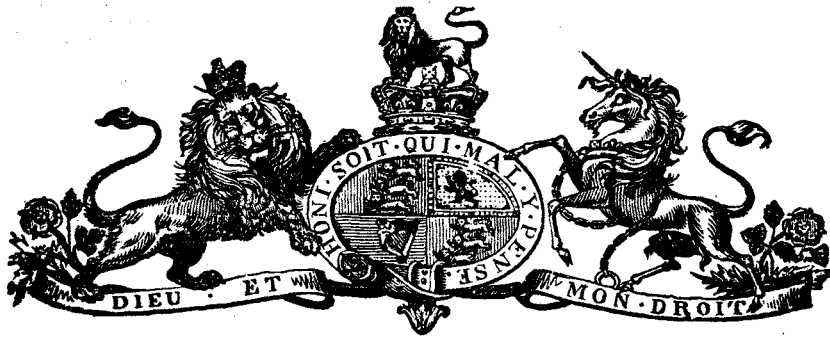


T A S M A N I A.



1872.

ANNO TRICESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 19.



AN ACT to further amend "The Main Line of Railway Act." [27 December, 1872.]

WHEREAS it is desirable and necessary to further amend "The Main Line of Railway Act:" PREAMBLE. 33 Vict. No. 1.

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

**1** In this Act the expression "the said Company" means "The *Tasmanian Main Line Railway Company, Limited*." Interpretation.

**2** Notwithstanding anything to the contrary contained in the Act *24 Victoria, No. 16*, the Governor in Council may grant a lease of any land in the *Queen's Domain, Hobart Town*, for the purpose referred to in Section 3 of "The Main Line of Railway Act," provided such lease shall not demise more than Twenty-five acres of land without the previous sanction of Parliament. Lease of land in Queen's Domain for Railway.

**3** Where in any case the said Company and the Governor in Council shall not be able to agree as to the mode in which the said Company may exercise the powers conferred upon it by this Act, or by any Act relating to the *Launceston and Western Railway*, or upon the arrangements for conducting their joint traffic with safety to the public and to the advantage of each of the said parties, then it shall be lawful for a Judge of the Supreme Court, or for some person being duly qualified in that behalf and appointed by such Judge for that purpose, upon the application of either of the parties, to decide the Decision of disputes.

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questions in dispute between them, and to order and determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either of the parties respectively.

Company may sue and be sued.

**4** The Company incorporated in England by the name of *The Tasmanian Main Line Railway Company, (Limited)*, under the Act of the Imperial Parliament called "The Companies Act, 1862," may sue and be sued in its corporate name in *Tasmania*; and the liability of and proceedings against the Company shall be the same as if the said Company had been duly registered in *Tasmania* under the provisions of *The Companies Act, 1869*.

Part of 33 Vict. No. 22, incorporated.

**5** Sections 43, 44, 45, and 46 of *The Companies Act, 1869*, shall be incorporated with this Act.

Compliance of Company with Sections 8 and 9 of 21 Vict. No. 11.

**6** So much of Section Eight of *The Lands Clauses Act* as requires that in certain cases the whole of the capital or estimated sum for defraying the expenses of the undertaking shall be subscribed under contract, binding the parties thereto, their heirs, executors, and administrators, for the payment of the several sums by them respectively subscribed, shall be deemed to have been complied with in all respects by the "*Tasmanian Main Line Railway Company, Limited*;" and Section Nine of the said Act shall not be deemed to be applicable to the said Company.

Service of notices.

**7** Any bill in equity, writ, summons, notice, order, or other document may be served upon the said Company by delivering the same to their duly appointed attorney or agent, or by leaving the same or sending it through the post in a prepaid letter addressed to the said Company at their registered office.

Sufficiency of notice.

**8** All the powers given to or conferred upon the said Company, and requiring to be exercised either for the purchase or taking of land, or otherwise in or for the construction of the Main Line Railway, may be duly exercised by the Chief Engineer of the said Company; and every notice or document signed by him shall be deemed good and sufficient although not under the common seal of the said Company.

If either party to an award is dissatisfied therewith a Judge of the Supreme Court may decide thereon.

**9** Notwithstanding anything to the contrary contained in any Act, if either party is dissatisfied with the award of the arbitrators where the sum awarded for compensation exceeds the sum of One hundred Pounds, and either party desires to have the compensation settled by a Judge of the Supreme Court, and shall, within Ten days after the making of such award and notice thereof, signify such desire by notice in writing to the other party, then the amount of such compensation shall be ascertained by a Judge of the Supreme Court in such manner as he deems advisable, and subject to such conditions as such Judge sees fit to impose; and such Judge may also in his discretion make any order as to the person by whom the costs of such proceedings shall be borne.

Where the party dissatisfied with the award gives notice to the other party as aforesaid, then such award shall not be made a Rule of Court until such Judge by an order in writing under his hand determines the matter in dispute.

If either party dissatisfied with order of Justices

**10** Notwithstanding anything to the contrary contained in any Act, if the said Company, or any person for whose accommodation the said Company is required to execute any work mentioned in "*The Main*"

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Line of Railway Act," is dissatisfied with the order or determination of any Justice or Justices with reference to any such work, where the value of such work ordered to be done exceeds the value of One hundred Pounds, then the matter in dispute shall be settled by a Judge of the Supreme Court, in manner hereinbefore provided for settling the amount of compensation to be paid. as to accommodation works, a Judge may decide thereon.

**11** It shall be lawful for the Judges of the Supreme Court or either of them to frame and make rules determining the nature of the proceedings which shall be taken for carrying out any of the provisions of the Third, Ninth, and Tenth Sections of this Act, but such rules shall have no force or effect until the same are published in the *Gazette*. Judges may make rules.

**12** This Act and "The Main Line of Railway Act" and "The Main Line of Railway Amendment Act" shall, save as altered or amended by this Act, be read and construed together as one Act. Acts to be read together.

**13** This Act may be cited as "The Main Line of Railway Amendment Act, No. 2." Short Title.

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