

WESTERN AUSTRALIA

ANNO QUADRAGESIMO TERTIO

VICTORIÆ REGINÆ

No. 10

An Act to amend 'The Railways Act, 1878.'

[Assented to 26th August, 1879.]

WHEREAS it is expedient to give to the Commissioner of Railways more extensive powers in the making of By-laws than are conferred by the said Act, and otherwise to amend the same: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. Section 16 of the said Railways Act is hereby amended by inserting the words 'and the Commissioner shall be deemed to be so

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satisfied, and the sum claimed as compensation shall be deemed to be determined, unless if hereafter within sixty days after receiving such notice as aforesaid he shall serve upon the claimant one or other of the notices hereinafter mentioned' after the word 'claimant,' and before the word 'if,' in the 19th line of the said section.

Repeal of sections 27 and 28 of principal Act

2. Sections 27 and 28 of the said Railways Act are hereby repealed.

3. From and after the publication of the certificate mentioned in section 26 of the said Act, it shall be lawful for the Commissioner to open such railway for public traffic, and to cause fares and tolls to be levied from and upon persons, animals, and things carried thereon, and also from time to time, subject to the approval of the Governor, and subject to the provisions and restrictions in this Act or in the said Act contained, to make regulations for the following purposes, that is to say :—

For regulating the mode by which, and the speed at which, carriages using the railway are to be moved or propelled.

For regulating the times of the arrival and departure of any such carriages.

For regulating the loading or unloading of such carriages, and the number of passengers, and the weights which they are respectively to carry.

For regulating the receipt and delivery and other dealings with goods, animals, and things which are conveyed or required to be conveyed upon such carriages; and the manner in which such goods, whether passengers' luggage or otherwise, shall be marked and addressed and booked for carriage.

For regulating the mode in which, and the times within which claims for loss, non-delivery of, or damage to goods, animals, or persons, shall be made to the Commissioner.

For regulating the rates of fares and tolls to be levied from and upon goods, animals, or persons carried upon the railways; and the mode of collecting the same whether by ticket or otherwise; and the issue, sale, and collection of such tickets.

For preventing the smoking of tobacco and the commission of any nuisance in or upon such carriages, or in or upon the railway stations or premises.

And notwithstanding and in addition to the provisions of the 29th, 30th, 32nd, and 33rd sections of the said Act.

For regulating the description of animals and goods which may from time to time be refused to be received for carriage on any railway.

For regulating by published notice or signed contract the liability of the Commissioner as a common carrier for the loss or injury done to any animal, passenger, or thing carried on any railway.

And generally

For regulating the travelling upon or using and working of the railways and the maintenance of good order and rule thereon,

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and at the stations and other buildings and premises in connection therewith; and

For regulating the conduct of the railway officers and servants; and for providing for the due management of the affairs of the railways; and the protection of the railways and other works, and the property used thereon or in connection therewith.

4. For better enforcing the observance of all or any of such regulations, it shall be lawful for the Commissioner, subject to the like approval, to make by-laws, and from time to time to repeal such by-laws and make others. Provided that such by-laws be not repugnant to the laws of the Colony or to the provisions of this Act or the said Act. And such by-laws, when published, shall have the force of law; and the breach thereof shall be punishable in a summary manner before two Justices of the Peace by a penalty not exceeding Ten pounds. And if the infraction or non-observance of any by-law or regulation be attended with danger or annoyance to the public, or hindrance in the lawful use of the railway, it shall be lawful for any railway officer or servant summarily to interfere to obviate or remove such danger, annoyance, or hindrance; and that without prejudice to any penalty incurred by the infraction of any such by-law or otherwise. And it shall be lawful for the Commissioner to do all other acts and things which he may deem necessary to be done in order to insure the safe working of the railway.

Power to make
by-laws

5. Any matter or thing which by the two last preceding sections is required to be published, shall be deemed to have been duly published if the substance thereof has been set forth in the 'Government Gazette,' and at the stations on the line of railway.

Publication of
by-laws

The production of a copy of the 'Government Gazette' containing such substance, shall be sufficient evidence of publication; and proof of publication at one station shall be *prima facie* proof of publication at all the stations.

6. The Justices of Peace who may inflict a penalty for breach of any by-law, may, at the same time, order the person convicted to restore or replace anew, at his own expense, any thing removed, defaced, or destroyed, and in default thereof the Commissioner may effect such restoration or replacement, and certify the costs thereof to any Justice of the Peace, who may thereupon enforce payment thereof in the same manner and under the same conviction as the original penalty is enforceable.

Damage to be
made good by
wrong doer

7. It shall be lawful for the Commissioner, with the consent in writing of the Governor, to agree with the owners of any lands, by the said Act authorised to be taken, and which shall be required for the purposes of the said Act, and with all parties having any estate or interest in such lands or by this Act enabled to sell or convey the same, for the absolute purchase for and on behalf of Her Majesty, for a consideration in money of any such lands or such part thereof as shall be thought proper, and of all estates and interests in such lands of what kind soever.

Power to purchase lands by
agreement

8. It shall be lawful for all parties being seised, possessed of, or entitled to any such lands or any estate or interest therein, to sell and

Parties under
disability enabled

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to sell and convey and exercise other powers

convey, or release the same to the Commissioner, for and on behalf of Her Majesty, and to enter into all necessary agreements for that purpose; and particularly it shall be lawful for all or any of the following parties so seised, possessed, or entitled as aforesaid, so to sell, convey, or release (that is to say) all corporations, tenants in tail or for life, married women seised in their own right or entitled to dower, guardian committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower, or to any lease for life or for lives, and years or for years, or any less interest; and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties other than married women entitled to dower, or lessees for life or for lives, and years or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots respectively, could have exercised the same power under the authority of this Act, if they had respectively been under no disability, and as to such trustees, executors, or administrators on behalf of their *cestuisqui trustent*, whether infants, issue unborn, lunatics, femmes covert, or other persons, and that to the same extent as such *cestuisqui trustent* respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

Power to purchase lands for additional accommodation

9. It shall be lawful for the Commissioner, with the consent of the Governor as aforesaid, in addition to the lands authorised to be compulsorily taken by him under the said Act, to contract with any party willing to sell the same for the purchase, for and on behalf of Her Majesty, of any lands for the purpose of making and providing additional stations, yards, wharves, stallings, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon any railway under the authority of the said Act, and for the erection of weighing machines, toll houses, and other buildings and conveniences, and for any other purpose that may be deemed requisite or convenient for the use of the railways, and it shall be lawful for all parties who, under the provisions hereinbefore contained, would be enabled to sell and convey lands, to sell and convey the lands so authorised to be purchased for the last-mentioned purposes.

Authority to sell such land and to purchase others

10. It shall be lawful for the Commissioner, with the consent of the Governor as aforesaid, to sell and convey the lands which he may have so acquired for extraordinary purposes as aforesaid, or any part thereof, in such manner and for such considerations and to such persons as he may think fit, and again to purchase other lands for the like purposes, and afterwards sell and convey the same, and so from time to time.

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11. The purchase money or compensation to be paid for any lands to be purchased or taken by the Commissioner from any party, who by reason of absence from the Colony is prevented from treating, or who cannot after diligent inquiry be found, and the compensation to be paid for any permanent injury to such lands shall be such as shall be determined by the Master of the Supreme Court.

Compensation to absent parties to be determined by the Master of the Supreme Court

12. Upon application by the Commissioner to the Master of the Supreme Court, and upon such proof as shall be satisfactory to him that any such party is by reason of absence from the Colony prevented from treating, or cannot after diligent inquiry be found, the said Master shall determine the same accordingly.

The Master of the Supreme Court to nominate surveyor

13. If the purchase money or compensation which shall be payable in respect of any lands or any interest therein purchased or taken by the Commissioner from any corporation, tenant for life or in tail, married woman seised in her own right or entitled to dower, guardian committee of lunatic or idiot, trustee, executor, or administrator, or persons having a partial or qualified interest only in such lands, and not entitled to sell or convey the same except under provisions of this Act, or the compensation to be paid for any permanent damage to such lands amount to or exceed the sum of Two hundred pounds, the same shall be paid into the hands of the Master of Supreme Court, to be by him deposited to the account of such Master of Supreme Court *ex parte* 'the Commissioner of Railways,' in the matter of A or B (the party entitled) pursuant to the method prescribed by any Act, or by any rules for the time being in force for regulating moneys paid into the Supreme Court in its equitable jurisdiction, and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes (that is to say) :—

Purchase money payable to parties under disability amounting to Two hundred pounds, to be deposited in the hands of the Registrar of the Supreme Court

Applications of money deposited

In the redemption of the quit rent, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith, to the same or the like uses, trusts, and purposes ; or

In the purchase of other lands, or of Government debentures, or other stock to be conveyed, limited, and settled upon the like uses, trusts, and purposes, and in the same manner as the lands in respect of which such money shall have been paid, stood settled ; or

If such money shall be paid in respect of any buildings taken under the authority of the said Act, or injured by the proximity of the works in removing or replacing such buildings, or substituting others in their stead in such manner as the Supreme Court or any Judge shall direct ; or

In payment to any party becoming absolutely entitled to such money.

14. Such moneys may be so applied as aforesaid upon an order of the said Court or Judge made on the petition of the party who would have been entitled to the rents and profits of the land in respect of which such money shall have been deposited ; and until the money can be so applied it may, upon the like order, be invested by the said

Order for application and investment meanwhile

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Master of the Supreme Court in the purchase of Government or real securities, or deposit at interest in the Post Office Savings Bank, or in a joint stock bank in Western Australia, and the interest, dividends, and annual proceeds thereof paid to the party who would for the time being have been entitled to the rents and profits of the lands.

Sums from
Twenty pounds
to Two hundred
pounds to be
deposited or
paid to trustees

15. If such purchase money or compensation shall not amount to the sum of Two hundred pounds, and shall exceed the sum of Twenty pounds, the same shall either be paid to the Master of the Supreme Court to be by him deposited and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding Two hundred pounds, or the same may lawfully be paid to two trustees to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hand of the party so entitled, and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such money, such nomination may lawfully be made by their respective husbands, guardians, committees or trustees, but such last-mentioned application of the moneys shall not be made unless the Commissioner approve thereof and of the trustees named for the purpose, and the money so paid to such trustees, and the produce arising therefrom, shall be by such trustees applied in the manner hereinbefore directed with respect to money deposited to the account of the Master of Supreme Court, but it shall not be necessary to obtain any order of the Court for that purpose, and if such money shall not exceed the sum of Twenty pounds the same shall be paid to the parties entitled to the rents and profits of the lands, in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, lunacy, or other incapacity of such parties, then such moneys shall be paid for their use to the respective husbands, guardians, committees, or trustees of such persons.

Sum not exceed-
ing Twenty
pounds to be
paid to parties

Supreme Court
may direct
application of
money in respect
of leases or
reversions as
they may think
just

16. Where any purchase money or compensation paid to the Master under the provisions of this Act, shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the said Court or Judge, on the petition of any party interested in such money, to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court or Judge may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid, or as near as thereto as may be.

Purchase money
or compensation
may in certain
cases be paid to
the Master of
Supreme Court

17. If the owner of any lands taken or purchased under the authority of this Act, or of any interest therein, on tender of the purchase money or compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same or neglect or fail to make out a title to such lands, or to the interest therein claimed by him, to the satisfaction of the Commissioner, or if he refuse to convey or release such lands as directed by the Commissioner, or if any such owner be absent from the Colony, or cannot after diligent inquiry be found, it shall be lawful for the Commissioner, if he shall think fit, to deposit the purchase money or compensation payable in respect of such lands, or any interest

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therein, in the hands of the Master of the Supreme Court, to be by him deposited as aforesaid to his account to the credit of the parties interested in such lands (describing them so far as the Commissioner can do), subject to the control and disposition of the said Court.

18. Upon the application by petition of any party making claim to the money so deposited as last aforesaid, or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands or any interest in the same, the said Court or Judge may, in a summary way as to such Court or Judge shall seem fit, order such money to be laid out or invested in the purchase of Government or real securities, or may order distribution thereof, or payment of the dividends thereof, according to the respective estates, titles, or interest of the parties making claim to such money or lands, or any part thereof, and may make such other order in the premises as to such Court or Judge shall seem fit.

Application of
money so
deposited

19. In all cases of moneys deposited under the provisions of this Act, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same or to convey or release the lands in respect whereof the same shall be payable, or by reason of the neglect of any party to make out a good title to the land required, it shall be in the discretion of the said Court or Judge to order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Commissioner, (that is to say) the cost of the purchase or taking of the lands, or which shall have been incurred in consequence thereof other than such costs as are herein otherwise provided for, and the cost of the investment of such moneys in Government or real securities and of the reinvestment thereof in the purchase of other lands, and also the costs of obtaining the proper order for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of Court of the principal of such moneys, or of the securities wherein the same shall be invested, and of all proceedings relating thereto except such as are occasioned by litigation between adverse claimants. Provided always that the cost of one application only for reinvestment in land shall be allowed, unless it shall appear to the said Court or Judge that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands in different sums and at different times, in which case it shall be lawful for the Court, if it think fit, to order the costs of any such investments to be paid by the Commissioner.

Costs in case of
money deposited

20. The costs of all conveyances shall be borne by the Commissioner, and such costs shall include all charges and expenses incurred on the part as well of the seller as of the purchaser of all conveyances and assurances of any such lands and of any outstanding terms or interest therein, and of deducing, evidencing, and verifying the title to such lands, terms, or interests, and of making out and furnishing such abstracts and attested copies as the Commissioner may require, and all other reasonable expenses incident to the investigation, deduction, and verification of such title.

Costs of convey-
ances

21. It shall be lawful for the Commissioner in his discretion to

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Power to redeem
mortgages

purchase or redeem the interest of the mortgagees of any such lands which may be required for the purposes of the said Act, and that whether he shall have previously purchased the equity of redemption of such lands or not, and whether the mortgagee thereof be entitled thereto in his own right, or in trust for any other party, and whether he be in possession of such lands by virtue of such mortgage or not, and whether such mortgage affects such lands solely or jointly with any other lands not required for the purposes of the said Act; and in order thereto the Commissioner may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey or transfer his interest in the lands comprised in such mortgage to the Commissioner as he shall direct, or the Commissioner may give notice in writing to such mortgagee that he will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice, and if he shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months' notice of his intention to redeem the same, then at the expiration of either of such notices, or at any intermediate period upon payment or tender by the Commissioner to the mortgagee of the principal money due on such mortgage, and the interest which would become due at the end of six months from the time of giving either such notices, together with his costs and expenses (if any), such mortgagee shall convey, transfer, or release his interests in the lands comprised in such mortgage to the Commissioner, or as he shall direct.

Deposit of
mortgage money
upon refusal to
accept

22. If in either of the cases aforesaid upon such payment or tender, any mortgagee shall fail to convey or release his interests in such mortgage, as directed by the Commissioner, or if he fails to adduce a good title thereto to his satisfaction, then it shall be lawful for the Commissioner to pay into the hands of the Master of the Supreme Court, to be dealt with by him in the manner provided by this Act in the cases of moneys required to be paid to such Master of the Supreme Court, the principal and interest, together with the costs (if any) due on such mortgage, and also if such payment be made before the expiration of six months' notice as aforesaid, such further interest as would at the time become due; and it shall be lawful for the Commissioner, if he think fit, to execute a deed poll, containing a description of the lands in respect whereof such deposits shall have been made, and describing the circumstances under which, and the names of the parties to whose credit such deposits shall have been made, and such deed poll shall be duly registered by the Commissioner; and thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee, and of all persons in trust for him, or for whom he may be a trustee in such lands, shall vest in the Commissioner, and he shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession.

Sums to be paid
when mortgage
exceeds the value
of the lands

23. If any of such mortgaged lands shall be of less value than the principal interest and costs secured thereon, the value of such lands, or the compensation to be made by the Commissioner in respect thereof,

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shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the Commissioner on the other part, and if the parties fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation being so agreed upon or determined, shall be paid by the Commissioner to the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the Commissioner, or as he shall direct.

24. If upon such payment or tender aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage or to adduce a good title thereto to the satisfaction of the Commissioner, it shall be lawful for the Commissioner to pay the amount of such value or compensation into the hands of the Master of the Supreme Court, to be dealt with by him in the manner provided by this Act in like case of moneys required to be paid to such Master of Supreme Court, and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and it shall be lawful for the Commissioner, if he think fit, to execute a deed poll in manner hereinbefore provided, and thereupon such lands as to all such estate and interest as were then vested in the mortgagee or any person in trust for him shall become absolutely vested in the Commissioner, and he shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession, nevertheless all rights and remedies possessed by the mortgagee against the mortgagor by virtue of any bond or covenant or other obligation other than the right to such lands shall remain in force in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Deposit of money
when refused on
tender

25. If a part only of such mortgaged lands be required for the purposes of the said Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part and also the compensation (if any) to be paid in respect of the severance thereof or otherwise shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such land on the one part, and the Commissioner on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation being so agreed upon or determined, shall be paid by the Commissioner to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and thereupon such mortgagee shall convey, transfer, or release to the Commissioner, or as he shall direct, all his interest in such mortgage lands, the value whereof shall have been so paid, and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy

Sum to be paid
where part only
of mortgage
lands taken

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of such memorandum shall at the same time, if required, be furnished by the Commissioner at the public expense to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money
when refused on
tender

26. If upon payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined such mortgagee shall fail to convey, transfer, or release to the Commissioner or as he shall direct, his interest in the lands, in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto, to the satisfaction of the Commissioner, it shall be lawful for the Commissioner to pay the amount of such value or compensation into the hands of the Master of the Supreme Court, to be dealt with by him in the manner provided by this Act in the case of moneys required to be paid to such Master of Supreme Court, and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and it shall be lawful for the Commissioner, if he think fit, to execute a deed poll in the manner hereinbefore provided, and thereupon such lands shall become absolutely vested in the Commissioner as to all such estate and interest as were then vested in the mortgagee or any person in trust for him, and in case such mortgagee were himself entitled to such possession they shall be entitled to immediate possession thereof; nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue thereof (as the case may be) and the interest thereof respectively upon and out of the residue of such mortgaged lands or the portion thereof not required for the purposes of the said Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such mortgage.

Where part only
of lands under
lease taken, the
rent to be
apportioned

27. If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of the said Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands, and such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the Commissioner on the other part; and if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by arbitration in manner provided by the 17th section of the said Act; and after such apportionment the lessee of such lands shall as to all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of the said Act; and as to the lands not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the said Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

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28. Every such lessee as last aforesaid shall be entitled to receive from the Commissioner compensation for the damage done to him in his tenancy by reason of the severance of the lands required from those not required, or otherwise by reason of the execution of the works.

Tenants to be compensated

29. If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year, or from year to year, and if such person be required to give up possession of any lands so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by an incoming tenant, and for any loss or injury he may sustain, or if a part only of such lands be required compensation for the damage done to him in his tenancy by severing the lands held by him or otherwise injuriously affecting the same, and the amount of such compensation shall be determined by two justices, in case the parties differ about the same, and upon payment or tender of the amount of such compensation all such persons shall respectively deliver up to the Commissioner, or to the person appointed by him to take possession thereof, any such lands in their possession required for the purposes of the said Act.

Compensation to be made to tenants from year to year

30. The 'Railways Act, 1878,' and this Act shall be read together as one Act.

Acts to be read together

31. Sections A, E, F, G, and H of 'The Shortening Ordinance' shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth herein.

Shortening Ordinance

32. That the word 'eleventh,' in the second line of the 14th section of 'The Railways Act, 1878,' be read as 'twelfth,' and that the word 'fifteenth,' in the second line of the 21st section of the same Act, be read as 'sixteenth,' and that the word 'fifteen,' in the tenth line of the said section, be read as 'sixteen.'

14th and 21st section of 42 Vic., No. 31, amended

33. This Act may be cited as 'The Railways Amendment Act, 1879.'

Short title

H. ST. GEORGE ORD,
GOVERNOR.