

WESTERN AUSTRALIA

ANNO QUADRAGESIMO SEXTO

VICTORIÆ REGINÆ

No. 17

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

[Assented to 21st September, 1882.]

WHEREAS it is expedient to amend 'The Railways Act, 1878,' so far as it relates to the payment of the costs of arbitrations held under the provisions of the said Act, for the purpose of deciding the amount of compensation to be made in cases of compulsory purchase of lands: Be it 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. The twentieth section of 'The Railways Act, 1878,' shall be, and the same is hereby repealed, and in lieu thereof there shall be read the following section.

Repeal of 42  
Vic. No. 31,  
sec. 20

2. In every case where the arbitrators shall award the same or less sum than shall have been offered by the Commissioner, all the

Cost of arbitra-  
tion

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*Railways Amendment Act, 1882*

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costs of such arbitration and incident thereto shall be borne by the claimant, but in any case where the amount so awarded shall be larger than the sum offered by the Commissioner, if the excess of the amount so awarded over the sum offered shall be equal to half, or shall be less than half of the difference between the amount offered and the amount claimed, then all such costs shall be borne by the parties in equal proportions; and in any case where the amount so awarded shall be larger than the sum offered by the Commissioner, if the excess of the amount so awarded over the sum offered shall be more than half of the difference between the amount offered and the amount claimed, then all such costs shall be borne by the Commissioner: Provided always, that if either party shall be dissatisfied with any bill of costs that shall be rendered by the other party, such bill of costs may be taxed by the Master or other proper officer of the Supreme Court in the usual way, and the amount allowed by such officer shall be the amount to be paid.

Bill of costs may  
be taxed in usual  
way

Short title

3. This Act may be cited as 'The Railways Amendment Act, 1882,' and shall be read and construed as one with 'The Railways Act, 1878,' and with the other Acts therewith incorporated.

WILLIAM C. F. ROBINSON,  
GOVERNOR.

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