together with all necessary gates made to open towards such adjoining lands and not towards the Railway, and all necessary stiles; and such posts, rails, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be;

Also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the Railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the Railway as before the making of the Railway, or as nearly so as may be; and such works shall be made from time to time as the Railway works proceed;

Drains.

Also proper watering places for cattle where by reason of the Railway the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the Railway had not been made, or as nearly so as may be; and the Company shall make all necessary water-courses and drains for the purpose of conveying water to the said watering places:

Watering places.

Provided always, that the Company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the Railway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive, and shall have been paid, compensation instead of the making them.

**59** If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by Two Justices not being Shareholders in the Company; and such Justices shall also appoint the time within which such works shall be commenced and executed by the Company.

Differences as to accommodation works to be settled by Justices.

**60** If for Fourteen days next after the time appointed by such Justices for the commencement of any such works the Company shall fail to commence such works, or having commenced shall fail to proceed diligently to execute the same in a sufficient manner, it shall be lawful for the party aggrieved by such failure himself to execute such works or repairs, and the reasonable expenses thereof shall be repaid to the party by whom the same shall so have been executed; and if there be any dispute about such expenses the same shall be settled by two Justices not being Shareholders in the Company: Provided always, that no such owner or occupier or other person shall obstruct or injure the Railway, or any of the works connected therewith, for a longer time, nor use them in any other manner, than is unavoidably necessary for the execution or repair of such accommodation works.

Execution of works by owners on default by the Company.

**61** If any of the owners or occupiers of lands affected by such Railway shall consider the accommodation works made by the Company, or directed by such Justices to be made by the Company, insufficient for the commodious use of their respective lauds, it shall be lawful for any such owner or occupier at any time, at his own expense, to make such further works for that purpose as he shall think necessary,

Power to owners of land to make additional accommodation works.

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and as shall be agreed to by the Company, or in case of difference as shall be authorised by two Justices not being Shareholders in the Company.

Such works to be constructed under the superintendence of the Company's Engineer.

**62** If the Company so desire, all such last-mentioned accommodation works shall be constructed under the superintendence of their Engineer, and according to plans and specifications to be submitted to and approved by such Engineer.

Accommodation works not to be required after Five years.

**63** The Company shall not be compelled to make any further or additional accommodation works for the use of owners and occupiers of land adjoining the Railway after the expiration of the prescribed period, or if no period be prescribed, after Five years from the completion of the works, and the opening of the Railway for public use.

Owners to be allowed to cross until accommodation works are made.

**64** Until the Company shall have made the bridges or other proper communications which they shall, under the provisions herein contained, have been required to make between lands intersected by the Railway, and no longer, the owners and occupiers of such lands, and any other persons whose right of way shall be affected by the want of such communication, and their respective servants, may at all times freely pass and repass, with carriages, horses, and other animals, directly, but not otherwise, across the part of the Railway made in or through their respective lands, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the Railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have in his arrangements with the Company received or agreed to receive compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the Railway.

Penalty on persons omitting to fasten gates.

**65** If any person omit to shut and fasten any gate set up at either side of the Railway for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriage, cattle, or other animals under his care have passed through the same, he shall forfeit for every such offence any sum not exceeding Ten Pounds.

*Powers to borrow, &c.*

Company may borrow money.

**66** After one-fourth of the cost of constructing the said Railway has been paid up or expended on its construction by the Subscribers to the said Railway, the Company may, for the purposes of this Act, from time to time borrow such sums of money as they think fit, not exceeding in the whole three times the amount of paid up or expended capital, by the issue of Railway Bonds (endorsed by the Colonial Treasurer) at thirty-five years date, which Bonds may be renewed from time to time by the said Company.

Governor in Council to guarantee interest.

**67** In order to facilitate the said loan or loans, the Governor in Council shall guarantee the payment of interest at not more than Six *per centum* per annum on the same or any part or parts thereof, not exceeding in the whole the sum of £300,000: Provided always, that in every such case, and so far as the Government shall in consequence of such guarantee advance and pay any such sum of money as aforesaid, all moneys so paid shall be and the same are hereby declared to be a first or primary charge upon the said Railway works and upon any moneys received or to be received by the said Company under and



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by virtue of this Act: Provided always, that, before any Bonds are issued and interest guaranteed thereon by the Government, Commissioners shall be appointed by the Governor in Council, who shall be empowered to examine the Plans and Specifications and the Contract for the construction of the said Railway and Works, and shall report thereon to the Governor in Council, upon whose approval the Works may be commenced and proceeded with; and the said Commissioners shall subsequently ascertain if one-fourth of the Contract cost of the said Railway and Works has been paid up to the Treasurer of the said Company, or actually expended upon its construction; and in the event of such expenditure, then to report if the Railway and Works have been constructed according to such Contract; and when the Governor in Council has been so certified that the one-fourth of the cost of the construction of the said Railway and Works has been paid up or expended as aforesaid, he shall, on application of the Company, guarantee payment of interest on three-fourths of the said Contract; and the payments to be made in respect of the three-fourths of the Contract for the cost of construction of the said Railway and Works shall be provided for by the issue of Railway Bonds, in such manner from time to time as shall be approved of by the Governor in Council: Provided also, that a Contract for the construction of the said Railway shall be entered into, a copy of which shall be submitted to the Governor in Council, and the Works shall be commenced on or before the 1st day of *April*, 1867: And it is further provided, that the Commissioners hereinbefore referred to shall be empowered to examine from time to time the Railway Works, and no deviation from the terms of the said Contract shall be lawful without the consent of the said Commissioners and the approval of the Governor in Council; and all costs and charges arising from the aforesaid provisions shall be a charge upon the said Railway Company, whose Managing Director or Chairman shall pay the same to the Colonial Treasurer when called upon so to do by the aforesaid Commissioners: And it is further provided, that it shall not be lawful to issue any Railway Bond below Par.

And appoint  
Commissioners.

Bonds not to be  
issued below Par.

**68** If at any time the Company shall fail to pay and satisfy the interest payable on the moneys raised as aforesaid, or any part or parts of such moneys, such deficiency shall, from time to time, when and so often as occasion may require, be provided and paid by the Colonial Treasurer out of the General Revenue of the Colony, which he is hereby authorised and required to do; and the Colonial Treasurer shall be repaid all such moneys out of a Rate to be from time to time levied as hereinafter provided.

Colonial Treas-  
urer to pay  
interest in case of  
deficiency.

**69** If at any time, in consequence of the non-payment of interest due upon any such money borrowed as aforesaid, the Colonial Treasurer shall pay any such interest, the Governor in Council shall make and levy a rate to be called the Railway Rate in the manner provided by *The Cross and Bye Roads Act*, 1860, sufficient to repay and for the purpose of repaying the Colonial Treasurer the amount of all moneys he may from time to time have paid as aforesaid towards the said deficiency of interest moneys, or any or either of them; and upon the making of any such Rate, a notice, specifying the amount in the Pound of the Rate, the purpose for which the same is made, and at what time or times the same is payable, shall be published in the *Gazette*; and upon any such notice being so published, the Rate therein mentioned shall be payable and paid at the time or times specified in such notice by the then respective owners and

Rating.

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occupiers of all assessed lands within the District according to the annual value of such lands as ascertained and determined by the Valuation Roll for the time being in force for the District altered as hereinafter provided; and it shall not be necessary in any such notice to set forth the names of the persons liable to the payment of the Rate, or the sums which according to such Rate such persons are liable to pay, or any other particulars than herein-before in that behalf mentioned: Provided always, that all such moneys as shall be paid by the Colonial Treasurer for deficiencies of interest, and by the inhabitants aforesaid by way of Rates as aforesaid, shall be repayable to them respectively as hereinafter provided.

Appointment of Commissioners to re-value.

**70** Before any such Rate as aforesaid shall be made or levied the Governor shall appoint a Commissioner or Commissioners, who shall, for the purposes of this Act, re-value, by a fair valuation with reference to the Railway accommodation, the several properties within the said District then described in the Valuation Roll for the time being.

And to publish such appointment.

**71** The Governor shall cause the appointment of Commissioners to be forthwith published in the *Gazette*.

Particulars to be set out in Roll.

**72** The Re-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"

**73** If at the time of making any re-valuation under this 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 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 Roll the name of such occupier or owner, as the case may be.

Commissioner to publish Roll of Properties.  
Notice of holding Court of Appeal.

**74** The Commissioner or Commissioners having completed the Re-valuation 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 Re-valuation in the *Gazette*, and place of holding the Court of Appeal hereinafter mentioned, to the effect that any person who considers himself aggrieved by such Re-valuation may appeal against the same to such Court, or may obtain redress without the necessity of appeal by satisfying the Commissioner or 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 against Re-valuations.

**75** The Justices, not being Shareholders, in each Road District or part of a Road District included in the District shall assemble in Special Session and hold a Court of Appeal, at such time and place as aforesaid, for hearing Appeals against Re-valuations made by the Commissioners of the property within such Road District, which Court may be adjourned from time to time; and at such Court, and at the latest on or before the Twentieth day after the first day of holding such Court, all such Appeals and complaints shall be disposed of; and the decision of

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such Court of Appeal shall be final: Provided that no Justice who may have acted as Commissioner shall sit in any case of Appeal brought before the Justices in Special Session against any Re-valuation made by him as Commissioner.

**76** Any person affected by any such Re-valuation, or his Attorney or Agent, may appeal against the same, either on the ground that his Property is not valued in proportion to the benefit it will receive from the construction of the Railway as herein provided, or that he is erroneously stated in the Roll of such Re-valuation 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 Revaluation, or on any other ground whatsoever of the inequality, unfairness, or incorrectness of such Re-valuation. Grounds of Appeal.

**77** No such Appeal shall be entertained by any Court of Appeal unless notice in writing of such Appeal, specifying the grounds thereof, is given by the Appellant to one of the Commissioners or the Clerk of the Peace at least Five days previous to the day of holding such Court. Notice of Appeal to be given.

**78** One of the Commissioners shall attend at each Court of Appeal, and answer on oath all such Questions as may be put to him touching the Re-valuation, or any matter relating thereto. Commissioner to attend Court of Appeal.

**79** The 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 Petty Sessions attending such Court shall have all the powers of a Clerk of the Peace in relation to the process of the Court of Appeal. Court of Appeal to have powers of Court of General Sessions as to process, &c.

**80** The Court of Appeal shall hear and determine all Appeals, and shall have power to alter such Re-valuation in manner hereinbefore provided, 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 Re-valuation. Court to determine Appeals and correct Re-valuation.

**81** As soon as all Appeals have been disposed of and the Re-valuation of the District thereby completed, the said Roll shall be authenticated as to the Valuation of the Property by the signatures of Two at least of the Justices, not being Shareholders, present at the Court of Appeal, and the Roll shall thenceforth be the Railway Valuation Roll for the District for the purposes of this Act; and such Roll shall forthwith be transmitted by the Justices to the Colonial Treasurer, who shall cause the same to be published in the *Gazette*. Valuation Rolls when completed and authenticated to be printed.

**82** The Roll made up as aforesaid shall be in force until a new Railway Valuation Roll is made up for the District; and the Railway Valuation Roll last made shall always be the Railway Valuation Roll in force under this Act until a new one is made up. Roll how long to be in force.

**83** The Justices, not being Shareholders, in each of the said Road Districts or part of a Road District shall yearly, between the 1st day of *November* and the 31st day of *December* in every year after such Re-valuation has been completed and in operation in the District (except in the year 1865), meet in Special General Session and revise the Railway Valuation Roll of each District, and shall insert the name Justices authorised to revise Valuation Rolls.

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of any person, or the description and valuation of any Property, which ought to be included in or has been omitted from such Railway Valuation Roll, and shall make all insertions, additions, alterations, or amendments in the Railway Valuation Roll which may appear to be necessary by reason of the change of ownership, occupation, limits, or value of any Property, 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 Justices that any Property or the name of any Owner or Occupier which ought to be included in the Railway Valuation Roll has been omitted therefrom, the Justices, not being Shareholders, 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 Railway Valuation Roll, subject to the foregoing provisions as to the publication of Notice and the right of being heard; and the Justices shall forthwith, after any such Revision or insertion is made, transmit a Statement thereof, signed by Two Justices, not being Shareholders, to the Colonial Treasurer, who shall cause the same to be printed in the *Gazette*.

Governor in Council may in like manner cause new Valuation to be made.

**84** Whenever the Governor in Council is of opinion that, from the general change of the value of Property in the District, or from other circumstances, the Roll in force for such District is no longer a fair standard of value of the Property in such District, he may cause to be made a new Valuation in the manner, as nearly as may be, prescribed in relation to the first Valuation to be made under this Act; and all the provisions of this Act shall apply to the making up of such new Valuation, and to all matters incident thereto, in the same manner, as nearly as may be, that such provisions apply to the making up of such first Valuation and the matters incident thereto.

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

**85** The validity of the Roll shall not be affected by reason that any of the provisions of 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.

Roll evidence.

**86** In all legal proceedings the Roll may be proved by the production of a copy of such Roll, bearing the imprint of the Government Printer.

Rates how to be recovered.

**87** All rates made and levied under this Act shall be recoverable and collected in the same manner as any rate made and levied under *The Cross and Bye Roads Act*, 1860, is recoverable and collected under that Act; and so much of the said Act as relates to the recovery of Road Rates shall be incorporated in this Act.

Governor may appoint Collectors of Rates.

**88** The Governor may appoint Collectors of Rates under this Act.

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**89** Whenever the net profits of the Company shall exceed the sum of Seven per centum per annum on the capital of the Company, and so long as and whenever such excess shall continue so to be realised, until all such moneys as aforesaid have been repaid, the Company shall pay to the Colonial Treasurer out of such excess all moneys which shall from time to time have been paid by him out of the Public Revenues as aforesaid for any deficiency of Interest, after deducting so much thereof as he may have received from Rates as aforesaid; and all moneys which shall have been paid by the Ratepayers for or by way of Rates to meet the deficiencies aforesaid, and such moneys shall be so repaid in manner following; that is to say,—The moneys repayable to the Colonial Treasurer shall be paid to him personally, and the moneys repayable to the inhabitants aforesaid shall, with all convenient speed, be, so far as respects the Town of *Launceston*, paid to the Treasurer of the *Launceston* Corporation on account of the General Municipal Fund, and so far as respects the remaining portions of the District, paid to the Chairman of the said several Road Districts to the credit of the fund in their respective hands under *The Cross and Bye Roads Act*, 1860.

Repayment by Company of moneys paid by Treasurer and District.

*Arbitration.*

**90** When any dispute shall have arisen for the settlement of which no other provision is made by this Act or any Act incorporated therewith, then, unless both parties shall concur in the appointment of a single Arbitrator, each party, on the request of the other party, shall nominate and appoint an Arbitrator to whom such dispute shall be referred; and every appointment of an Arbitrator shall be made on the part of the Company under the hand of the Secretary and any Two of the Directors of the Company, and on the part of any other party under the hand of such party, or if such party be a Corporation aggregate, under the Common Seal of such Corporation; and such appointment shall be delivered to the Arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of Fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an Arbitrator, such last-mentioned party fail to appoint such Arbitrator, then upon such failure the party making the request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both parties, and such Arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single Arbitrator shall be final.

Appointment of Arbitrators when questions are to be determined by arbitration.

**91** If before the matters so referred shall be determined any Arbitrator appointed by either party die or become incapable to act, the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of Fourteen days after notice in writing from the other party for that purpose he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death or incapacity as aforesaid.

Vacancy of Arbitrators to be supplied.

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Appointment of  
Umpire.

**92** When more than one Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an Umpire to decide on any such matters on which they shall differ, or which shall be referred to him under this Act; and if such Umpire shall die, or become incapable to act, they shall within Fourteen days after such death or incapacity appoint another Umpire in his place; and the decision of every such Umpire on the matters so referred to him shall be final.

Governor in  
Council em-  
powered to ap-  
point an Umpire  
on neglect of the  
Arbitrators.

**93** If in either of the cases aforesaid the said Arbitrators shall refuse, or shall for Fourteen days after request of either party to such arbitration neglect to appoint an Umpire, the Governor in Council shall, on the application of either party to such arbitration, appoint an Umpire; and the decision of such Umpire on the matters on which the Arbitrators shall differ, or which shall be referred to him under this Act, shall be final.

In case of death  
of single Arbitra-  
tor the matter to  
begin *de novo*.

**94** If where a single Arbitrator shall have been appointed such Arbitrator shall die, or become incapable to act, before he shall have made his award, the matter referred to him shall be determined by arbitration, under the provisions of this Act, in the same manner as if such Arbitrator had not been appointed.

If either Arbitra-  
tor refuses to act  
the other to pro-  
ceed *ex parte*.

**95** If, where more than one Arbitrator shall have been appointed, either of the Arbitrators refuses or for Fourteen days neglects to act, the other Arbitrator may proceed *ex parte*, and the decision of such other Arbitrator shall be as effectual as if he had been the single Arbitrator appointed by both parties.

If Arbitrators fail  
to make their  
award within  
Twenty-one days  
the matter to go to  
the Umpire.

**96** If, where more than one Arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such Arbitrators shall fail to make their award within Twenty-one days after the day on which the last of such Arbitrators shall have been appointed, or within such extended time, if any, as shall have been appointed for that purpose by both such Arbitrators under their hands, the matter referred to them shall be determined by the Umpire to be appointed as aforesaid.

Power for Arbi-  
trators to call for  
books, &c.

**97** The said Arbitrators or their Umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrator and  
Umpire to make  
declaration.

**98** Before any Arbitrator or Umpire shall enter into the consideration of any matters referred to him he shall, in the presence of a Justice, make and subscribe the following declaration; that is to say,

“ I *A.B.* do solemnly and sincerely declare, that I will faithfully and  
“ honestly, and to the best of my skill and ability, hear and determine  
“ the matters referred to me under the provisions of the Act [*naming*  
*the Act*] *A.B.*

“ Made and subscribed in the presence of ”

And such declaration shall be annexed to the award when made; and if any Arbitrator or Umpire, having made such declaration, shall wilfully act contrary thereto, he shall be guilty of a misdemeanor.

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**99** Except where by this Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the Arbitrators shall be in the discretion of the Arbitrators.

Costs to be in the discretion of the Arbitrators.

**100** The submission to any such arbitration may be made a Rule of the Supreme Court on the application of either of the parties.

Submission to arbitration may be made a Rule of Court.

**101** No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

The award not to be set aside for matter of form.

**102** Any summons or notice, or any writ or other proceeding at law or in equity requiring to be served upon the Company may be served by the same being left at or transmitted through the post directed to the principal office of the Company, or one of their principal offices where there shall be more than one, or being given personally to the Secretary, or in case there be no Secretary then by being given to any one Director of the Company.

Service of Notices upon Company.

**103** If any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made, it shall be lawful for the Defendant, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Tender of amends.

*Recovery and Appropriation of Penalties.*

**104** All offences against this Act, or against any Bye-law to be passed in pursuance thereof, and all penalties and sums of money imposed or made payable by this Act or any such Bye-law, shall, where no other proceeding is by law provided, be heard, determined, and recovered in a summary way by and before any Justice of the Peace, not being a Shareholder, in the mode prescribed by *The Magistrates Summary Procedure Act*; and all penalties received by virtue of this Act shall, if not otherwise specifically directed, be paid to the Commissioners, and shall form part of the moneys at their disposal for the purposes of this Act.

Offences to be dealt with summarily.

19 Vict. No. 8.

*Appeal from Penalties.*

**105** Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act or of any such Bye-law as aforesaid, which is recoverable in a summary manner, may, unless otherwise expressly provided, appeal against the same in the mode prescribed by *The Appeals Regulation Act*.

Appeals from penalties.

19 Vict. No. 10.

*Proceedings by and against the Company.*

**106** No Plaintiff shall recover in any action commenced against any person for anything done in pursuance of this Act unless such action be commenced within Three months after the cause of action has accrued, and unless notice in writing has been given to the Defendant One month

Limitation of Action.

Notice of Action.

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Tender of amends. at least before such action is commenced of such intended action signed by the attorney of the plaintiff specifying the cause of action; nor shall the Plaintiff recover in any such action if tender of sufficient amends has been made to him or his attorney by or on behalf of the Defendant before such action brought; and in case no such tender is made, it shall be lawful for the Defendant in any such action, at any time before issue joined, to pay into Court such sum of money as he thinks proper; and the Defendant in every such action may plead the general issue, and give the special matter in evidence, and that the same was done in pursuance and under the authority of this Act; and if the same appears to have been so done, or if such action or suit has been brought before the expiration of One month next after such notice has been given as aforesaid, or after sufficient satisfaction made, or tender as aforesaid, or after the time limited for bringing the same as aforesaid, then, and in every such case, the Jury shall find a verdict for the Defendant; and upon such verdict, or if the Plaintiff is nonsuited or discontinues his action, or if upon demurrer or otherwise the judgment is given against the Plaintiff, then and in every such case the Defendant shall have double costs, and shall have the same remedy for recovering the same as any Defendant has for his costs in any other cases by law.

Payment into Court.

*Poll to be taken.*

Poll of landholders to be taken.

**107** Notwithstanding anything herein-before contained, the Governor in Council shall not be authorised to guarantee the interest on the aforesaid loan or loans, nor shall the landholders resident in the District be liable to any rate on account of any deficiency of interest as aforesaid, until and after the said landholders have by a majority of Two out of Three votes, at a poll to be taken for the purpose, expressed their willingness to be chargeable with a rate in event of such deficiency of interest aforesaid.

Scale of voting.

**108** For the purposes of such poll, every landholder shall have a number of votes proportioned to the annual value as ascertained by the Valuation Roll of the property within the District owned by him according to the following Scale:—

<i>Annual Value of Property.</i>	<i>Number of Votes.</i>
£10 and under £50.....	1
£50 and under £100.....	2
£100 and under £150.....	3
£150 and under £200.....	4
£200 and under £250.....	5
£250 and under £300.....	6
£300 and under £350.....	7
£350 and under £400.....	8
£400 and under £450.....	9
£450 and upwards.....	10

Votes according to aggregate value.

**109** Any landholder of several properties within the District shall be entitled to a number of votes according to the scale aforesaid, in proportion to the aggregate annual value of such properties on the Valuation Roll of the District for the time being.

Joint ownership.

**110** Where any property is jointly owned by more persons than one, each of such joint owners, if the annual value of such property is of an amount which, when divided by the number of such joint owners, gives for each owner a sum not less than the sum which would



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entitle such person to vote at any such poll if he owned separately, shall be entitled to vote at any such poll in respect of the property so jointly owned; and if the value of such property is not of such an amount as to be so divisible as aforesaid, then only such one of such joint owners shall be entitled to vote at any such poll in respect of the property so jointly owned.

**111** The several places described in Schedule (2.) of this Act shall be polling places for the purpose of taking the poll as aforesaid. Polling places.

**112** The Governor in Council shall within Thirty days after the passing of this Act appoint a Returning Officer for the purpose of taking such poll; and such poll shall be taken within Three months after the passing of this Act. Governor to appoint Returning Officer.

**113** The Returning Officer shall cause to be published, immediately after his appointment as aforesaid, in the *Gazette*, and in one paper at the least published in *Hobart Town* and *Launceston* Fourteen days prior to such poll being taken, a notice under his hand, setting forth the purpose for which such poll will be taken, the days and hours on which such poll will be taken, and the Districts for which such poll will be taken, and the several places whereat such poll will be so taken. Polls to be published.

**114** The Returning Officer shall preside at one polling place, which shall be deemed to be the principal polling place, and shall appoint a Deputy to act for him and take the poll at each of the other polling places; and such Deputy shall be appointed by writing under the hand of the Returning Officer. Officer may appoint Deputies.

**115** The Returning Officer shall cause such rooms to be hired or otherwise obtained at each polling place as occasion may require; shall supply sufficient writing materials and copies of the Valuation Roll for use of each polling place; and if necessary may appoint Poll-clerks. Rooms, &c. to be provided.

**116** The Company and the Returning Officer may each appoint one or more persons, not being more than three, to act as Scrutineers, who shall be entitled to be present in the room in which the votes are registered as hereinafter provided. Scrutineers.

**117** Any vote tendered at any such poll may be objected to by any Scrutineer then present, on the ground that the person tendering the same is not a landholder within the meaning of this Act; and every such objection shall be decided by the Returning Officer or the Deputy Returning Officer presiding at any polling place. Votes may be objected to.

**118** The registration of votes shall be held before the Returning Officer or Deputy Returning Officer; and shall commence at Nine o'clock in the forenoon and shall finally close at Four o'clock in the afternoon of the same day, unless adjourned by reason of interruption as hereafter provided. Time of Poll.

**119** The Returning Officer before and in time for holding such poll shall cause a list, to be called the Polling List, to be made out in alphabetical order of the names of all landowners on the Valuation Rolls for the time being, and such Polling List shall show the value of the property in respect of which such landowner is assessed within the Railway District and the number of votes to which each landowner is entitled,

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Mode of voting.

and shall cause a sufficient number of copies of such Polling List to be printed for use at such polling, and every landowner requiring a copy thereof shall be supplied with the same upon payment of a reasonable price for each copy. Such registration of votes shall be conducted in manner following:—Each and every voter shall enter unattended into the room provided for the purposes of such registration, and in presence of the Returning Officer or Deputy Returning Officer sign his name on the Polling List opposite to where his name, residence, and annual value of property appears, and shall receive from the Returning Officer a Ballot Paper, with the number of votes to which such voter is entitled, and the words “yes” and “no,” printed thereon; and he shall then retire unattended into a private room, and shall there strike out the word “yes” or “no,” and shall afterwards place the Ballot Paper in a Ballot Box provided for that purpose; and if the word “yes” remains on the said Ballot Paper, it shall be taken to signify that the person so voting is in favour of the construction of the Railway under the provisions of this Act, and if the word “no” shall remain as aforesaid, it shall be taken to signify that the person so voting is not in favour of the construction of the Railway under the provisions of this Act.

Provision in case of blind persons, &amp;c.

**120** In event of any voter who is blind or cannot write desiring to vote, such Returning Officer or Deputy Returning Officer shall write his name in the proper place on the Polling List as aforesaid, and attest the same under his hand; and shall strike out the word yes or no as such voter shall direct; and such registration shall be binding on such voter.

Returning Officer and Deputies to make Returns.

**121** Each Deputy Returning Officer shall, upon close of the poll and not previously, sign the said Polling List upon which the said signatures and registration have been written; and any Scrutineer then present may also sign the said Roll in verification of its being correct; and the Deputy Returning Officer shall, with the least possible delay, deliver the same to the Returning Officer, who shall, as soon as possible after, in the presence of any Deputy Returning Officer and of any Scrutineer or Scrutineers as choose to attend, make an abstract of the total result of the said poll, as taken at the principal polling-place and the several other polling-places, and shall sign the same, and immediately transmit such abstract, and the several copies of the Polling List signed as aforesaid, to the Governor in Council; and the said abstract shall be published within Ten days after its receipt thereof in the *Hobart Town Gazette*.

Adjournment in event of interruption.

**122** Where proceedings at any registration directed to be holden under this Act are so interrupted or obstructed that the Returning Officer or Deputy Returning Officer deems it desirable not to proceed, or where, from the number of Voters tendering their Votes, or where from any other cause the Election cannot be concluded within One day, such Returning Officer or Deputy shall not for such cause finally close the poll, but shall adjourn the same until the day following; and shall, if necessary, in like manner adjourn such poll until interruption or obstruction has ceased, when the Returning Officer or Deputy shall proceed with the taking of the poll; and whenever such poll has been so adjourned, notice shall be given thereof to the Returning Officer, who shall not proceed to make total abstract until results of such poll where adjourned have been delivered to him.

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**123** Every person who, upon any examination upon oath under the provisions of this Act or any Act incorporated therewith, shall wilfully and corruptly give false evidence shall be liable to the penalties of wilful and corrupt perjury. False evidence perjury.

**124** The expenses attending the poll to be taken in pursuance of this Act, and all other expenses which the Governor in Council may incur or be put to in carrying this Act into effect, shall be borne and paid by the said Company. Expenses of poll to be paid by Company.

*Short Title.*

**125** In referring to this Act it shall be sufficient to use the expression *The Launceston and Western Railway Act.* Short Title.

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SCHEDULE.

(1.)

EVANDALE ROAD DISTRICT.

Commencing at a point on the South Esk River opposite to the junction with that river of the Perth Road District, along that river to its junction with the Nile River, along that river to Lot 291, 500 acres described as land leased by George Robotham, along that lot and a location of 695 acres, Lot 979 to James Hamilton, to the dividing line of the Evandale and North Esk Road Districts, and along that line to the point of commencement.

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(2.)

Districts of Launceston, that portion of the land between the Road District of Breadalbane, the Township of Launceston, and the North Esk River, and Patterson's Plains .. . . . . .	at Launceston.
(Which shall be the principal Polling-place.)	
Districts of Breadalbane and Evandale .. . . . . .	at Evandale.
District of Perth .. . . . . .	at Perth.
District of Longford .. . . . . .	at Longford.
District of Carrick .. . . . . .	at Carrick.
Districts of Westbury and Exton .. . . . . .	at Westbury.
Districts of Deloraine, Upper Meander, Chudleigh, and Midhurst .. . . . . .	at Deloraine.

