

T A S M A N I A.



1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 40.

AN ACT to amend "The Railway Construction Act, 1883." A.D. 1885.
[5 December, 1885.] —

WHEREAS by Section Five of "The Railway Construction Act, 1883," with the exceptions in the said Act mentioned, all the provisions contained in Sections Nine to Fifty-seven, both inclusive, of "The *Mersey* and *Deloraine* Railway Act, 1882," are incorporated with the said first-mentioned Act : PREAMBLE.
47 Vict. No. 46.

And whereas by Section Eleven of "The *Mersey* and *Deloraine* Railway Act, 1882," with the exceptions in the said Act mentioned, "The *Lands Clauses Act*" is incorporated therewith : 46 Vict. No. 22.

And whereas it is not expedient, in the public interest, that the provisions and Sections of *The Lands Clauses Act* hereinafter mentioned should be incorporated with "The Railway Construction Act, 1883;" that is to say,—Section Fifty-three, whereby it is provided that previous to entry upon lands, payment of the price thereof is to be made ; Section Fifty-four, whereby it is provided that any such entry, without payment of purchase money of the land and without consent, shall render the promoter of the undertaking liable to penalties ; and Section Fifty-five, whereby it is provided that decisions of Justices are not to be conclusive of certain rights, but that other provision should be made in lieu thereof : 21 Vict. No. 11.

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:—

Railway Construction Act Amendment.

A.D. 1885.

Certain Sections of
21 Vict. No. 11
not to be incor-
porated with
47 Vict. No. 46.

1 Notwithstanding anything to the contrary in any former Act contained, there shall not be incorporated with "The Railway Construction Act, 1883," the Sections and provisions of *The Lands Clauses Act* hereinafter mentioned; that is to say,—Section Fifty-three, whereby it is provided that previous to entry upon lands, payment of the price thereof is to be made; Section Fifty-four, whereby it is provided that any such entry, without payment of purchase money of the land and without consent, shall render the promoter of the undertaking liable to penalties; and Section Fifty-five, whereby it is provided that decisions of Justices are not to be conclusive of certain rights.

Power to enter
upon lands.

2 Subject to the provisions of this Act, and of "The Railway Construction Act, 1883," it shall be lawful for the Minister, for the purposes of the said Act, without making any previous payment or having the previous consent of the owner or occupier, to enter in and upon, after Seven days' notice in writing to such owner or occupier, the lands and grounds, except gardens or orchards, of any person whomsoever, and stake or set out, take possession of, and appropriate such parts thereof, except as aforesaid, as may be necessary and proper for the laying out, making, and using each of the Railways authorised to be constructed under the provisions of the said Act, and all other works, matters, and conveniences connected therewith respectively: Provided that in the exercise of the above-mentioned powers the Minister shall do as little damage as can be, and shall make full compensation in manner in any Act incorporated with the said Act provided to all parties interested for all damage by them sustained by reason of the exercise of such powers.

Indemnity to
Minister for
entry upon lands
before Act.
21 Vict. No. 11.

3 No sum or sums of money shall be recoverable by any person by virtue of the said Section Fifty-four of the *The Lands Clauses Act*, for or on account of penalties or damages thereunder in respect of any lands which have been entered upon and taken possession of for the purposes of "The Railway Construction Act, 1883," by the Minister, without the consent of the owners or occupiers thereof, and without the purchase money or compensation agreed or awarded to be paid to every party having any interest in such lands for their respective interests therein having been paid to every such party, or deposited in Court in the manner mentioned in *The Lands Clauses Act*.

21 Vict. No. 11.

No interest
payable until
Three months
after land taken.

4 No person, whose land shall be purchased, acquired, or taken for the purposes of the said Act, shall be entitled to claim any sum or sums of money by way of interest on the purchase-money of any land so purchased, acquired, or taken until the expiration of Three months from the date of entry in and upon the land as provided in this Act.

Acts to be read
together.

5 "The Railway Construction Act, 1883," as altered or amended by this Act, and this Act shall be read and construed together as one Act.