

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to enable the Borough of Newcastle to extend Hunter-street from its present termination to the sea-shore, and for that purpose to acquire and re-sell certain lands and to raise certain loans. [Assented to, 10th January, 1889.]

WHEREAS the Council of the Borough of Newcastle are desirous Preamble.
of extending Hunter-street in the said Borough from its present termination to the sea beach. And whereas the proposed extension will cross Pacific-street, Telford-street, and Zaara-street. And whereas for the purpose of paying the expenses of such construction it is expedient that the said Council should have power to raise money by loans. And whereas it will be necessary to take up the gas and water pipes in the said Pacific-street, Telford-street, and Zaara-street during the construction of the proposed extension. And whereas the proposed extension will add greatly to the convenience of the public for purposes of traffic and locomotion. It is therefore desirable to authorize by Legislative enactment the construction of the proposed extension upon payment of compensation to the several private owners and occupiers whose lands may be taken under the powers hereinafter given; and to authorize the payment of such compensation and other the costs of construction out of moneys to be raised by loans and by re-sale of lands as hereinafter provided, and to give certain other powers. Be it therefore

Hunter-street Newcastle Extension.

therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Power to construct new street.

1. It shall be lawful for the Council of the said Borough to make and construct an extension of Hunter-street aforesaid with pavements or sidepaths from the present termination of Hunter-street, and of the same width as said street, and in the same line therewith from its present termination to the sea beach, and for that purpose to resume, enter upon, and take possession of all lands necessary for the purpose, which lands shall by virtue of this Act, without the necessity of any conveyance, be vested in the said Council and their successors in office, in fee simple, from the passing of this Act.

Power to take up pavements, gutters, gas and water pipes.

2. It shall be lawful for the said Council to take up and remove the pavements and gutters in such portions of Watt-street, Pacific-street, Telford-street, and Zaara-street as are crossed by the new proposed street, and to stop all or any part of the traffic in such streets during such construction as aforesaid, and to remove and displace the gas and water pipes and mains in such street. Provided always that the said Council shall, at their own expense, replace and restore the said pavements, gutters, pipes, and mains within twelve months after such taking-up and removal or immediately after the construction of the said extension, if such construction shall be completed within a less period than twelve months after such taking-up and removal.

Lands vested in the Borough without conveyance.

3. The said Council shall have such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said extension.

Dedication.

4. The said extension shall be open and dedicated to the public upon its completion or within twelve months after the passing of this Act, whichever shall first happen.

Compensation clause.

5. Notice of resumption of any lands required by the said Council for the said extension shall be given to the owner or owners thereof within three months after the passing of this Act, and if within twenty-eight days after such notice the said Council shall not agree with the persons whose lands are resumed or any of them as to the amount of compensation to be paid by the said Council for the said lands belonging to the said parties or any of them, or for any damage that may be sustained by them or him by reason of severance or of the execution of the works, or if any other question as to compensation shall arise under this Act the amount of such compensation shall be settled by arbitrators in manner hereinafter provided, and the provisions of the "Arbitration Act," thirty-one Victoria number fifteen, shall, when not inconsistent with any of the provisions of this Act be deemed to be incorporated in this Act. Provided that if after giving such notice it becomes unnecessary in the opinion of the said Council to resume the lands comprised in such notice, such notice shall impose no obligation on the said Council beyond the obligation of paying to the owner or owners of such lands such reasonable costs and expenses as he or they may have incurred in order to comply with the provisions of this Act.

Appointment of arbitrators.

6. 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 or other matter shall be referred, and every appointment shall be delivered to the arbitrator or 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
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Hunter-street Newcastle Extension.

the space of fourteen days after any such dispute or other matter shall have arisen, and after a request in writing 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 who has 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 of determination of such single arbitrator shall be final and conclusive.

7. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, 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 seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid shall have the same power and authorities as were vested in the former arbitration, at the time of such his death, refusal, neglect, or disability as aforesaid.

Vacancy in arbitration to be supplied.

8. When more than one arbitrator shall have been appointed, such arbitrators shall, before they enter into the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or refuse or for seven days neglect to act, after being called upon to do so by the arbitrators, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire.

9. If in either of the cases aforesaid the arbitrators shall refuse or for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to 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.

Attorney-General to appoint umpire on neglect.

10. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect 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.

In case of death of single arbitrator the matter to begin *de novo*.

11. If where more than one arbitrator shall have been appointed either of the arbitrators shall refuse, or for seven days neglect to act, the other arbitrator may proceed alone, and the decision of such other arbitrator shall be as effectual as if he had been a single arbitrator appointed by both parties.

If either arbitrator refuse to act the other to proceed *ex parte*.

12. If where more than one arbitrator shall have been appointed, 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 of such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.

13. 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.

Powers of arbitrators to call for books.

Hunter-street Newcastle Extension.

Arbitrator or umpire
to make a declaration
for faithful discharge
of duty.

14. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall in the presence of a Justice of the Peace, notary public, or commissioner for affidavits, 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 "Hunter-street Newcastle Extension Act of 1888," and will not receive any communication thereon from either party, save in the presence of the other party or at a duly appointed sitting of the arbitration:

Made and subscribed in the presence of

A.B.

Penalty for mis-
conduct.

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 he shall be guilty of a misdemeanour.

Cost of arbitration
how to be borne.

15. All costs of any such arbitration and incidental thereto to be settled by the arbitrators shall be borne by the said Council unless the arbitrator shall award the same or a less sum than shall have been offered by the said Council, in which case each party shall bear his own costs incident to the arbitration, provided that if either party shall be dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Award to be deliv-
ered to the Borough.

16. The arbitrators shall deliver their award in writing to the said Council who shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party, and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose. The amount awarded shall be paid within sixty days after the publication of such award; but in every such case the party claiming payment shall be bound to make out a good title to the said lands, or to the interest claimed by him therein to the satisfaction of the said Council.

Payment.

How compensation
to be paid when any
of the parties under
any disability.

17. If the person or persons through whose lands shall be thus taken shall be under any disability or incapacity, or shall be entitled only to a partial or qualified interest in the said lands, or not entitled to dispose of the same absolutely for his or their own benefit, or shall be absent from the Colony, the amount of compensation to be paid by the said Council as aforesaid shall be ascertained, and when so ascertained shall be paid and applied in the same manner in all respects as the amount of compensation to be paid by the Commissioner for Railways in like cases under the provisions of the Act made and passed in the twenty-second year of the reign of Her present Majesty, number nineteen, is to be ascertained, paid, and applied.

Submission may be
made a rule of Court.

18. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Award not void
through error in
form.

19. 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 form.

Compensation for
temporary or re-
curring injuries.

20. The said Council shall make compensation and satisfaction to be ascertained and recovered in case of difference in manner hereinbefore provided for temporary, permanent, or recurring injury, and all other damage, loss, cost, charges, and inconvenience which may in anywise be occasioned to the said owners or occupiers, by the non-performance by the said Council of any of the matters and things hereby required to be performed by them or otherwise, and shall account to the said owners or occupiers for any rents and profits received by the said

Hunter-street Newcastle Extension.

said Council in respect of lands taken under this Act up to the day when payment of compensation money for the taking of the same is made to the said owners or occupiers. And no occupier or tenant of any house or land resumed under this Act shall have any right of action or claim against his landlord for any disturbance of his possession of the said house or land in consequence of the exercise by the said Council of the powers conferred by this Act, notwithstanding any existing covenant or agreement to the contrary.

21. If in any case in which, according to the provisions of this Act, the said Council is authorized to resume, enter upon, and take possession of any lands required for the purpose of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the said Council from entering upon or taking possession of the same, it shall be lawful for the said Council to issue its warrant to the Sheriff to deliver possession of the same, and upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing of such execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give such possession, and the amount of such costs shall be deducted and retained by the said Council from the compensation (if any) then payable to such person; or if no such compensation shall be payable to such person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice of the Peace for that purpose he shall issue his warrant accordingly.

Sheriff authorized to give possession of certain land.

22. It shall be lawful for the said Council to purchase any lands adjacent to the lands resumed under this Act.

Power to buy other lands.

23. It shall be lawful for the said Council to borrow by debentures, mortgage bonds, or otherwise on the security of any land (including all or any of the lands purchased under this Act), personal estate, or annual revenues, active or prospective, belonging to body corporate of the said Borough, for or towards or incidental to the expense of the construction of the proposed extension, and the compensation moneys and the cost of the passing of this Act, any moneys not exceeding in the whole thirty-three thousand pounds.

Power to borrow money.

24. For the purpose of securing the payment of the principal and interest of any loan contracted under the preceding section the said Council shall have all the powers and be enabled to give to the mortgagees, debenture holders, or other lenders all the privileges and remedies set forth in the one hundred and ninety-first section of the "Municipalities Act of 1867."

Nature of securities.

25. Notwithstanding the issue of any loan under the two next preceding sections, but subject to the rights of the borrower thereunder, it shall be lawful for the said Council to apply the general funds of the said Borough to the purposes of constructing the said extension and paying the said compensation moneys.

Power to use general Borough funds.

26. The said Council shall keep a separate account, entitled the "Hunter-street Extension Account," in which shall be shown all sums received, whether from the said general fund or otherwise, and of all payments made under or for the purposes of this Act. And any debentures or other securities raised under this Act shall be intituled "Hunter-street Extension."

Separate accounts.

27. It shall be lawful for the said Council to sell any of the lands they may have purchased under this Act, and which they do not need for the said extension, in such manner, at such times, and upon such terms and conditions as to payment of purchase moneys or subsequent uses of the land as to them in their absolute discretion shall seem fit.

Power of sale.

Hunter-street Newcastle Extension.

Building leases for
years or in fee farm.

28. It shall be lawful for the said Council to grant and convey in fee, or to demise for any number of years not exceeding sixty years, any part of the lands purchased under this Act and which they do not need for the said extension for the purpose of building houses or other erections or otherwise improving the same for such rents and upon and with such conditions, provisos, and covenants as to the said Council in their absolute discretion shall seem fit.

Sale of ground rents.

29. The powers of sale given in the twenty-seventh section shall extend to the sale of the ground or other rents and reversions created under the next preceding section.

Moneys to be paid
to special account.

30. The moneys received by the said Council from sales and demises, under the said section, shall be paid into the said separate account, and shall be applied to repaying the general fund any advances that may have been made from it, and to repaying the said loans, and any surplus shall form part of the general fund of the said Borough.

Evidence and
conveyance.

31. The receipt of the Treasurer for the time being of the said Council shall be a complete discharge to any purchaser or tenant for any payment made by him under this Act. And the attestation to any conveyance or lease, by the Mayor and one Alderman for the time being of the said Borough, shall, after three months shall have elapsed since such deed was registered in the registry of deeds or the real property registry be conclusive evidence that the discretion of the said Council had been duly exercised in reference thereto, and that the Treasurer, Mayor, and Aldermen therein named were duly appointed and then in office. The conveyance or lease by the said Council shall be duly and effectually executed by affixing the corporate seal of the said Borough to such deed.

Short title.

32. This Act shall be called the "Hunter-street Newcastle Extension Act of 1888."

By Authority : CHARLES POTTER, Government Printer, Sydney, 1889.

[6d.]

New South Wales.



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VICTORIÆ REGINÆ.

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An Act to enable the Borough of Newcastle to extend Hunter-street from its present termination to the sea-shore, and for that purpose to acquire and re-sell certain lands and to raise certain loans. [Assented to, 10th January, 1889.]

WHEREAS the Council of the Borough of Newcastle are desirous Preamble.
of extending Hunter-street in the said Borough from its present termination to the sea beach. And whereas the proposed extension will cross Pacific-street, Telford-street, and Zaara-street. And whereas for the purpose of paying the expenses of such construction it is expedient that the said Council should have power to raise money by loans. And whereas it will be necessary to take up the gas and water pipes in the said Pacific-street, Telford-street, and Zaara-street during the construction of the proposed extension. And whereas the proposed extension will add greatly to the convenience of the public for purposes of traffic and locomotion. It is therefore desirable to authorize by Legislative enactment the construction of the proposed extension upon payment of compensation to the several private owners and occupiers whose lands may be taken under the powers hereinafter given; and to authorize the payment of such compensation and other the costs of construction out of moneys to be raised by loans and by re-sale of lands as hereinafter provided, and to give certain other powers. Be it therefore

Hunter-street Newcastle Extension.

therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Power to construct new street.

1. It shall be lawful for the Council of the said Borough to make and construct an extension of Hunter-street aforesaid with pavements or sidepaths from the present termination of Hunter-street, and of the same width as said street, and in the same line therewith from its present termination to the sea beach, and for that purpose to resume, enter upon, and take possession of all lands necessary for the purpose, which lands shall by virtue of this Act, without the necessity of any conveyance, be vested in the said Council and their successors in office, in fee simple, from the passing of this Act.

Power to take up pavements, gutters, gas and water pipes.

2. It shall be lawful for the said Council to take up and remove the pavements and gutters in such portions of Watt-street, Pacific-street, Telford-street, and Zaara-street as are crossed by the new proposed street, and to stop all or any part of the traffic in such streets during such construction as aforesaid, and to remove and displace the gas and water pipes and mains in such street. Provided always that the said Council shall, at their own expense, replace and restore the said pavements, gutters, pipes, and mains within twelve months after such taking-up and removal or immediately after the construction of the said extension, if such construction shall be completed within a less period than twelve months after such taking-up and removal.

Lands vested in the Borough without conveyance.

3. The said Council shall have such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said extension.

Dedication.

4. The said extension shall be open and dedicated to the public upon its completion or within twelve months after the passing of this Act, whichever shall first happen.

Compensation clause.

5. Notice of resumption of any lands required by the said Council for the said extension shall be given to the owner or owners thereof within three months after the passing of this Act, and if within twenty-eight days after such notice the said Council shall not agree with the persons whose lands are resumed or any of them as to the amount of compensation to be paid by the said Council for the said lands belonging to the said parties or any of them, or for any damage that may be sustained by them or him by reason of severance or of the execution of the works, or if any other question as to compensation shall arise under this Act the amount of such compensation shall be settled by arbitrators in manner hereinafter provided, and the provisions of the "Arbitration Act," thirty-one Victoria number fifteen, shall, when not inconsistent with any of the provisions of this Act be deemed to be incorporated in this Act. Provided that if after giving such notice it becomes unnecessary in the opinion of the said Council to resume the lands comprised in such notice, such notice shall impose no obligation on the said Council beyond the obligation of paying to the owner or owners of such lands such reasonable costs and expenses as he or they may have incurred in order to comply with the provisions of this Act.

Appointment of arbitrators.

6. 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 or other matter shall be referred, and every appointment shall be delivered to the arbitrator or 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
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Hunter-street Newcastle Extension.

the space of fourteen days after any such dispute or other matter shall have arisen, and after a request in writing 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 who has 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 of determination of such single arbitrator shall be final and conclusive.

7. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, 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 seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid shall have the same power and authorities as were vested in the former arbitration, at the time of such his death, refusal, neglect, or disability as aforesaid.

Vacancy in arbitration to be supplied.

8. When more than one arbitrator shall have been appointed, such arbitrators shall, before they enter into the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or refuse or for seven days neglect to act, after being called upon to do so by the arbitrators, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire.

9. If in either of the cases aforesaid the arbitrators shall refuse or for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to 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.

Attorney-General to appoint umpire on neglect.

10. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect 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.

In case of death of single arbitrator the matter to begin *de novo*.

11. If where more than one arbitrator shall have been appointed either of the arbitrators shall refuse, or for seven days neglect to act, the other arbitrator may proceed alone, and the decision of such other arbitrator shall be as effectual as if he had been a single arbitrator appointed by both parties.

If either arbitrator refuse to act the other to proceed *ex parte*.

12. If where more than one arbitrator shall have been appointed, 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 of such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.

13. 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.

Powers of arbitrators to call for books.

Hunter-street Newcastle Extension.

Arbitrator or umpire to make a declaration for faithful discharge of duty.

14. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall in the presence of a Justice of the Peace, notary public, or commissioner for affidavits, 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 "Hunter-street Newcastle Extension Act of 1888," and will not receive any communication thereon from either party, save in the presence of the other party or at a duly appointed sitting of the arbitration.

Made and subscribed in the presence of

A.B.

Penalty for misconduct.

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 he shall be guilty of a misdemeanour.

Cost of arbitration how to be borne.

15. All costs of any such arbitration and incidental thereto to be settled by the arbitrators shall be borne by the said Council unless the arbitrator shall award the same or a less sum than shall have been offered by the said Council, in which case each party shall bear his own costs incident to the arbitration, provided that if either party shall be dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Award to be delivered to the Borough.

16. The arbitrators shall deliver their award in writing to the said Council who shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party, and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose. The amount awarded shall be paid within sixty days after the publication of such award; but in every such case the party claiming payment shall be bound to make out a good title to the said lands, or to the interest claimed by him therein to the satisfaction of the said Council.

Payment.

How compensation to be paid when any of the parties under any disability.

17. If the person or persons through whose lands shall be thus taken shall be under any disability or incapacity, or shall be entitled only to a partial or qualified interest in the said lands, or not entitled to dispose of the same absolutely for his or their own benefit, or shall be absent from the Colony, the amount of compensation to be paid by the said Council as aforesaid shall be ascertained, and when so ascertained shall be paid and applied in the same manner in all respects as the amount of compensation to be paid by the Commissioner for Railways in like cases under the provisions of the Act made and passed in the twenty-second year of the reign of Her present Majesty, number nineteen, is to be ascertained, paid, and applied.

Submission may be made a rule of Court.

18. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Award not void through error in form.

19. 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 form.

Compensation for temporary or recurring injuries.

20. The said Council shall make compensation and satisfaction to be ascertained and recovered in case of difference in manner hereinbefore provided for temporary, permanent, or recurring injury, and all other damage, loss, cost, charges, and inconvenience which may in anywise be occasioned to the said owners or occupiers, by the non-performance by the said Council of any of the matters and things hereby required to be performed by them or otherwise, and shall account to the said owners or occupiers for any rents and profits received by the said

Hunter-street Newcastle Extension.

said Council in respect of lands taken under this Act up to the day when payment of compensation money for the taking of the same is made to the said owners or occupiers. And no occupier or tenant of any house or land resumed under this Act shall have any right of action or claim against his landlord for any disturbance of his possession of the said house or land in consequence of the exercise by the said Council of the powers conferred by this Act, notwithstanding any existing covenant or agreement to the contrary.

21. If in any case in which, according to the provisions of this Act, the said Council is authorized to resume, enter upon, and take possession of any lands required for the purpose of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the said Council from entering upon or taking possession of the same, it shall be lawful for the said Council to issue its warrant to the Sheriff to deliver possession of the same, and upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing of such execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give such possession, and the amount of such costs shall be deducted and retained by the said Council from the compensation (if any) then payable to such person; or if no such compensation shall be payable to such person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice of the Peace for that purpose he shall issue his warrant accordingly.

Sheriff authorized to give possession of certain land.

22. It shall be lawful for the said Council to purchase any lands adjacent to the lands resumed under this Act.

Power to buy other lands.

23. It shall be lawful for the said Council to borrow by debentures, mortgage bonds, or otherwise on the security of any land (including all or any of the lands purchased under this Act), personal estate, or annual revenues, active or prospective, belonging to body corporate of the said Borough, for or towards or incidental to the expense of the construction of the proposed extension, and the compensation moneys and the cost of the passing of this Act, any moneys not exceeding in the whole thirty-three thousand pounds.

Power to borrow money.

24. For the purpose of securing the payment of the principal and interest of any loan contracted under the preceding section the said Council shall have all the powers and be enabled to give to the mortgagees, debenture holders, or other lenders all the privileges and remedies set forth in the one hundred and ninety-first section of the "Municipalities Act of 1867."

Nature of securities.

25. Notwithstanding the issue of any loan under the two next preceding sections, but subject to the rights of the borrower thereunder, it shall be lawful for the said Council to apply the general funds of the said Borough to the purposes of constructing the said extension and paying the said compensation moneys.

Power to use general Borough funds.

26. The said Council shall keep a separate account, entitled the "Hunter-street Extension Account," in which shall be shown all sums received, whether from the said general fund or otherwise, and of all payments made under or for the purposes of this Act. And any debentures or other securities raised under this Act shall be intituled "Hunter-street Extension."

Separate accounts.

27. It shall be lawful for the said Council to sell any of the lands they may have purchased under this Act, and which they do not need for the said extension, in such manner, at such times, and upon such terms and conditions as to payment of purchase moneys or subsequent uses of the land as to them in their absolute discretion shall seem fit.

Power of sale.

Hunter-street Newcastle Extension.

Building leases for
years or in fee farm.

28. It shall be lawful for the said Council to grant and convey in fee, or to demise for any number of years not exceeding sixty years, any part of the lands purchased under this Act and which they do not need for the said extension for the purpose of building houses or other erections or otherwise improving the same for such rents and upon and with such conditions, provisos, and covenants as to the said Council in their absolute discretion shall seem fit.

Sale of ground rents.

29. The powers of sale given in the twenty-seventh section shall extend to the sale of the ground or other rents and reversions created under the next preceding section.

Moneys to be paid
to special account.

30. The moneys received by the said Council from sales and demises, under the said section, shall be paid into the said separate account, and shall be applied to repaying the general fund any advances that may have been made from it, and to repaying the said loans, and any surplus shall form part of the general fund of the said Borough.

Evidence and
conveyance.

31. The receipt of the Treasurer for the time being of the said Council shall be a complete discharge to any purchaser or tenant for any payment made by him under this Act. And the attestation to any conveyance or lease, by the Mayor and one Alderman for the time being of the said Borough, shall, after three months shall have elapsed since such deed was registered in the registry of deeds or the real property registry be conclusive evidence that the discretion of the said Council had been duly exercised in reference thereto, and that the Treasurer, Mayor, and Aldermen therein named were duly appointed and then in office. The conveyance or lease by the said Council shall be duly and effectually executed by affixing the corporate seal of the said Borough to such deed.

Short title.

32. This Act shall be called the "Hunter-street Newcastle Extension Act of 1888."

By Authority : CHARLES POTTER, Government Printer, Sydney, 1889.

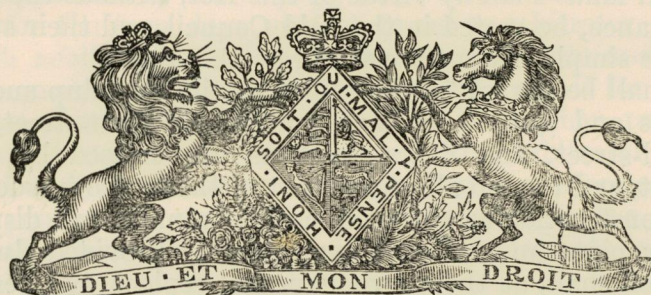
[6d.]

I Certify that this PRIVATE BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 22 December, 1888, A.M. }*

*F. W. WEBB,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to enable the Borough of Newcastle to extend Hunter-street from its present termination to the sea-shore, and for that purpose to acquire and re-sell certain lands and to raise certain loans. [Assented to, 10th January, 1889.]

WHEREAS the Council of the Borough of Newcastle are desirous Preamble.
of extending Hunter-street in the said Borough from its present termination to the sea beach. And whereas the proposed extension will cross Pacific-street, Telford-street, and Zaara-street. And whereas for the purpose of paying the expenses of such construction it is expedient that the said Council should have power to raise money by loans. And whereas it will be necessary to take up the gas and water pipes in the said Pacific-street, Telford-street, and Zaara-street during the construction of the proposed extension. And whereas the proposed extension will add greatly to the convenience of the public for purposes of traffic and locomotion. It is therefore desirable to authorize by Legislative enactment the construction of the proposed extension upon payment of compensation to the several private owners and occupiers whose lands may be taken under the powers hereinafter given; and to authorize the payment of such compensation and other the costs of construction out of moneys to be raised by loans and by re-sale of lands as hereinafter provided, and to give certain other powers. Be it therefore

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

*ANGUS CAMERON,
Chairman of Committees of the Legislative Assembly.*

Hunter-street Newcastle Extension.

therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Power to construct
new street.

1. It shall be lawful for the Council of the said Borough to make and construct an extension of Hunter-street aforesaid with pavements or sidepaths from the present termination of Hunter-street, and of the same width as said street, and in the same line therewith from its present termination to the sea beach, and for that purpose to resume, enter upon, and take possession of all lands necessary for the purpose, which lands shall by virtue of this Act, without the necessity of any conveyance, be vested in the said Council and their successors in office, in fee simple, from the passing of this Act.

Power to take up
pavements, gutters,
gas and water pipes.

2. It shall be lawful for the said Council to take up and remove the pavements and gutters in such portions of Watt-street, Pacific-street, Telford-street, and Zaara-street as are crossed by the new proposed street, and to stop all or any part of the traffic in such streets during such construction as aforesaid, and to remove and displace the gas and water pipes and mains in such street. Provided always that the said Council shall, at their own expense, replace and restore the said pavements, gutters, pipes, and mains within twelve months after such taking-up and removal or immediately after the construction of the said extension, if such construction shall be completed within a less period than twelve months after such taking-up and removal.

Lands vested in the
Borough without
conveyance.

3. The said Council shall have such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said extension.

Dedication.

4. The said extension shall be open and dedicated to the public upon its completion or within twelve months after the passing of this Act, whichever shall first happen.

Compensation clause.

5. Notice of resumption of any lands required by the said Council for the said extension shall be given to the owner or owners thereof within three months after the passing of this Act, and if within twenty-eight days after such notice the said Council shall not agree with the persons whose lands are resumed or any of them as to the amount of compensation to be paid by the said Council for the said lands belonging to the said parties or any of them, or for any damage that may be sustained by them or him by reason of severance or of the execution of the works, or if any other question as to compensation shall arise under this Act the amount of such compensation shall be settled by arbitrators in manner hereinafter provided, and the provisions of the "Arbitration Act," thirty-one Victoria number fifteen, shall, when not inconsistent with any of the provisions of this Act be deemed to be incorporated in this Act. Provided that if after giving such notice it becomes unnecessary in the opinion of the said Council to resume the lands comprised in such notice, such notice shall impose no obligation on the said Council beyond the obligation of paying to the owner or owners of such lands such reasonable costs and expenses as he or they may have incurred in order to comply with the provisions of this Act.

Appointment of
arbitrators.

6. 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 or other matter shall be referred, and every appointment shall be delivered to the arbitrator or 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
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Hunter-street Newcastle Extension.

the space of fourteen days after any such dispute or other matter shall have arisen, and after a request in writing 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 who has 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 of determination of such single arbitrator shall be final and conclusive.

7. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, 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 seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid shall have the same power and authorities as were vested in the former arbitration, at the time of such his death, refusal, neglect, or disability as aforesaid.

Vacancy in arbitration to be supplied.

8. When more than one arbitrator shall have been appointed, such arbitrators shall, before they enter into the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or refuse or for seven days neglect to act, after being called upon to do so by the arbitrators, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire.

9. If in either of the cases aforesaid the arbitrators shall refuse or for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to 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.

Attorney-General to appoint umpire on neglect.

10. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect 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.

In case of death of single arbitrator the matter to begin *de novo*.

11. If where more than one arbitrator shall have been appointed either of the arbitrators shall refuse, or for seven days neglect to act, the other arbitrator may proceed alone, and the decision of such other arbitrator shall be as effectual as if he had been a single arbitrator appointed by both parties.

If either arbitrator refuse to act the other to proceed *ex parte*.

12. If where more than one arbitrator shall have been appointed, 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 of such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.

13. 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.

Powers of arbitrators to call for books.

Hunter-street Newcastle Extension.

Arbitrator or umpire to make a declaration for faithful discharge of duty.

14. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall in the presence of a Justice of the Peace, notary public, or commissioner for affidavits, 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 "Hunter-street Newcastle Extension Act of 1888," and will not receive any communication thereon from either party, save in the presence of the other party or at a duly appointed sitting of the arbitration.

Made and subscribed in the presence of

A.B.

Penalty for misconduct.

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 he shall be guilty of a misdemeanour.

Cost of arbitration how to be borne.

15. All costs of any such arbitration and incidental thereto to be settled by the arbitrators shall be borne by the said Council unless the arbitrator shall award the same or a less sum than shall have been offered by the said Council, in which case each party shall bear his own costs incident to the arbitration, provided that if either party shall be dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Award to be delivered to the Borough.

16. The arbitrators shall deliver their award in writing to the said Council who shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party, and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose. The amount awarded shall be paid within sixty days after the publication of such award; but in every such case the party claiming payment shall be bound to make out a good title to the said lands, or to the interest claimed by him therein to the satisfaction of the said Council.

Payment.

How compensation to be paid when any of the parties under any disability.

17. If the person or persons through whose lands shall be thus taken shall be under any disability or incapacity, or shall be entitled only to a partial or qualified interest in the said lands, or not entitled to dispose of the same absolutely for his or their own benefit, or shall be absent from the Colony, the amount of compensation to be paid by the said Council as aforesaid shall be ascertained, and when so ascertained shall be paid and applied in the same manner in all respects as the amount of compensation to be paid by the Commissioner for Railways in like cases under the provisions of the Act made and passed in the twenty-second year of the reign of Her present Majesty, number nineteen, is to be ascertained, paid, and applied.

Submission may be made a rule of Court.

18. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Award not void through error in form.

19. 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 form.

Compensation for temporary or recurring injuries.

20. The said Council shall make compensation and satisfaction to be ascertained and recovered in case of difference in manner hereinbefore provided for temporary, permanent, or recurring injury, and all other damage, loss, cost, charges, and inconvenience which may in anywise be occasioned to the said owners or occupiers, by the non-performance by the said Council of any of the matters and things hereby required to be performed by them or otherwise, and shall account to the said owners or occupiers for any rents and profits received by the said

Hunter-street Newcastle Extension.

said Council in respect of lands taken under this Act up to the day when payment of compensation money for the taking of the same is made to the said owners or occupiers. And no occupier or tenant of any house or land resumed under this Act shall have any right of action or claim against his landlord for any disturbance of his possession of the said house or land in consequence of the exercise by the said Council of the powers conferred by this Act, notwithstanding any existing covenant or agreement to the contrary.

21. If in any case in which, according to the provisions of this Act, the said Council is authorized to resume, enter upon, and take possession of any lands required for the purpose of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the said Council from entering upon or taking possession of the same, it shall be lawful for the said Council to issue its warrant to the Sheriff to deliver possession of the same, and upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing of such execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give such possession, and the amount of such costs shall be deducted and retained by the said Council from the compensation (if any) then payable to such person; or if no such compensation shall be payable to such person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice of the Peace for that purpose he shall issue his warrant accordingly.

Sheriff authorized to give possession of certain land.

22. It shall be lawful for the said Council to purchase any lands adjacent to the lands resumed under this Act.

Power to buy other lands.

23. It shall be lawful for the said Council to borrow by debentures, mortgage bonds, or otherwise on the security of any land (including all or any of the lands purchased under this Act), personal estate, or annual revenues, active or prospective, belonging to body corporate of the said Borough, for or towards or incidental to the expense of the construction of the proposed extension, and the compensation moneys and the cost of the passing of this Act, any moneys not exceeding in the whole thirty-three thousand pounds.

Power to borrow money.

24. For the purpose of securing the payment of the principal and interest of any loan contracted under the preceding section the said Council shall have all the powers and be enabled to give to the mortgagees, debenture holders, or other lenders all the privileges and remedies set forth in the one hundred and ninety-first section of the "Municipalities Act of 1867."

Nature of securities.

25. Notwithstanding the issue of any loan under the two next preceding sections, but subject to the rights of the borrower thereunder, it shall be lawful for the said Council to apply the general funds of the said Borough to the purposes of constructing the said extension and paying the said compensation moneys.

Power to use general Borough funds.

26. The said Council shall keep a separate account, entitled the "Hunter-street Extension Account," in which shall be shown all sums received, whether from the said general fund or otherwise, and of all payments made under or for the purposes of this Act. And any debentures or other securities raised under this Act shall be intituled "Hunter-street Extension."

Separate accounts.

27. It shall be lawful for the said Council to sell any of the lands they may have purchased under this Act, and which they do not need for the said extension, in such manner, at such times, and upon such terms and conditions as to payment of purchase moneys or subsequent uses of the land as to them in their absolute discretion shall seem fit.

Power of sale.

Hunter-street Newcastle Extension.

Building leases for
years or in fee farm.

28. It shall be lawful for the said Council to grant and convey in fee, or to demise for any number of years not exceeding sixty years, any part of the lands purchased under this Act and which they do not need for the said extension for the purpose of building houses or other erections or otherwise improving the same for such rents and upon and with such conditions, provisos, and covenants as to the said Council in their absolute discretion shall seem fit.

Sale of ground rents.

29. The powers of sale given in the twenty-seventh section shall extend to the sale of the ground or other rents and reversions created under the next preceding section.

Moneys to be paid
to special account.

30. The moneys received by the said Council from sales and demises, under the said section, shall be paid into the said separate account, and shall be applied to repaying the general fund any advances that may have been made from it, and to repaying the said loans, and any surplus shall form part of the general fund of the said Borough.

Evidence and
conveyance.

31. The receipt of the Treasurer for the time being of the said Council shall be a complete discharge to any purchaser or tenant for any payment made by him under this Act. And the attestation to any conveyance or lease, by the Mayor and one Alderman for the time being of the said Borough, shall, after three months shall have elapsed since such deed was registered in the registry of deeds or the real property registry be conclusive evidence that the discretion of the said Council had been duly exercised in reference thereto, and that the Treasurer, Mayor, and Aldermen therein named were duly appointed and then in office. The conveyance or lease by the said Council shall be duly and effectually executed by affixing the corporate seal of the said Borough to such deed.

Short title.

32. This Act shall be called the "Hunter-street Newcastle Extension Act of 1888."

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

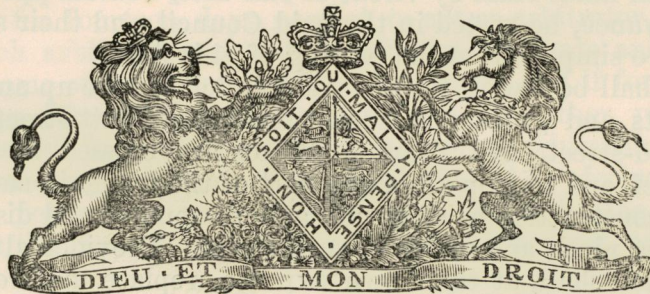
Sydney, 10th January, 1889.

I Certify that this PRIVATE BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 22 December, 1888, A.M. }*

*F. W. WEBB,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to enable the Borough of Newcastle to extend Hunter-street from its present termination to the sea-shore, and for that purpose to acquire and re-sell certain lands and to raise certain loans. [Assented to, 10th January, 1889.]

WHEREAS the Council of the Borough of Newcastle are desirous of extending Hunter-street in the said Borough from its present termination to the sea beach. And whereas the proposed extension will cross Pacific-street, Telford-street, and Zaara-street. And whereas for the purpose of paying the expenses of such construction it is expedient that the said Council should have power to raise money by loans. And whereas it will be necessary to take up the gas and water pipes in the said Pacific-street, Telford-street, and Zaara-street during the construction of the proposed extension. And whereas the proposed extension will add greatly to the convenience of the public for purposes of traffic and locomotion. It is therefore desirable to authorize by Legislative enactment the construction of the proposed extension upon payment of compensation to the several private owners and occupiers whose lands may be taken under the powers hereinafter given; and to authorize the payment of such compensation and other the costs of construction out of moneys to be raised by loans and by re-sale of lands as hereinafter provided, and to give certain other powers. Be it therefore

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

ANGUS CAMERON,
Chairman of Committees of the Legislative Assembly.

Hunter-street Newcastle Extension.

therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Power to construct
new street.

1. It shall be lawful for the Council of the said Borough to make and construct an extension of Hunter-street aforesaid with pavements or sidepaths from the present termination of Hunter-street, and of the same width as said street, and in the same line therewith from its present termination to the sea beach, and for that purpose to resume, enter upon, and take possession of all lands necessary for the purpose, which lands shall by virtue of this Act, without the necessity of any conveyance, be vested in the said Council and their successors in office, in fee simple, from the passing of this Act.

Power to take up
pavements, gutters,
gas and water pipes.

2. It shall be lawful for the said Council to take up and remove the pavements and gutters in such portions of Watt-street, Pacific-street, Telford-street, and Zaara-street as are crossed by the new proposed street, and to stop all or any part of the traffic in such streets during such construction as aforesaid, and to remove and displace the gas and water pipes and mains in such street. Provided always that the said Council shall, at their own expense, replace and restore the said pavements, gutters, pipes, and mains within twelve months after such taking-up and removal or immediately after the construction of the said extension, if such construction shall be completed within a less period than twelve months after such taking-up and removal.

Lands vested in the
Borough without
conveyance.

3. The said Council shall have such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said extension.

Dedication.

4. The said extension shall be open and dedicated to the public upon its completion or within twelve months after the passing of this Act, whichever shall first happen.

Compensation clause.

5. Notice of resumption of any lands required by the said Council for the said extension shall be given to the owner or owners thereof within three months after the passing of this Act, and if within twenty-eight days after such notice the said Council shall not agree with the persons whose lands are resumed or any of them as to the amount of compensation to be paid by the said Council for the said lands belonging to the said parties or any of them, or for any damage that may be sustained by them or him by reason of severance or of the execution of the works, or if any other question as to compensation shall arise under this Act the amount of such compensation shall be settled by arbitrators in manner hereinafter provided, and the provisions of the "Arbitration Act," thirty-one Victoria number fifteen, shall, when not inconsistent with any of the provisions of this Act be deemed to be incorporated in this Act. Provided that if after giving such notice it becomes unnecessary in the opinion of the said Council to resume the lands comprised in such notice, such notice shall impose no obligation on the said Council beyond the obligation of paying to the owner or owners of such lands such reasonable costs and expenses as he or they may have incurred in order to comply with the provisions of this Act.

Appointment of
arbitrators.

6. 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 or other matter shall be referred, and every appointment shall be delivered to the arbitrator or 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
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Hunter-street Newcastle Extension.

the space of fourteen days after any such dispute or other matter shall have arisen, and after a request in writing 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 who has 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 of determination of such single arbitrator shall be final and conclusive.

7. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, 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 seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid shall have the same power and authorities as were vested in the former arbitration, at the time of such his death, refusal, neglect, or disability as aforesaid.

Vacancy in arbitration to be supplied.

8. When more than one arbitrator shall have been appointed, such arbitrators shall, before they enter into the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or refuse or for seven days neglect to act, after being called upon to do so by the arbitrators, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire.

9. If in either of the cases aforesaid the arbitrators shall refuse or for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to 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.

Attorney-General to appoint umpire on neglect.

10. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect 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.

In case of death of single arbitrator the matter to begin *de novo*.

11. If where more than one arbitrator shall have been appointed either of the arbitrators shall refuse, or for seven days neglect to act, the other arbitrator may proceed alone, and the decision of such other arbitrator shall be as effectual as if he had been a single arbitrator appointed by both parties.

If either arbitrator refuse to act the other to proceed *ex parte*.

12. If where more than one arbitrator shall have been appointed, 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 of such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.

13. 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.

Powers of arbitrators to call for books.

Hunter-street Newcastle Extension.

Arbitrator or umpire
to make a declaration
for faithful discharge
of duty.

14. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall in the presence of a Justice of the Peace, notary public, or commissioner for affidavits, 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 "Hunter-street Newcastle Extension Act of 1888," and will not receive any communication thereon from either party, save in the presence of the other party or at a duly appointed sitting of the arbitration.

Made and subscribed in the presence of

A.B.

Penalty for mis-
conduct.

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 he shall be guilty of a misdemeanour.

Cost of arbitration
how to be borne.

15. All costs of any such arbitration and incidental thereto to be settled by the arbitrators shall be borne by the said Council unless the arbitrator shall award the same or a less sum than shall have been offered by the said Council, in which case each party shall bear his own costs incident to the arbitration, provided that if either party shall be dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Award to be deliv-
ered to the Borough.

16. The arbitrators shall deliver their award in writing to the said Council who shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party, and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose. The amount awarded shall be paid within sixty days after the publication of such award; but in every such case the party claiming payment shall be bound to make out a good title to the said lands, or to the interest claimed by him therein to the satisfaction of the said Council.

Payment.

How compensation
to be paid when any
of the parties under
any disability.

17. If the person or persons through whose lands shall be thus taken shall be under any disability or incapacity, or shall be entitled only to a partial or qualified interest in the said lands, or not entitled to dispose of the same absolutely for his or their own benefit, or shall be absent from the Colony, the amount of compensation to be paid by the said Council as aforesaid shall be ascertained, and when so ascertained shall be paid and applied in the same manner in all respects as the amount of compensation to be paid by the Commissioner for Railways in like cases under the provisions of the Act made and passed in the twenty-second year of the reign of Her present Majesty, number nineteen, is to be ascertained, paid, and applied.

Submission may be
made a rule of Court.

18. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Award not void
through error in
form.

19. 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 form.

Compensation for
temporary or re-
curring injuries.

20. The said Council shall make compensation and satisfaction to be ascertained and recovered in case of difference in manner hereinbefore provided for temporary, permanent, or recurring injury, and all other damage, loss, cost, charges, and inconvenience which may in anywise be occasioned to the said owners or occupiers, by the non-performance by the said Council of any of the matters and things hereby required to be performed by them or otherwise, and shall account to the said owners or occupiers for any rents and profits received by the
said

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said Council in respect of lands taken under this Act up to the day when payment of compensation money for the taking of the same is made to the said owners or occupiers. And no occupier or tenant of any house or land resumed under this Act shall have any right of action or claim against his landlord for any disturbance of his possession of the said house or land in consequence of the exercise by the said Council of the powers conferred by this Act, notwithstanding any existing covenant or agreement to the contrary.

21. If in any case in which, according to the provisions of this Act, the said Council is authorized to resume, enter upon, and take possession of any lands required for the purpose of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the said Council from entering upon or taking possession of the same, it shall be lawful for the said Council to issue its warrant to the Sheriff to deliver possession of the same, and upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing of such execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give such possession, and the amount of such costs shall be deducted and retained by the said Council from the compensation (if any) then payable to such person; or if no such compensation shall be payable to such person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice of the Peace for that purpose he shall issue his warrant accordingly.

Sheriff authorized to give possession of certain land.

22. It shall be lawful for the said Council to purchase any lands adjacent to the lands resumed under this Act.

Power to buy other lands.

23. It shall be lawful for the said Council to borrow by debentures, mortgage bonds, or otherwise on the security of any land (including all or any of the lands purchased under this Act), personal estate, or annual revenues, active or prospective, belonging to body corporate of the said Borough, for or towards or incidental to the expense of the construction of the proposed extension, and the compensation moneys and the cost of the passing of this Act, any moneys not exceeding in the whole thirty-three thousand pounds.

Power to borrow money.

24. For the purpose of securing the payment of the principal and interest of any loan contracted under the preceding section the said Council shall have all the powers and be enabled to give to the mortgagees, debenture holders, or other lenders all the privileges and remedies set forth in the one hundred and ninety-first section of the "Municipalities Act of 1867."

Nature of securities.

25. Notwithstanding the issue of any loan under the two next preceding sections, but subject to the rights of the borrower thereunder, it shall be lawful for the said Council to apply the general funds of the said Borough to the purposes of constructing the said extension and paying the said compensation moneys.

Power to use general Borough funds.

26. The said Council shall keep a separate account, entitled the "Hunter-street Extension Account," in which shall be shown all sums received, whether from the said general fund or otherwise, and of all payments made under or for the purposes of this Act. And any debentures or other securities raised under this Act shall be intituled "Hunter-street Extension."

Separate accounts.

27. It shall be lawful for the said Council to sell any of the lands they may have purchased under this Act, and which they do not need for the said extension, in such manner, at such times, and upon such terms and conditions as to payment of purchase moneys or subsequent uses of the land as to them in their absolute discretion shall seem fit.

Power of sale.

Hunter-street Newcastle Extension.

Building leases for
years or in fee farm.

28. It shall be lawful for the said Council to grant and convey in fee, or to demise for any number of years not exceeding sixty years, any part of the lands purchased under this Act and which they do not need for the said extension for the purpose of building houses or other erections or otherwise improving the same for such rents and upon and with such conditions, provisos, and covenants as to the said Council in their absolute discretion shall seem fit.

Sale of ground rents.

29. The powers of sale given in the twenty-seventh section shall extend to the sale of the ground or other rents and reversions created under the next preceding section.

Moneys to be paid
to special account.

30. The moneys received by the said Council from sales and demises, under the said section, shall be paid into the said separate account, and shall be applied to repaying the general fund any advances that may have been made from it, and to repaying the said loans, and any surplus shall form part of the general fund of the said Borough.

Evidence and
conveyance.

31. The receipt of the Treasurer for the time being of the said Council shall be a complete discharge to any purchaser or tenant for any payment made by him under this Act. And the attestation to any conveyance or lease, by the Mayor and one Alderman for the time being of the said Borough, shall, after three months shall have elapsed since such deed was registered in the registry of deeds or the real property registry be conclusive evidence that the discretion of the said Council had been duly exercised in reference thereto, and that the Treasurer, Mayor, and Aldermen therein named were duly appointed and then in office. The conveyance or lease by the said Council shall be duly and effectually executed by affixing the corporate seal of the said Borough to such deed.

Short title.

32. This Act shall be called the "Hunter-street Newcastle Extension Act of 1888."

In the name and on the behalf of Her Majesty I assent to this Act.

CARRINGTON.

Sydney, 10th January, 1889.

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 29 November, 1888. }*

*F. W. WEBB,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to enable the Borough of Newcastle to construct a street continuing Hunter-street from its present termination to the sea-shore, and for that purpose to acquire and re-sell certain lands and to raise certain loans.

WHEREAS the Council of the Borough of Newcastle are desirous of extending Hunter-street in the said Borough from its present termination to the sea beach. And whereas the proposed extension will pass through or near the lands described in the Schedule hereto, and will cross Pacific-street, Telford-street, and Zaara-street. And whereas for the purpose of paying the expenses of such construction it is expedient that the Council should have power to raise money by loans, and also to resume the lands in the said Schedule and to re-sell such portion thereof as are not necessary for the construction of the said street. And whereas it will be necessary to take up the gas and water pipes in the said Pacific-street, Telford-street, and Zaara-street during the construction of the proposed new street. And whereas the proposed extension will add greatly to the convenience of the public for purposes of traffic and locomotion. It is therefore desirable to authorize by Legislative enactment the construction of the proposed extended street upon payment of compensation to the several private owners and occupiers whose lands may be taken under the powers hereinafter given; and to authorize the payment of such compensation and other the costs of construction out of moneys to be raised by loans and by re-sale of lands as hereinafter provided, and to give

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certain other powers. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. It shall be lawful for the Council of the said Borough to make and construct a public street with pavements or sidepaths from the present termination of Hunter-street, and of the same width as said street, and in the same line therewith from its present termination to the sea beach. Power to construct new street.
- 10 2. It shall be lawful for the said Council to take up and remove the pavements and gutters in such portions of Watt-street, Pacific-street, Telford-street, and Zaara-street as are crossed by the new proposed street, and to stop all or any part of the traffic in such streets during such construction as aforesaid, and to remove and displace the gas and water pipes and mains in such street. Power to take up pavements, gutters, gas and water pipes. Provided always that the said Council shall, at their own expense, replace and restore the said pavements, gutters, pipes, and mains after the construction of the said new street.
- 15 3. The lands described in the Schedule hereto, with such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said street, shall by virtue of this Act and without the necessity of any conveyance be vested in the said Council and their successors in office in fee simple upon the passing of this Act. Lands vested in the Borough without conveyance. Provided always that where the said street shall pass through any Reserve only sufficient land of such Reserve to construct the said street one chain wide shall vest in the said Council.
- 25 4. The said street shall be open and dedicated to the public upon its completion or within twelve months after the passing of this Act, whichever shall first happen. Dedication.
- 30 5. If within twenty-eight days after notice of resumption to the persons whose lands are described in the Schedule hereto or any of them, the Council shall not agree with them or any of them as to the amount of compensation to be paid by the Council for the said lands belonging to the said parties or any of them, or for any damage that may be sustained by them or him by reason of the execution of the works, or if any other question as to compensation shall arise under this Act the amount of such compensation shall be settled by arbitrators in manner hereinafter provided. Compensation clause.
- 35 6. 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 or other matter shall be referred, and every appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made. Appointment of arbitrators.
- 40 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 or other matter shall have arisen, and after a request in writing 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 who has 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 of determination of such single arbitrator shall be final and conclusive.
- 45 7. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom
- 50 Vacancy in arbitration to be supplied.
- 55 whom

Hunter-street Newcastle Extension.

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 seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed
 5 alone; and every arbitrator so to be substituted as aforesaid shall have the same power and authorities as were vested in the former arbitration, at the same time of such his death, refusal, neglect, or disability as aforesaid.

8. When more than one arbitrator shall have been appointed, Appointment of
 10 such arbitrators shall, before they enter into the matters referred to umpire.
 them, nominate and appoint, by writing under their hands, an umpire to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or refuse or for seven days neglect to act, after being called
 15 upon to do so by the arbitrators, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

9. If in either of the cases aforesaid the arbitrators shall refuse Attorney-General to
 or for seven days after request of either party to such arbitration appoint umpire on
 20 neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to 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.

10. If when a single arbitrator shall have been appointed such In case of death of
 arbitrator shall die or become incapable, or shall refuse, or for fourteen single arbitrator the
 days neglect to act, before he shall have made his award, the matter matter to begin
 referred to him shall be determined by arbitration under the provisions *de novo*.
 of this Act, in the same manner as if such arbitrator had not been
 30 appointed.

11. If where more than one arbitrator shall have been appointed If either arbitrator
 either of the arbitrators shall refuse, or for seven days neglect to act, refuse to act the
 the other arbitrator may proceed alone, and the decision of such other other to proceed
 arbitrator shall be as effectual as if he had been a single arbitrator *ex parte*.
 35 appointed by both parties.

12. If where more than one arbitrator shall have been appointed, If arbitrators fail to
 such arbitrators shall fail to make their award within twenty-one days make their award
 after the day on which the last of such arbitrators shall have been within twenty-one
 appointed, or within such extended time (if any) as shall have been days the matter to
 40 appointed for that purpose by both of such arbitrators under their go to the umpire.
 hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

13. The said arbitrators or their umpire may call for the pro- Powers of arbitrators
 duction of any documents in the possession or power of either party to call for books.
 45 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.

14. Before any arbitrator or umpire shall enter into the con- Arbitrator or umpire
 sideration of any matters referred to him he shall in the presence of a to make a declaration
 50 Justice of the Peace, notary public, or commissioner for affidavits, for faithful discharge
 make and subscribe the following declaration (that is to say),— of duty.

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 pro-
 55 visions of the "Hunter-street Newcastle Extension Act of 1888," and will not receive any communication thereon from either party, save in the presence of the other party or at a duly appointed sitting of the arbitration.

Made and subscribed in the presence of

60

A.B.
 And

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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 he shall be guilty of a misdemeanour.

Penalty for misconduct.

15. All costs of any such arbitration and incidental thereto to be settled by the arbitrators shall be borne by the Council unless the arbitrator shall award the same or a less sum than shall have been offered by the Council, in which case each party shall bear his own costs incident to the arbitration, provided that if either party shall be dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Cost of arbitration how to be borne.

16. The arbitrators shall deliver their award in writing to the Council who shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party, and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose. The amount awarded shall be paid within sixty days after the publication of such award; but in every such case the party claiming payment shall be bound to make out a good title to the said lands, or to the interest claimed by him therein to the satisfaction of the said Council.

Award to be delivered to the Borough.

Payment.

17. If the person or persons through whose lands shall be thus taken shall be under any disability or incapacity, or shall be entitled only to a partial or qualified interest in the said lands, or not entitled to dispose of the same absolutely for his or their own benefit, or shall be absent from the Colony, the amount of compensation to be paid by the said Council as aforesaid shall be ascertained, and when so ascertained shall be paid and applied in the same manner in all respects as the amount of compensation to be paid by the Commissioner for Railways in like cases under the provisions of the Act made and passed in the twenty-second year of the reign of Her present Majesty, number nineteen, is to be ascertained, paid, and applied.

How compensation to be paid when any of the parties under any disability.

18. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties.

Submission may be made a rule of Court.

19. 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 form.

Award not void through error in form.

20. The Council shall make compensation and satisfaction to be ascertained and recovered in case of difference in manner hereinbefore provided for temporary, permanent, or recurring injury, and all other damage, loss, cost, charges, and inconvenience which may in anywise be occasioned to the said owners or occupiers, by the non-performance by the said Council of any of the matters and things hereby required to be performed by them or otherwise.

Compensation for temporary or recurring injuries.

21. If in any case in which, according to the provisions of this Act, the said Council is authorized to enter upon and take possession of any lands required for the purpose of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the said Council from entering upon or taking possession of the same, it shall be lawful for the said Council to issue its warrant to the Sheriff to deliver possession of the same, and upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing of such execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give such possession, and the amount of such costs shall be deducted and retained by the said Council from the compensation (if any) then payable to such party; or if no such compensation shall be payable to such

Sheriff authorized to give possession of certain land.

Hunter-street Newcastle Extension.

such party or person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

5 22. It shall be lawful for the Council to purchase any lands adjacent to the lands included in the Schedule hereto, but compulsory powers hereinbefore given shall not extend to such adjacent lands. Power to buy other lands.

23. It shall be lawful for the said Council to borrow by debentures, mortgage bonds, or otherwise on the security of any land (including all or any of the lands purchased under this Act), personal estate, or annual revenues, active or prospective, belonging to body corporate of the said Borough of Newcastle, for or towards or incidental to the expense of the construction of the proposed new street, and the compensation moneys and the cost of the passing of this Act, any 15 moneys not exceeding in the whole thirty-three thousand pounds. Power to borrow money.

24. And for the purpose of securing the payment of the principal and interest of any loan contracted under the preceding section the said Council shall have all the powers and be enabled to give to the mortgagees, debenture holders, or other lenders all the privileges 20 and remedies set forth in the one hundred and ninety-first section of the "Municipalities Act of 1867." Nature of securities.

25. Notwithstanding the issue of any loan under the two next preceding sections, but subject to the rights of the borrower thereunder, it shall be lawful for the said Council to apply the general 25 funds of the said Borough to the purposes of constructing the said new street and paying the said compensation moneys. Power to use general Borough funds.

26. The said Council shall keep a separate account, entitled the "Hunter-street Extension Account," in which shall be shown all sums received, whether from the said general fund or otherwise, and of 30 all payments made under or for the purposes of this Act. And any debentures or other securities raised under this Act shall be intituled "Hunter-street Extension." Separate accounts.

27. It shall be lawful for the Council to sell any of the lands they may have purchased under this Act, and which they do not need 35 for the said new street, in such manner, at such times, and upon such terms and conditions as to payment of purchase moneys or subsequent uses of the land as to them in their absolute discretion shall seem fit. Power of sale.

28. It shall be lawful for the said Council to grant and convey in fee, or to demise for any number of years not exceeding sixty years, 40 any part of the lands purchased under this Act for the purpose of building houses or other erections or otherwise improving the same for such rents and upon and with such conditions, provisos, and covenants as to the said Council in their absolute discretion shall seem fit. Building leases for years or in fee farm.

29. The powers of sale given in the twenty-seventh section shall 45 extend to the sale of the ground or other rents and reversions created under the next preceding section. Sale of ground rents.

30. The powers of sale and demise contained in the twenty-seventh and twenty-eighth sections shall not extend to the lands which are reserved for public purposes. Reserve.

50 31. The moneys received by the said Council from sales and demises, under the said section, shall be paid into the said separate account, and shall be applied to repaying the general fund any advances that may have been made from it, and to repaying the said loans, and any surplus shall form part of the general fund of the said Borough. Moneys to be paid to special account.

55 32. The receipt of the Treasurer for the time being of the said Council shall be a complete discharge to any purchaser or tenant for any payment made by him under this Act. And the attestation to any conveyance or lease, by the Mayor and one Alderman for the time being of the said Borough, shall, after three months shall have elapsed since Evidence and conveyance.

Hunter-street Newcastle Extension.

since such deed was registered in the registry of deeds or the real property registry be conclusive evidence that the discretion of the Council had been duly exercised in reference thereto, and that the Treasurer, Mayor, and Aldermen therein named were duly appointed 5 and then in office. The conveyance or lease by the said Council shall be duly and effectually executed by affixing the corporate seal of the said Borough to such deed.

33. This Act shall be called the "Hunter-street Newcastle Short title. Extension Act of 1888."

10

SCHEDULE.

All that piece or parcel of land forming part of a Government reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre three roods eighteen perches: Commencing on the east side of Zaara-street, at a point bearing south six degrees seven minutes west 15 thirty and one-half links from the south-west corner of allotment number two hundred and seventy-two; and bounded thence on the south by a line bearing south eighty-four degrees nine minutes east two thousand and twenty-five links to the low-water mark, Pacific Ocean; thence on the east by low-water mark bearing north six degrees seven minutes east one hundred links; thence on part of the north by a line bearing north 20 eighty-four degrees nine minutes west one thousand eight hundred links to the east boundary of allotment number two hundred and seventy-two; thence on part of the west by the east boundary of allotment two hundred and seventy-two bearing south six degrees one minute west seventy-one and one-quarter links; thence on the remainder of the north by the south boundary of allotment number two hundred and seventy-two bearing 25 north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links to Zaara-street; thence by the east side of Zaara-street by a line bearing south six degrees seven minutes west thirty and one-half links, to the point of commencement.

All that piece or parcel of land forming Government allotments number two 30 hundred and seventy-two and part of allotment number two hundred and seventy-one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one rood twenty-one perches: Commencing on the eastern side of Zaara-street, at the south-west corner of allotment number two hundred and seventy-two; and bounded on the west by the east side of Zaara-street 35 bearing north six degrees seven minutes east one hundred and sixty-nine and one-half links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and twenty-five links; thence on the east by a line bearing south six degrees ten minutes west one hundred and seventy-one and one-quarter links; thence on the south by the south boundary of allotment number two hundred and seventy-two bearing 40 north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links, to the point of commencement.

All that piece or parcel of land forming part of Government allotments two hundred and thirty-two, two hundred and thirty-eight, and two hundred and thirty-nine, 45 and the whole of allotments two hundred and thirty-four, two hundred and thirty-five, two hundred and thirty-six, and two hundred and thirty-seven, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre one rood one perch: Commencing on the west side of Zaara-street at the south-east corner of allotment number two hundred and thirty-four; and bounded on the east by the west side of Zaara-street bearing north six degrees seven 50 minutes east two hundred and seventy-one links; thence on the north by a line bearing north eighty-four degrees nine minutes west four hundred and forty-nine links to the east side of Telford-street; thence on the west by the east side of Telford-street bearing south five degrees thirty-six minutes west three hundred links; thence on part of the south by a line bearing south eighty-four degrees nine minutes east two hundred and 55 twenty links; thence again on the east by a line bearing north six degrees twenty-four minutes east thirty links; thence on the remainder of the south by a line bearing south eighty-four degrees twenty-six minutes east two hundred and twenty-six and one-quarter links, to the point of commencement.

All that piece or parcel of land forming part of allotments two hundred and 60 twenty-seven and two hundred and twenty-eight, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and one-half perches: Commencing on the west side of Telford-street at a point bearing south five degrees thirty-six minutes west thirty-two links from the north-east corner of allotment number two hundred and twenty-seven; and bounded on the north by 65 a line bearing north eighty-four degrees nine minutes west two hundred and twenty-eight and three-quarter links; thence on the west by the east boundary of a reserve bearing south six degrees eighteen minutes west one hundred links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and thirty links to the west side of Telford-street; thence on the east by the west side of Telford-street 70 bearing north five degrees thirty-six minutes east one hundred links, to the point of commencement.

All

Hunter-street Newcastle Extension.

All that piece or parcel of land forming part of a reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and three-quarter perches: Commencing on the west side of allotment number two hundred and twenty-seven, at a point thirty links southerly
 5 from its north-west corner; and bounded on the north by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Pacific-street; thence on the west by the east side of Pacific-street bearing south six degrees forty-four minutes west one hundred links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and
 10 twenty-four links to the west boundary of allotment number two hundred and twenty-eight; thence on the east by part of the west boundaries of allotments two hundred and twenty-eight and two hundred and twenty-seven bearing north six degrees eighteen minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number
 15 eight, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement eleven perches: Commencing on the east side of Watt-street at the south-west corner of allotment number six; and bounded on the north by the south boundary of allotment number six bearing south eighty-four degrees nine minutes east two hundred and twenty-three and one-quarter links; thence on the east
 20 by the west boundary of allotment number seven bearing south six degrees four minutes west thirty-two links; thence on the south by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east thirty-two links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number seven, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement eleven perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number five; and bounded on the north by the south boundary of allotment number five bearing north eighty-four degrees fourteen
 30 minutes west two hundred and thirty-one links; thence on the west by part of the east boundary of allotment number eight bearing south six degrees four minutes west thirty-two links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and thirty-one and one-quarter links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four
 35 minutes east thirty-two and one-quarter links, to the point of commencement.

All that piece or parcel of land forming Government allotment number six, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number four; and bounded on the
 40 north by the south boundary of allotment number four bearing south eighty-four degrees seventeen minutes east two hundred and twenty-two and one-half links to the north-west corner of allotment number five; thence on the east by the west boundary of allotment number five bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing north eighty-four degrees nine minutes
 45 west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming Government allotment number five, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South
 50 Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number three; and bounded on the north by the south boundary of allotment number three bearing north eighty-four degrees four minutes west two hundred and thirty links; thence on the west by the east boundary of allotment number six bearing south six degrees four
 55 minutes west one hundred and one-half links; thence on the south by a line bearing south eighty-four degrees fourteen minutes east two hundred and thirty-one links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred links, to the point of commencement.

All that piece or parcel of land being Government allotment number four, city of
 60 Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the east side of Watt-street at the south-west corner of allotment number two; and bounded on the north by the south boundary of allotment number two bearing south eighty-three degrees fifty-five minutes east two hundred and twenty links; thence on the east by the
 65 west boundary of allotment number three bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing north eighty-four degrees seventeen minutes west two hundred and twenty-two and one-half links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east one hundred links, to the point of commencement.

All that piece or parcel of land being Government allotment number three, city of
 70 Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number one; and bounded on the north by the south boundary of allotment number one bearing north
 75 eighty-four degrees thirty-four minutes west two hundred and thirty-four and one-quarter

Hunter-street Newcastle Extension.

quarter links to the north-east corner of allotment number four; thence on the west by the east boundary of allotment number four bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing south eighty-four degrees six minutes east two hundred and thirty links to west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred and one and one-half links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number two, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-four perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number two; and bounded on the west by the east side of Watt-street bearing north six degrees thirty minutes east sixty-eight links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and eighteen and one-half links; thence on the east by the west boundary of allotment number one bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by the north boundary of allotment number four bearing north eighty-three degrees fifty-five minutes west two hundred and twenty links, to the point of commencement.

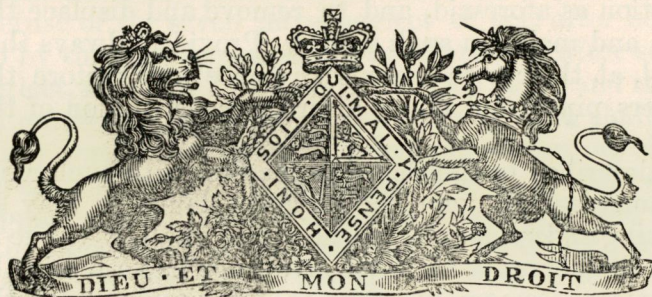
All that piece or parcel of land forming part of original Government allotment number one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-nine perches: Commencing on the western side of Pacific-street at the south-east corner of allotment number one; and bounded on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east sixty-six and three-quarter links; thence on the north by a line bearing north eighty-four degrees nine minutes west two hundred and thirty-seven links; thence on the west by a line bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by a line bearing south eighty-four degrees thirty-four minutes east two hundred and thirty-four and one-quarter links, to the point of commencement.

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 29 November, 1888. }*

*F. W. WEBB,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to enable the Borough of Newcastle to construct a street continuing Hunter-street from its present termination to the sea-shore, and for that purpose to acquire and re-sell certain lands and to raise certain loans.

WHEREAS the Council of the Borough of Newcastle are desirous of extending Hunter-street in the said Borough from its present termination to the sea beach. And whereas the proposed extension will pass through or near the lands described in the Schedule hereto, and will cross Pacific-street, Telford-street, and Zaara-street. And whereas for the purpose of paying the expenses of such construction it is expedient that the Council should have power to raise money by loans, and also to resume the lands in the said Schedule and to re-sell such portion thereof as are not necessary for the construction of the said street. And whereas it will be necessary to take up the gas and water pipes in the said Pacific-street, Telford-street, and Zaara-street during the construction of the proposed new street. And whereas the proposed extension will add greatly to the convenience of the public for purposes of traffic and locomotion. It is therefore desirable to authorize by Legislative enactment the construction of the proposed extended street upon payment of compensation to the several private owners and occupiers whose lands may be taken under the powers hereinafter given; and to authorize the payment of such compensation and other the costs of construction out of moneys to be raised by loans and by re-sale of lands as hereinafter provided, and to give

Preamble.

Hunter-street Newcastle Extension.

certain other powers. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. It shall be lawful for the Council of the said Borough to make and construct a public street with pavements or sidepaths from the present termination of Hunter-street, and of the same width as said street, and in the same line therewith from its present termination to the sea beach. Power to construct new street.
- 10 2. It shall be lawful for the said Council to take up and remove the pavements and gutters in such portions of Watt-street, Pacific-street, Telford-street, and Zaara-street as are crossed by the new proposed street, and to stop all or any part of the traffic in such streets during such construction as aforesaid, and to remove and displace the Power to take up pavements, gutters, gas and water pipes.
- 15 gas and water pipes and mains in such street. Provided always that the said Council shall, at their own expense, replace and restore the said pavements, gutters, pipes, and mains after the construction of the said new street.
- 20 3. The lands described in the Schedule hereto, with such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said street, shall by virtue of this Act and without the necessity of any conveyance be vested in the said Council and their successors in office in fee simple upon the passing of this Act. Provided always that where the said street shall
- 25 pass through any Reserve only sufficient land of such Reserve to construct the said street one chain wide shall vest in the said Council. Lands vested in the Borough without conveyance.
4. The said street shall be open and dedicated to the public upon its completion or within twelve months after the passing of this Act, whichever shall first happen. Dedication.
- 30 5. If within twenty-eight days after notice of resumption to the persons whose lands are described in the Schedule hereto or any of them, the Council shall not agree with them or any of them as to the amount of compensation to be paid by the Council for the said lands belonging to the said parties or any of them, or for any damage that
- 35 may be sustained by them or him by reason of the execution of the works, or if any other question as to compensation shall arise under this Act the amount of such compensation shall be settled by arbitrators in manner hereinafter provided. Compensation clause.
- 40 6. 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 or other matter shall be referred, and every appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made. Appointment of arbitrators.
- 45 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 or other matter shall have arisen, and after a request in writing shall have been served by
- 50 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 who has 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,
- 55 and in such case the award of determination of such single arbitrator shall be final and conclusive.
7. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom Vacancy in arbitration to be supplied.

Hunter-street Newcastle Extension.

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 seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed
 5 alone; and every arbitrator so to be substituted as aforesaid shall have the same power and authorities as were vested in the former arbitration, at the same time of such his death, refusal, neglect, or disability as aforesaid.

8. When more than one arbitrator shall have been appointed, Appointment of
 10 such arbitrators shall, before they enter into the matters referred to umpire.
 them, nominate and appoint, by writing under their hands, an umpire to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or refuse or for seven days neglect to act, after being called
 15 upon to do so by the arbitrators, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

9. If in either of the cases aforesaid the arbitrators shall refuse Attorney-General to
 or for seven days after request of either party to such arbitration appoint umpire on
 20 neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to 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.

10. If when a single arbitrator shall have been appointed such In case of death of
 arbitrator shall die or become incapable, or shall refuse, or for fourteen single arbitrator the
 days neglect to act, before he shall have made his award, the matter matter to begin
 referred to him shall be determined by arbitration under the provisions de novo.
 of this Act, in the same manner as if such arbitrator had not been
 30 appointed.

11. If where more than one arbitrator shall have been appointed If either arbitrator
 either of the arbitrators shall refuse, or for seven days neglect to act, refuse to act the
 the other arbitrator may proceed alone, and the decision of such other other to proceed
 arbitrator shall be as effectual as if he had been a single arbitrator ex parte.
 35 appointed by both parties.

12. If where more than one arbitrator shall have been appointed, If arbitrators fail to
 such arbitrators shall fail to make their award within twenty-one days make their award
 after the day on which the last of such arbitrators shall have been within twenty-one
 appointed, or within such extended time (if any) as shall have been days the matter to
 40 appointed for that purpose by both of such arbitrators under their go to the umpire.
 hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

13. The said arbitrators or their umpire may call for the pro- Powers of arbitrators
 duction of any documents in the possession or power of either party to call for books.
 45 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.

14. Before any arbitrator or umpire shall enter into the con- Arbitrator or umpire
 sideration of any matters referred to him he shall in the presence of a to make a declaration
 50 Justice of the Peace, notary public, or commissioner for affidavits, for faithful discharge
 make and subscribe the following declaration (that is to say),— of duty.

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 "Hunter-street Newcastle Extension Act of 1888," and will not receive any communication thereon
 55 from either party, save in the presence of the other party or at a duly appointed sitting of the arbitration.

Made and subscribed in the presence of

60

A.B.
And

Hunter-street Newcastle Extension.

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 he shall be guilty of a misdemeanour. Penalty for misconduct.

15. All costs of any such arbitration and incidental thereto to be settled by the arbitrators shall be borne by the Council unless the arbitrator shall award the same or a less sum than shall have been offered by the Council, in which case each party shall bear his own costs incident to the arbitration, provided that if either party shall be dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid. Cost of arbitration how to be borne.

16. The arbitrators shall deliver their award in writing to the Council who shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party, and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him for that purpose. The amount awarded shall be paid within sixty days after the publication of such award; but in every such case the party claiming payment shall be bound to make out a good title to the said lands, or to the interest claimed by him therein to the satisfaction of the said Council. Award to be delivered to the Borough.
Payment.

17. If the person or persons through whose lands shall be thus taken shall be under any disability or incapacity, or shall be entitled only to a partial or qualified interest in the said lands, or not entitled to dispose of the same absolutely for his or their own benefit, or shall be absent from the Colony, the amount of compensation to be paid by the said Council as aforesaid shall be ascertained, and when so ascertained shall be paid and applied in the same manner in all respects as the amount of compensation to be paid by the Commissioner for Railways in like cases under the provisions of the Act made and passed in the twenty-second year of the reign of Her present Majesty, number nineteen, is to be ascertained, paid, and applied. How compensation to be paid when any of the parties under any disability.

18. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties. Submission may be made a rule of Court.

19. 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 form. Award not void through error in form.

20. The Council shall make compensation and satisfaction to be ascertained and recovered in case of difference in manner hereinbefore provided for temporary, permanent, or recurring injury, and all other damage, loss, cost, charges, and inconvenience which may in anywise be occasioned to the said owners or occupiers, by the non-performance by the said Council of any of the matters and things hereby required to be performed by them or otherwise. Compensation for temporary or recurring injuries.

21. If in any case in which, according to the provisions of this Act, the said Council is authorized to enter upon and take possession of any lands required for the purpose of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the said Council from entering upon or taking possession of the same, it shall be lawful for the said Council to issue its warrant to the Sheriff to deliver possession of the same, and upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing of such execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give such possession, and the amount of such costs shall be deducted and retained by the said Council from the compensation (if any) then payable to such party; or if no such compensation shall be payable to such such Sheriff authorized to give possession of certain land.

Hunter-street Newcastle Extension.

such party or person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice for that purpose he shall issue his warrant accordingly.

5 22. It shall be lawful for the Council to purchase any lands adjacent to the lands included in the Schedule hereto, but compulsory powers hereinbefore given shall not extend to such adjacent lands. Power to buy other lands.

23. It shall be lawful for the said Council to borrow by debentures, mortgage bonds, or otherwise on the security of any land (including all or any of the lands purchased under this Act), personal estate, or annual revenues, active or prospective, belonging to body corporate of the said Borough of Newcastle, for or towards or incidental to the expense of the construction of the proposed new street, and the compensation moneys and the cost of the passing of this Act, any 10 moneys not exceeding in the whole thirty-three thousand pounds. Power to borrow money.

24. And for the purpose of securing the payment of the principal and interest of any loan contracted under the preceding section the said Council shall have all the powers and be enabled to give to the mortgagees, debenture holders, or other lenders all the privileges 20 and remedies set forth in the one hundred and ninety-first section of the "Municipalities Act of 1867." Nature of securities.

25. Notwithstanding the issue of any loan under the two next preceding sections, but subject to the rights of the borrower thereunder, it shall be lawful for the said Council to apply the general 25 funds of the said Borough to the purposes of constructing the said new street and paying the said compensation moneys. Power to use general Borough funds.

26. The said Council shall keep a separate account, entitled the "Hunter-street Extension Account," in which shall be shown all sums received, whether from the said general fund or otherwise, and of 30 all payments made under or for the purposes of this Act. And any debentures or other securities raised under this Act shall be intituled "Hunter-street Extension." Separate accounts.

27. It shall be lawful for the Council to sell any of the lands they may have purchased under this Act, and which they do not need 35 for the said new street, in such manner, at such times, and upon such terms and conditions as to payment of purchase moneys or subsequent uses of the land as to them in their absolute discretion shall seem fit. Power of sale.

28. It shall be lawful for the said Council to grant and convey in fee, or to demise for any number of years not exceeding sixty years, 40 any part of the lands purchased under this Act for the purpose of building houses or other erections or otherwise improving the same for such rents and upon and with such conditions, provisos, and covenants as to the said Council in their absolute discretion shall seem fit. Building leases for years or in fee farm.

29. The powers of sale given in the twenty-seventh section shall 45 extend to the sale of the ground or other rents and reversions created under the next preceding section. Sale of ground rents.

30. The powers of sale and demise contained in the twenty-seventh and twenty-eighth sections shall not extend to the lands which are reserved for public purposes. Reserve.

50 31. The moneys received by the said Council from sales and demises, under the said section, shall be paid into the said separate account, and shall be applied to repaying the general fund any advances that may have been made from it, and to repaying the said loans, and any surplus shall form part of the general fund of the said Borough. Moneys to be paid to special account.

55 32. The receipt of the Treasurer for the time being of the said Council shall be a complete discharge to any purchaser or tenant for any payment made by him under this Act. And the attestation to any conveyance or lease, by the Mayor and one Alderman for the time being of the said Borough, shall, after three months shall have elapsed since Evidence and conveyance.

Hunter-street Newcastle Extension.

since such deed was registered in the registry of deeds or the real property registry be conclusive evidence that the discretion of the Council had been duly exercised in reference thereto, and that the Treasurer, Mayor, and Aldermen therein named were duly appointed 5 and then in office. The conveyance or lease by the said Council shall be duly and effectually executed by affixing the corporate seal of the said Borough to such deed.

33. This Act shall be called the "Hunter-street Newcastle Short title. Extension Act of 1888."

10

SCHEDULE.

All that piece or parcel of land forming part of a Government reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre three roods eighteen perches: Commencing on the east side of Zaara-street, at a point bearing south six degrees seven minutes west 15 thirty and one-half links from the south-west corner of allotment number two hundred and seventy-two; and bounded thence on the south by a line bearing south eighty-four degrees nine minutes east two thousand and twenty-five links to the low-water mark, Pacific Ocean; thence on the east by low-water mark bearing north six degrees seven minutes east one hundred links; thence on part of the north by a line bearing north 20 eighty-four degrees nine minutes west one thousand eight hundred links to the east boundary of allotment number two hundred and seventy-two; thence on part of the west by the east boundary of allotment two hundred and seventy-two bearing south six degrees one minute west seventy-one and one-quarter links; thence on the remainder of the north by the south boundary of allotment number two hundred and seventy-two bearing 25 north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links to Zaara-street; thence by the east side of Zaara-street by a line bearing south six degrees seven minutes west thirty and one-half links, to the point of commencement.

All that piece or parcel of land forming Government allotments number two 30 hundred and seventy-two and part of allotment number two hundred and seventy-one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one rood twenty-one perches: Commencing on the eastern side of Zaara-street, at the south-west corner of allotment number two hundred and seventy-two; and bounded on the west by the east side of Zaara-street 35 bearing north six degrees seven minutes east one hundred and sixty-nine and one-half links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and twenty-five links; thence on the east by a line bearing south six degrees ten minutes west one hundred and seventy-one and one-quarter links; thence on the south by the south boundary of allotment number two hundred and seventy-two bearing 40 north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links, to the point of commencement.

All that piece or parcel of land forming part of Government allotments two hundred and thirty-two, two hundred and thirty-eight, and two hundred and thirty-nine, 45 and the whole of allotments two hundred and thirty-four, two hundred and thirty-five, two hundred and thirty-six, and two hundred and thirty-seven, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre one rood one perch: Commencing on the west side of Zaara-street at the south-east corner of allotment number two hundred and thirty-four; and bounded on the east by the west side of Zaara-street bearing north six degrees seven 50 minutes east two hundred and seventy-one links; thence on the north by a line bearing north eighty-four degrees nine minutes west four hundred and forty-nine links to the east side of Telford-street; thence on the west by the east side of Telford-street bearing south five degrees thirty-six minutes west three hundred links; thence on part of the south by a line bearing south eighty-four degrees nine minutes east two hundred and 55 twenty links; thence again on the east by a line bearing north six degrees twenty-four minutes east thirty links; thence on the remainder of the south by a line bearing south eighty-four degrees twenty-six minutes east two hundred and twenty-six and one-quarter links, to the point of commencement.

All that piece or parcel of land forming part of allotments two hundred and 60 twenty-seven and two hundred and twenty-eight, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and one-half perches: Commencing on the west side of Telford-street at a point bearing south five degrees thirty-six minutes west thirty-two links from the north-east corner of allotment number two hundred and twenty-seven; and bounded on the north by 65 a line bearing north eighty-four degrees nine minutes west two hundred and twenty-eight and three-quarter links; thence on the west by the east boundary of a reserve bearing south six degrees eighteen minutes west one hundred links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and thirty links to the west side of Telford-street; thence on the east by the west side of Telford-street 70 bearing north five degrees thirty-six minutes east one hundred links, to the point of commencement.

All

Hunter-street Newcastle Extension.

All that piece or parcel of land forming part of a reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and three-quarter perches: Commencing on the west side of allotment number two hundred and twenty-seven, at a point thirty links southerly
 5 from its north-west corner; and bounded on the north by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Pacific-street; thence on the west by the east side of Pacific-street bearing south six degrees forty-four minutes west one hundred links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and
 10 twenty-four links to the west boundary of allotment number two hundred and twenty-eight; thence on the east by part of the west boundaries of allotments two hundred and twenty-eight and two hundred and twenty-seven bearing north six degrees eighteen minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number
 15 eight, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement eleven perches: Commencing on the east side of Watt-street at the south-west corner of allotment number six; and bounded on the north by the south boundary of allotment number six bearing south eighty-four degrees nine minutes east two hundred and twenty-three and one-quarter links; thence on the east
 20 by the west boundary of allotment number seven bearing south six degrees four minutes west thirty-two links; thence on the south by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east thirty-two links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number
 25 seven, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement eleven perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number five; and bounded on the north by the south boundary of allotment number five bearing north eighty-four degrees fourteen minutes west two hundred and thirty-one links; thence on the west by part of the east
 30 boundary of allotment number eight bearing south six degrees four minutes west thirty-two links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and thirty-one and one-quarter links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east thirty-two and one-quarter links, to the point of commencement.

All that piece or parcel of land forming Government allotment number six, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number four; and bounded on the
 40 north by the south boundary of allotment number four bearing south eighty-four degrees seventeen minutes east two hundred and twenty-two and one-half links to the north-west corner of allotment number five; thence on the east by the west boundary of allotment number five bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing north eighty-four degrees nine minutes
 45 west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming Government allotment number five, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South
 50 Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number three; and bounded on the north by the south boundary of allotment number three bearing north eighty-four degrees four minutes west two hundred and thirty links; thence on the west by the east boundary of allotment number six bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing south
 55 eighty-four degrees fourteen minutes east two hundred and thirty-one links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred links, to the point of commencement.

All that piece or parcel of land being Government allotment number four, city of
 60 Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the east side of Watt-street at the south-west corner of allotment number two; and bounded on the north by the south boundary of allotment number two bearing south eighty-three degrees fifty-five minutes east two hundred and twenty links; thence on the east by the
 65 west boundary of allotment number three bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing north eighty-four degrees seventeen minutes west two hundred and twenty-two and one-half links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east one hundred links, to the point of commencement.

All that piece or parcel of land being Government allotment number three, city of
 70 Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number one; and bounded on the north by the south boundary of allotment number one bearing north
 75 eighty-four degrees thirty-four minutes west two hundred and thirty-four and one-quarter

Hunter-street Newcastle Extension.

quarter links to the north-east corner of allotment number four; thence on the west by the east boundary of allotment number four bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing south eighty-four degrees six minutes east two hundred and thirty links to west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred and one and one-half links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number two, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-four perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number two; and bounded on the west by the east side of Watt-street bearing north six degrees thirty minutes east sixty-eight links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and eighteen and one-half links; thence on the east by the west boundary of allotment number one bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by the north boundary of allotment number four bearing north eighty-three degrees fifty-five minutes west two hundred and twenty links, to the point of commencement.

All that piece or parcel of land forming part of original Government allotment number one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-nine perches: Commencing on the western side of Pacific-street at the south-east corner of allotment number one; and bounded on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east sixty-six and three-quarter links; thence on the north by a line bearing north eighty-four degrees nine minutes west two hundred and thirty-seven links; thence on the west by a line bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by a line bearing south eighty-four degrees thirty-four minutes east two hundred and thirty-four and one-quarter links, to the point of commencement.

HUNTER-STREET, NEWCASTLE, EXTENSION BILL.

SCHEDULE of the Amendments referred to in Message of 19th December, 1888.

- Page 1, Title. *Omit "construct a street continuing" insert "extend"*
- Page 1, preamble, line 4. *Omit "pass through or near the lands described in the Schedule hereto and will"*
- Page 1, preamble, line 7. *Before "Council" insert "said"*
- Page 1, preamble, lines 7 to 9. *Omit "and also to resume the lands in the said Schedule and to re-sell such portion thereof as are not necessary for the construction of the said street"*
- Page 1, preamble, line 12. *Omit "new street" insert "extension"*
- Page 1, preamble, line 15. *Omit "extended street" insert "extension"*
- Page 2, clause 1, line 6. *Omit "a public street" insert "an extension of Hunter-street aforesaid"*
- Page 2, clause 1. At end of clause *add "and for that purpose to resume, enter upon, and take possession of all lands necessary for the purpose, which lands shall by virtue of this Act without the necessity of any conveyance be vested in the said Council and their successors in office in fee simple from the passing of this Act"*
- Page 2, clause 2, line 21. *After "mains" insert "within twelve months after such taking up and removal or immediately"*
- Page 2, clause 2, line 23. *Omit "new street" insert "extension, if such construction shall be completed within a less period than twelve months after such taking up and removal"*
- Page 2, clause 3, line 26. *Omit "The lands described in the Schedule hereto with" insert "the said Council shall have"*
- Page 2, clause 3, line 28. *After "said" omit remainder of clause insert "extension"*
- Page 2, clause 4, line 35. *Omit "street" insert "extension"*
- Page 2, clause 5, lines 38 to 40. *Omit "If within twenty-eight days after notice of resumption to the persons whose lands are described in the Schedule hereto or any of them, the Council shall not agree with them or any of them" insert "Notice of resumption of any lands required by the said Council for the said extension shall be given to the owner or owners thereof within three months after the passing of this Act, and if within twenty-eight days after such notice the said Council shall not agree with the persons whose lands are resumed or any of them"*
- Page 2, clause 5, line 46. *Before "Council" insert "said"*
- Page 2, clause 5, line 48. *After "reason" insert "of severance or"*
- Page 2, clause 5. At end of clause *Add "And the provisions of the Arbitration Act thirty-one Victoria number fifteen, shall, when not inconsistent with any of the provisions of this Act, be deemed to be incorporated in this Act: Provided that if after giving such notice it becomes unnecessary in the opinion of the said Council to resume the lands comprised in such notice, such notice shall impose no obligation on the said Council beyond the obligation of paying to the owner or owners of such lands such reasonable costs and expenses as he or they may have incurred in order to comply with the provisions of this Act"*
- Page 3, clause 7, line 28. *Omit "same"*
- Page 4, clause 15, line 27. *Before "Council" insert "said"*
- Page 4, clause 15, line 29. *Before "Council" insert "said"*
- Page 4, clause 16, line 36. *Before "Council" insert "said"*
- Page 5, clause 20, line 1. *Before "Council" insert "said"*
- Page 5, clause 20. At end of clause *add "And shall account to the said owners or occupiers for any rents and profits received by the said Council in respect of lands taken under this Act up to the day when payment of compensation money for the taking of the same is made to the said owners or occupiers. And no occupier or tenant of any house or land resumed under this Act shall have any right of action or claim against his landlord for any disturbance of his possession of the said house or land in consequence of the exercise by the said Council of the powers conferred by this Act, notwithstanding any existing covenant or agreement to the contrary"*
- Page 5, clause 21, line 19. *Before "enter" insert "resume"*
- Page 5, clause 21, line 31. *Omit "party" insert "person"*
- Page 5, clause 21, line 32. *Omit "party or"*
- Page 5, clause 21, line 35. *After "Justice" insert "of the Peace"*
- Page 5, clause 22, line 37. *Before "Council" insert "said"*
- Page 5, clause 22, line 38. *After "lands" omit remainder of clause, insert "resumed under this Act"*
- Page 5, clause 23, line 45. *Omit "of Newcastle"*
- Page 5, clause 23, line 46. *Omit "new street" insert "Extension"*
- Page 5, clause 24, line 50. *Omit "And"*
- Page 5, clause 25, lines 59 and 60. *Omit "new street" insert "extension"*
- Page 6, clause 27, line 7. *Before "Council" insert "said"*
- Page 6, clause 27, line 9. *Omit "new street" insert "extension"*
- Page 6, clause 28, line 15. *After "Act" insert "and which they do not need for the said extension"*
- Page 6, clause 30. *Omit clause 30.*
- Page 6, clause 32 31, line 38. *Before "Council" insert "said"*
- Pages 6, 7, and 8, Schedule. *Omit the Schedule.*

This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 29 November, 1888. }*

F. W. WEBB,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments

*Legislative Council Chamber,
Sydney, 19th December, 1888. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to enable the Borough of Newcastle to ~~construct a street~~
~~continuing~~ extend Hunter-street from its present termination
to the sea-shore, and for that purpose to acquire and re-sell
certain lands and to raise certain loans.

WHEREAS the Council of the Borough of Newcastle are desirous Preamble.
of extending Hunter-street in the said Borough from its present
termination to the sea beach. And whereas the proposed extension will
pass through or near the lands described in the Schedule hereto, and will
5 cross Pacific-street, Telford-street, and Zaara-street. And whereas for
the purpose of paying the expenses of such construction it is expedient
that the said Council should have power to raise money by loans, and also
to resume the lands in the said Schedule and to re-sell such portion thereof
as are not necessary for the construction of the said street. And whereas
10 it will be necessary to take up the gas and water pipes in the said
Pacific-street, Telford-street, and Zaara-street during the construction
of the proposed new-street extension. And whereas the proposed
extension will add greatly to the convenience of the public for purposes
of traffic and locomotion. It is therefore desirable to authorize by
15 Legislative enactment the construction of the proposed extended-street
extension upon payment of compensation to the several private owners
and occupiers whose lands may be taken under the powers herein-
after given; and to authorize the payment of such compensation
and other the costs of construction out of moneys to be raised by
20 loans and by re-sale of lands as hereinafter provided, and to give
certain

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NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Hunter-street Newcastle Extension.

certain other powers. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. It shall be lawful for the Council of the said Borough to make and construct a public street an extension of Hunter-street aforesaid with pavements or sidepaths from the present termination of Hunter-street, and of the same width as said street, and in the same line therewith from its present termination to the sea beach, and for
10 that purpose to resume, enter upon, and take possession of all lands necessary for the purpose, which lands shall by virtue of this Act, without the necessity of any conveyance, be vested in the said Council and their successors in office, in fee simple, from the passing of this Act. Power to construct new street.
- 15 2. It shall be lawful for the said Council to take up and remove the pavements and gutters in such portions of Watt-street, Pacific-street, Telford-street, and Zaara-street as are crossed by the new proposed street, and to stop all or any part of the traffic in such streets during such construction as aforesaid, and to remove and displace the gas and water pipes and mains in such street. Provided always that
20 the said Council shall, at their own expense, replace and restore the said pavements, gutters, pipes, and mains within twelve months after such taking-up and removal or immediately after the construction of the said new street extension, if such construction shall be completed within a less period than twelve months after such taking-up and
25 removal. Power to take up pavements, gutters, gas and water pipes.
3. The lands described in the Schedule hereto, with The said Council shall have such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said street, shall by virtue of this Act and without the necessity of any conveyance be vested in the said Council and their successors in office in
30 fee simple upon the passing of this Act. Provided always that where the said street shall pass through any Reserve only sufficient land of such Reserve to construct the said street one chain wide shall vest in the said Council extension. Lands vested in the Borough without conveyance.
- 35 4. The said street extension shall be open and dedicated to the public upon its completion or within twelve months after the passing of this Act, whichever shall first happen. Dedication.
5. ~~If within twenty-eight days after notice of resumption to~~ the persons whose lands are described in the Schedule hereto or
40 any of them, the Council shall not agree with them or any of them Notice of resumption of any lands required by the said Council for the said extension shall be given to the owner or owners thereof within three months after the passing of this Act, and if within twenty-eight days after such notice the said Council shall not agree with the persons whose
45 lands are resumed or any of them as to the amount of compensation to be paid by the said Council for the said lands belonging to the said parties or any of them, or for any damage that may be sustained by them or him by reason of severance or of the execution of the works, or if any other question as to compensation shall arise under this Act
50 the amount of such compensation shall be settled by arbitrators in manner hereinafter provided, and the provisions of the "Arbitration Act," thirty-one Victoria number fifteen, shall when not inconsistent with any of the provisions of this Act be deemed to be incorporated in this Act. Provided that if after giving such notice it becomes un-
55 necessary in the opinion of the said Council to resume the lands comprised in such notice, such notice shall impose no obligation on the said Council beyond the obligation of paying to the owner or owners of such lands such reasonable costs and expenses as he or they may have incurred in order to comply with the provisions of this Act. Compensation clause.

Hunter-street Newcastle Extension.

6. 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 or other matter shall be referred, and every appointment shall be delivered to the arbitrator or 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 or other matter shall have arisen, and after a request in writing 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 who has 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 of determination of such single arbitrator shall be final and conclusive.
7. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, 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 seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid shall have the same power and authorities as were vested in the former arbitration, at the same time of such his death, refusal, neglect, or disability as aforesaid.
8. When more than one arbitrator shall have been appointed, such arbitrators shall, before they enter into the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or refuse or for seven days neglect to act, after being called upon to do so by the arbitrators, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.
9. If in either of the cases aforesaid the arbitrators shall refuse or for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to 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.
10. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect 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.
11. If where more than one arbitrator shall have been appointed either of the arbitrators shall refuse, or for seven days neglect to act, the other arbitrator may proceed alone, and the decision of such other arbitrator shall be as effectual as if he had been a single arbitrator appointed by both parties.
12. If where more than one arbitrator shall have been appointed, 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,

Appointment of arbitrators.

Vacancy in arbitration to be supplied.

Appointment of umpire.

Attorney-General to appoint umpire on neglect.

In case of death of single arbitrator the matter to begin *de novo*.

If either arbitrator refuse to act the other to proceed *ex parte*.

If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.

Hunter-street Newcastle Extension.

appointed, or within such extended time (if any) as shall have been appointed for that purpose by both of such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

5 13. The said arbitrators or their umpire may call for the pro- Powers of arbitrators
duction of any documents in the possession or power of either party to call for books.
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.

10 14. Before any arbitrator or umpire shall enter into the con- Arbitrator or umpire
sideration of any matters referred to him he shall in the presence of a to make a declaration
Justice of the Peace, notary public, or commissioner for affidavits, for faithful discharge
make and subscribe the following declaration (that is to say),— of duty.

15 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 pro-
visions of the "Hunter-street Newcastle Extension Act
of 1888," and will not receive any communication thereon
from either party, save in the presence of the other party or
20 at a duly appointed sitting of the arbitration.

Made and subscribed in the presence of

A.B.

And such declaration shall be annexed to the award when made, and if any arbitrator or umpire having made such declaration shall
25 wilfully act contrary he shall be guilty of a misdemeanour. Penalty for mis-
conduct.

15. All costs of any such arbitration and incidental thereto to be settled by the arbitrators shall be borne by the said Council unless the arbitrator shall award the same or a less sum than shall have been offered by the said Council, in which case each party shall bear his own
30 costs incident to the arbitration, provided that if either party shall be dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid. Cost of arbitration
how to be borne.

35 16. The arbitrators shall deliver their award in writing to the said Council who shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party, and shall at all times on demand produce the said award and allow the same to be inspected or examined by such party or any person appointed by him
40 for that purpose. The amount awarded shall be paid within sixty days after the publication of such award; but in every such case the party claiming payment shall be bound to make out a good title to the said lands, or to the interest claimed by him therein to the satisfaction of the said Council. Award to be deliv-
ered to the Borough.
Payment.

45 17. If the person or persons through whose lands shall be thus taken shall be under any disability or incapacity, or shall be entitled only to a partial or qualified interest in the said lands, or not entitled to dispose of the same absolutely for his or their own benefit, or shall be absent from the Colony, the amount of compensation to be paid by
50 the said Council as aforesaid shall be ascertained, and when so ascertained shall be paid and applied in the same manner in all respects as the amount of compensation to be paid by the Commissioner for Railways in like cases under the provisions of the Act made and passed in the twenty-second year of the reign of Her present Majesty, num-
55 ber nineteen, is to be ascertained, paid, and applied. How compensation
to be paid when any
of the parties under
any disability.

18. The submission to any such arbitration may be made a rule of the Supreme Court on the application of either of the parties. Submission may be
made a rule of Court.

19. 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 form. Award not void
through error in
form.

20.

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20. The said Council shall make compensation and satisfaction to be ascertained and recovered in case of difference in manner hereinbefore provided for temporary, permanent, or recurring injury, and all other damage, loss, cost, charges, and inconvenience which may in anywise be occasioned to the said owners or occupiers, by the non-performance by the said Council of any of the matters and things hereby required to be performed by them or otherwise, and shall account to the said owners or occupiers for any rents and profits received by the said Council in respect of lands taken under this Act up to the day when payment of compensation money for the taking of the same is made to the said owners or occupiers. And no occupier or tenant of any house or land resumed under this Act shall have any right of action or claim against his landlord for any disturbance of his possession of the said house or land in consequence of the exercise by the said Council of the powers conferred by this Act, notwithstanding any existing covenant or agreement to the contrary.

Compensation for temporary or recurring injuries.

21. If in any case in which, according to the provisions of this Act, the said Council is authorized to resume enter upon and take possession of any lands required for the purpose of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the said Council from entering upon or taking possession of the same, it shall be lawful for the said Council to issue its warrant to the Sheriff to deliver possession of the same, and upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing of such execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give such possession, and the amount of such costs shall be deducted and retained by the said Council from the compensation (if any) then payable to such party person; or if no such compensation shall be payable to such party or person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice of the Peace for that purpose he shall issue his warrant accordingly.

Sheriff authorized to give possession of certain land.

22. It shall be lawful for the said Council to purchase any lands adjacent to the lands included in the Schedule hereto, but compulsory powers hereinbefore given shall not extend to such adjacent lands resumed under this Act.

Power to buy other lands.

23. It shall be lawful for the said Council to borrow by debentures, mortgage bonds, or otherwise on the security of any land (including all or any of the lands purchased under this Act), personal estate, or annual revenues, active or prospective, belonging to body corporate of the said Borough of Newcastle, for or towards or incidental to the expense of the construction of the proposed new street, extension and the compensation moneys and the cost of the passing of this Act, any moneys not exceeding in the whole thirty-three thousand pounds.

Power to borrow money.

24. And For the purpose of securing the payment of the principal and interest of any loan contracted under the preceding section the said Council shall have all the powers and be enabled to give to the mortgagees, debenture holders, or other lenders all the privileges and remedies set forth in the one hundred and ninety-first section of the "Municipalities Act of 1867."

Nature of securities.

25. Notwithstanding the issue of any loan under the two next preceding sections, but subject to the rights of the borrower thereunder, it shall be lawful for the said Council to apply the general funds of the said Borough to the purposes of constructing the said new street extension and paying the said compensation moneys.

Power to use general Borough funds.

26.

Hunter-street Newcastle Extension.

26. The said Council shall keep a separate account, entitled the "Hunter-street Extension Account," in which shall be shown all sums received, whether from the said general fund or otherwise, and of all payments made under or for the purposes of this Act. And any debentures or other securities raised under this Act shall be intituled "Hunter-street Extension."

Separate accounts.

27. It shall be lawful for the said Council to sell any of the lands they may have purchased under this Act, and which they do not need for the said new-street, extension in such manner, at such times, and upon such terms and conditions as to payment of purchase moneys or subsequent uses of the land as to them in their absolute discretion shall seem fit.

Power of sale.

28. It shall be lawful for the said Council to grant and convey in fee, or to demise for any number of years not exceeding sixty years, any part of the lands purchased under this Act and which they do not need for the said extension for the purpose of building houses or other erections or otherwise improving the same for such rents and upon and with such conditions, provisos, and covenants as to the said Council in their absolute discretion shall seem fit.

Building leases for years or in fee farm.

29. The powers of sale given in the twenty-seventh section shall extend to the sale of the ground or other rents and reversions created under the next preceding section.

Sale of ground rents.

30. The powers of sale and demise contained in the twenty-seventh and twenty-eighth sections shall not extend to the lands which are reserved for public purposes.

Reserve.

31. 30. The moneys received by the said Council from sales and demises, under the said section, shall be paid into the said separate account, and shall be applied to repaying the general fund any advances that may have been made from it, and to repaying the said loans, and any surplus shall form part of the general fund of the said Borough.

Moneys to be paid to special account.

32. 31. The receipt of the Treasurer for the time being of the said Council shall be a complete discharge to any purchaser or tenant for any payment made by him under this Act. And the attestation to any conveyance or lease, by the Mayor and one Alderman for the time being of the said Borough, shall, after three months shall have elapsed since such deed was registered in the registry of deeds or the real property registry be conclusive evidence that the discretion of the said Council had been duly exercised in reference thereto, and that the Treasurer, Mayor, and Aldermen therein named were duly appointed and then in office. The conveyance or lease by the said Council shall be duly and effectually executed by affixing the corporate seal of the said Borough to such deed.

Evidence and conveyance.

33. 32. This Act shall be called the "Hunter-street Newcastle Extension Act of 1888."

Short title.

SCHEDULE.

45 All that piece or parcel of land forming part of a Government reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre three roods eighteen perches: Commencing on the east side of Zaara-street, at a point bearing south six degrees seven minutes west
50 thirty and one-half links from the south-west corner of allotment number two hundred and seventy-two; and bounded thence on the south by a line bearing south eighty-four degrees nine minutes east two thousand and twenty-five links to the low-water mark, Pacific Ocean; thence on the east by low-water mark bearing north six degrees seven minutes east one hundred links; thence on part of the north by a line bearing north
55 eighty-four degrees nine minutes west one thousand eight hundred links to the east boundary of allotment number two hundred and seventy-two; thence on part of the west by the east boundary of allotment two hundred and seventy-two bearing south six degrees one minute west seventy-one and one-quarter links; thence on the remainder of the north by the south boundary of allotment number two hundred and seventy-two bearing
60 north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links to Zaara-street; thence by the east side of Zaara-street by a line bearing south six degrees seven minutes west thirty and one-half links, to the point of commencement.

All

Hunter-street Newcastle Extension.

All that piece or parcel of land forming Government allotments number two hundred and seventy-two and part of allotment number two hundred and seventy-one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one rood twenty-one perches: Commencing
 5 on the eastern side of Zaara-street, at the south-west corner of allotment number two hundred and seventy-two; and bounded on the west by the east side of Zaara-street bearing north six degrees seven minutes east one hundred and sixty-nine and one-half links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and twenty-five links; thence on the east by a line bearing south six degrees
 10 ten minutes west one hundred and seventy-one and one-quarter links; thence on the south by the south boundary of allotment number two hundred and seventy-two bearing north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links, to the point of commencement.

All that piece or parcel of land forming part of Government allotments two
 15 hundred and thirty-two, two hundred and thirty-eight, and two hundred and thirty-nine, and the whole of allotments two hundred and thirty-four, two hundred and thirty-five, two hundred and thirty-six, and two hundred and thirty-seven, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre one rood one perch: Commencing on the west side of Zaara-
 20 street at the south-east corner of allotment number two hundred and thirty-four; and bounded on the east by the west side of Zaara-street bearing north six degrees seven minutes east two hundred and seventy-one links; thence on the north by a line bearing north eighty-four degrees nine minutes west four hundred and forty-nine links to the east side of Telford-street; thence on the west by the east side of Telford-street bearing
 25 south five degrees thirty-six minutes west three hundred links; thence on part of the south by a line bearing south eighty-four degrees nine minutes east two hundred and wenty links; thence again on the east by a line bearing north six degrees twenty-four minutes east thirty links; thence on the remainder of the south by a line bearing south eighty-four degrees twenty-six minutes east two hundred and twenty-six and one-quarter
 30 links, to the point of commencement.

All that piece or parcel of land forming part of allotments two hundred and twenty-seven and two hundred and twenty-eight, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and one-half perches: Commencing on the west side of Telford-street at a point
 35 bearing south five degrees thirty-six minutes west thirty-two links from the north-east corner of allotment number two hundred and twenty-seven; and bounded on the north by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-eight and three-quarter links; thence on the west by the east boundary of a reserve bearing south six degrees eighteen minutes west one hundred links; thence on the south by a
 40 line bearing south eighty-four degrees nine minutes east two hundred and thirty links to the west side of Telford-street; thence on the east by the west side of Telford-street bearing north five degrees thirty-six minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming part of a reserve, city of Newcastle,
 45 parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and three-quarter perches: Commencing on the west side of allotment number two hundred and twenty-seven, at a point thirty links southerly from its north-west corner; and bounded on the north by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to
 50 the east side of Pacific-street; thence on the west by the east side of Pacific-street bearing south six degrees forty-four minutes west one hundred links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and twenty-four links to the west boundary of allotment number two hundred and twenty-eight; thence on the east by part of the west boundaries of allotments two hundred and
 55 twenty-eight and two hundred and twenty-seven bearing north six degrees eighteen minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number eight, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement eleven perches: Commencing on the east side of Watt-
 60 street at the south-west corner of allotment number six; and bounded on the north by the south boundary of allotment number six bearing south eighty-four degrees nine minutes east two hundred and twenty-three and one-quarter links; thence on the east by the west boundary of allotment number seven bearing south six degrees four minutes west thirty-two links; thence on the south by a line bearing north eighty-four degrees
 65 nine minutes west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east thirty-two links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number seven, city of Newcastle, county of Northumberland, Colony of New South Wales,
 70 containing by admeasurement eleven perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number five; and bounded on the north by the south boundary of allotment number five bearing north eighty-four degrees fourteen minutes west two hundred and thirty-one links; thence on the west by part of the east boundary of allotment number eight bearing south six degrees four minutes west thirty-
 75 two links; thence on the south by a line bearing south eighty-four degrees nine minutes
 east

Hunter-street Newcastle Extension.

east two hundred and thirty-one and one-quarter links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east thirty-two and one-quarter links, to the point of commencement.

5 All that piece or parcel of land forming Government allotment number six, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number four; and bounded on the north by the south boundary of allotment number four bearing south eighty-four degrees seventeen minutes east two hundred and twenty-two and one-half links to the north-west corner of allotment number five; thence on the east by the west boundary of allotment number five bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east one hundred links, to the point of commencement.

15 All that piece or parcel of land forming Government allotment number five, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number three; and bounded on the north by the south boundary of allotment number three bearing north eighty-four degrees four minutes west two hundred and thirty links; thence on the west by the east boundary of allotment number six bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing south eighty-four degrees fourteen minutes east two hundred and thirty-one links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred links, to the point of commencement.

20 All that piece or parcel of land being Government allotment number four, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the east side of Watt-street at the south-west corner of allotment number two; and bounded on the north by the south boundary of allotment number two bearing south eighty-three degrees fifty-five minutes east two hundred and twenty links; thence on the east by the west boundary of allotment number three bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing north eighty-four degrees seventeen minutes west two hundred and twenty-two and one-half links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east one hundred links, to the point of commencement.

25 All that piece or parcel of land being Government allotment number three, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number one; and bounded on the north by the south boundary of allotment number one bearing north eighty-four degrees thirty-four minutes west two hundred and thirty-four and one-quarter links to the north-east corner of allotment number four; thence on the west by the east boundary of allotment number four bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing south eighty-four degrees six minutes east two hundred and thirty links to west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred and one and one-half links, to the point of commencement.

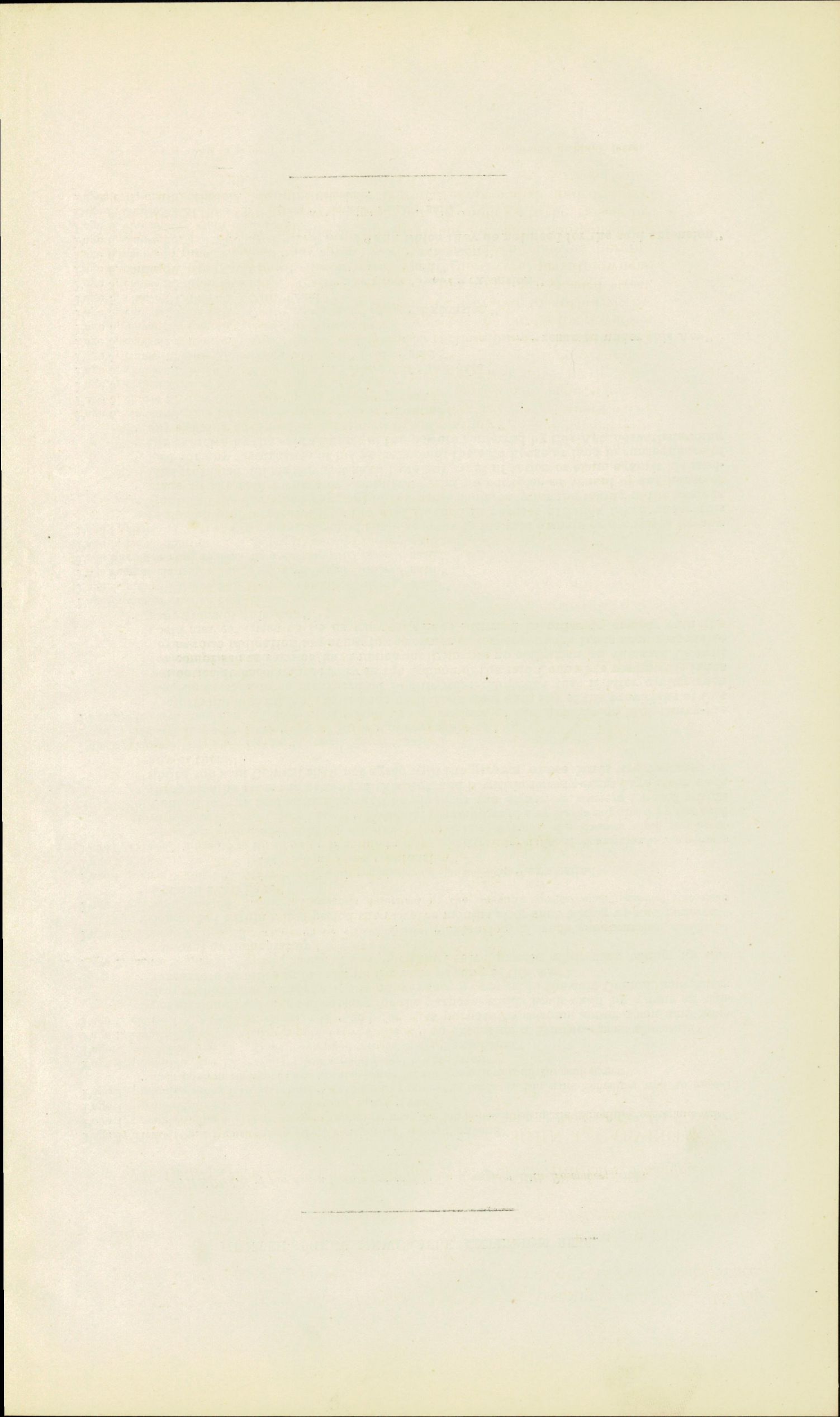
30 All that piece or parcel of land forming part of Government allotment number two, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-four perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number two; and bounded on the west by the east side of Watt-street bearing north six degrees thirty minutes east sixty-eight links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and eighteen and one-half links; thence on the east by the west boundary of allotment number one bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by the north boundary of allotment number four bearing north eighty-three degrees fifty-five minutes west two hundred and twenty links, to the point of commencement.

35 All that piece or parcel of land forming part of original Government allotment number one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-nine perches: Commencing on the western side of Pacific-street at the south-east corner of allotment number one; and bounded on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east sixty-six and three-quarter links; thence on the north by a line bearing north eighty-four degrees nine minutes west two hundred and thirty-seven links; thence on the west by a line bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by a line bearing south eighty-four degrees thirty-four minutes east two hundred and thirty-four and one-quarter links, to the point of commencement.

HUNTER-STREET, NEWCASTLE, EXTENSION BILL.

SCHEDULE of the Amendments referred to in Message of 19th December, 1888.

- Page 1, Title. *Omit "construct a street continuing" insert "extend"*
- Page 1, preamble, line 4. *Omit "pass through or near the lands described in the Schedule hereto and will"*
- Page 1, preamble, line 7. *Before "Council" insert "said"*
- Page 1, preamble, lines 7 to 9. *Omit "and also to resume the lands in the said Schedule and to re-sell such portion thereof as are not necessary for the construction of the said street"*
- Page 1, preamble, line 12. *Omit "new street" insert "extension"*
- Page 1, preamble, line 15. *Omit "extended street" insert "extension"*
- Page 2, clause 1, line 6. *Omit "a public street" insert "an extension of Hunter-street aforesaid"*
- Page 2, clause 1. At end of clause *add "and for that purpose to resume, enter upon, and take possession of all lands necessary for the purpose, which lands shall by virtue of this Act without the necessity of any conveyance be vested in the said Council and their successors in office in fee simple from the passing of this Act"*
- Page 2, clause 2, line 21. *After "mains" insert "within twelve months after such taking up and removal or immediately"*
- Page 2, clause 2, line 23. *Omit "new street" insert "extension, if such construction shall be completed within a less period than twelve months after such taking up and removal"*
- Page 2, clause 3, line 26. *Omit "The lands described in the Schedule hereto with" insert "the said Council shall have"*
- Page 2, clause 3, line 28. *After "said" omit remainder of clause insert "extension"*
- Page 2, clause 4, line 35. *Omit "street" insert "extension"*
- Page 2, clause 5, lines 38 to 40. *Omit "If within twenty-eight days after notice of resumption to the persons whose lands are described in the Schedule hereto or any of them, the Council shall not agree with them or any of them" insert "Notice of resumption of any lands required by the said Council for the said extension shall be given to the owner or owners thereof within three months after the passing of this Act, and if within twenty-eight days after such notice the said Council shall not agree with the persons whose lands are resumed or any of them"*
- Page 2, clause 5, line 46. *Before "Council" insert "said"*
- Page 2, clause 5, line 48. *After "reason" insert "of severance or"*
- Page 2, clause 5. At end of clause *add "And the provisions of the Arbitration Act thirty-one Victoria number fifteen, shall, when not inconsistent with any of the provisions of this Act, be deemed to be incorporated in this Act: Provided that if after giving such notice it becomes unnecessary in the opinion of the said Council to resume the lands comprised in such notice, such notice shall impose no obligation on the said Council beyond the obligation of paying to the owner or owners of such lands such reasonable costs and expenses as he or they may have incurred in order to comply with the provisions of this Act"*
- Page 3, clause 7, line 28. *Omit "same"*
- Page 4, clause 15, line 27. *Before "Council" insert "said"*
- Page 4, clause 15, line 29. *Before "Council" insert "said"*
- Page 4, clause 16, line 36. *Before "Council" insert "said"*
- Page 5, clause 20, line 1. *Before "Council" insert "said"*
- Page 5, clause 20. At end of clause *add "And shall account to the said owners or occupiers for any rents and profits received by the said Council in respect of lands taken under this Act up to the day when payment of compensation money for the taking of the same is made to the said owners or occupiers. And no occupier or tenant of any house or land resumed under this Act shall have any right of action or claim against his landlord for any disturbance of his possession of the said house or land in consequence of the exercise by the said Council of the powers conferred by this Act, notwithstanding any existing covenant or agreement to the contrary"*
- Page 5, clause 21, line 19. *Before "enter" insert "resume"*
- Page 5, clause 21, line 31. *Omit "party" insert "person"*
- Page 5, clause 21, line 32. *Omit "party or"*
- Page 5, clause 21, line 35. *After "Justice" insert "of the Peace"*
- Page 5, clause 22, line 37. *Before "Council" insert "said"*
- Page 5, clause 22, line 38. *After "lands" omit remainder of clause, insert "resumed under this Act"*
- Page 5, clause 23, line 45. *Omit "of Newcastle"*
- Page 5, clause 23, line 46. *Omit "new street" insert "Extension"*
- Page 5, clause 24, line 50. *Omit "And"*
- Page 5, clause 25, lines 59 and 60. *Omit "new street" insert "extension"*
- Page 6, clause 27, line 7. *Before "Council" insert "said"*
- Page 6, clause 27, line 9. *Omit "new street" insert "extension"*
- Page 6, clause 28, line 15. *After "Act" insert "and which they do not need for the said extension"*
- Page 6, clause 30. *Omit clause 30.*
- Page 6, clause 32 31, line 38. *Before "Council" insert "said"*
- Pages 6, 7, and 8, Schedule. *Omit the Schedule.*



This PRIVATE BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 29 November, 1888.* }

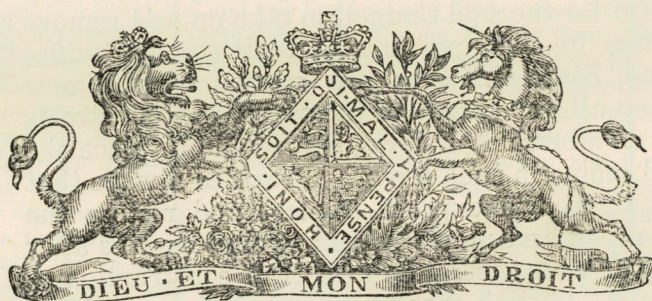
F. W. WEBB,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments

*Legislative Council Chamber,
Sydney, 19th December, 1888.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

An Act to enable the Borough of Newcastle to ~~construct a street~~
~~continuing~~ extend Hunter-street from its present termination
to the sea-shore, and for that purpose to acquire and re-sell
certain lands and to raise certain loans.

WHEREAS the Council of the Borough of Newcastle are desirous ^{Preamble.}
of extending Hunter-street in the said Borough from its present
termination to the sea beach. And whereas the proposed extension will
~~pass through or near the lands described in the Schedule hereto, and will~~
5 cross Pacific-street, Telford-street, and Zaara-street. And whereas for
the purpose of paying the expenses of such construction it is expedient
that the said Council should have power to raise money by loans, and ~~also~~
~~to resume the lands in the said Schedule and to re-sell such portion thereof~~
~~as are not necessary for the construction of the said street.~~ And whereas
10 it will be necessary to take up the gas and water pipes in the said
Pacific-street, Telford-street, and Zaara-street during the construction
of the proposed ~~new street~~ extension. And whereas the proposed
extension will add greatly to the convenience of the public for purposes
of traffic and locomotion. It is therefore desirable to authorize by
15 Legislative enactment the construction of the proposed ~~extended street~~
extension upon payment of compensation to the several private owners
and occupiers whose lands may be taken under the powers herein-
after given; and to authorize the payment of such compensation
and other the costs of construction out of moneys to be raised by
20 loans and by re-sale of lands as hereinafter provided, and to give
certain

129—

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Hunter-street Newcastle Extension.

certain other powers. Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. It shall be lawful for the Council of the said Borough to make and construct a public street an extension of Hunter-street aforesaid with pavements or sidepaths from the present termination of Hunter-street, and of the same width as said street, and in the same line therewith from its present termination to the sea beach, and for
10 that purpose to resume, enter upon, and take possession of all lands necessary for the purpose, which lands shall by virtue of this Act, without the necessity of any conveyance, be vested in the said Council and their successors in office, in fee simple, from the passing of this Act. Power to construct new street.
- 15 2. It shall be lawful for the said Council to take up and remove the pavements and gutters in such portions of Watt-street, Pacific-street, Telford-street, and Zaara-street as are crossed by the new proposed street, and to stop all or any part of the traffic in such streets during such construction as aforesaid, and to remove and displace the gas and water pipes and mains in such street. Provided always that
20 the said Council shall, at their own expense, replace and restore the said pavements, gutters, pipes, and mains within twelve months after such taking-up and removal or immediately after the construction of the said new street extension, if such construction shall be completed within a less period than twelve months after such taking-up and
25 removal. Power to take up pavements, gutters, gas and water pipes.
- 30 3. The lands described in the Schedule hereto, with The said Council shall have such right of ingress, egress, and regress upon the adjacent lands as may be necessary for the making and repair of the said street, shall by virtue of this Act and without the necessity of any conveyance be vested in the said Council and their successors in office in
35 fee simple upon the passing of this Act. Provided always that where the said street shall pass through any Reserve only sufficient land of such Reserve to construct the said street one chain wide shall vest in the said Council extension. Lands vested in the Borough without conveyance.
- 40 4. The said street extension shall be open and dedicated to the public upon its completion or within twelve months after the passing of this Act, whichever shall first happen. Dedication.
- 45 5. ~~If within twenty-eight days after notice of resumption to~~ the persons whose lands are described in the Schedule hereto or
50 any of them, the Council shall not agree with them or any of them Notice of resumption of any lands required by the said Council for the said extension shall be given to the owner or owners thereof within three months after the passing of this Act, and if within twenty-eight days after such notice the said Council shall not agree with the persons whose
55 lands are resumed or any of them as to the amount of compensation to be paid by the said Council for the said lands belonging to the said parties or any of them, or for any damage that may be sustained by them or him by reason of severance or of the execution of the works, or if any other question as to compensation shall arise under this Act the amount of such compensation shall be settled by arbitrators in
60 manner hereinafter provided, and the provisions of the "Arbitration Act," thirty-one Victoria number fifteen, shall when not inconsistent with any of the provisions of this Act be deemed to be incorporated in this Act. Provided that if after giving such notice it becomes un-
65 necessary in the opinion of the said Council to resume the lands comprised in such notice, such notice shall impose no obligation on the said Council beyond the obligation of paying to the owner or owners of such lands such reasonable costs and expenses as he or they may have incurred in order to comply with the provisions of this Act.

Hunter-street Newcastle Extension.

6. 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 or other matter shall be referred, and every appointment shall be delivered to the arbitrator or 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 or other matter shall have arisen, and after a request in writing 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 who has 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 of determination of such single arbitrator shall be final and conclusive.
7. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, 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 seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed alone; and every arbitrator so to be substituted as aforesaid shall have the same power and authorities as were vested in the former arbitration, at the same time of such his death, refusal, neglect, or disability as aforesaid.
8. When more than one arbitrator shall have been appointed, such arbitrators shall, before they enter into the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide any matters on which they shall differ, or which shall be referred to them under the provisions of this Act, and if such umpire shall die or refuse or for seven days neglect to act, after being called upon to do so by the arbitrators, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.
9. If in either of the cases aforesaid the arbitrators shall refuse or for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration, to 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.
10. If when a single arbitrator shall have been appointed such arbitrator shall die or become incapable, or shall refuse, or for fourteen days neglect 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.
11. If where more than one arbitrator shall have been appointed either of the arbitrators shall refuse, or for seven days neglect to act, the other arbitrator may proceed alone, and the decision of such other arbitrator shall be as effectual as if he had been a single arbitrator appointed by both parties.
12. If where more than one arbitrator shall have been appointed, 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,

Appointment of arbitrators.

Vacancy in arbitration to be supplied.

Appointment of umpire.

Attorney-General to appoint umpire on neglect.

In case of death of single arbitrator the matter to begin *de novo*.

If either arbitrator refuse to act the other to proceed *ex parte*.

If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.

Hunter-street Newcastle Extension.

appointed, or within such extended time (if any) as shall have been appointed for that purpose by both of such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

5 13. The said arbitrators or their umpire may call for the pro-
duction 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. Powers of arbitrators
to call for books.

10 14. Before any arbitrator or umpire shall enter into the con-
sideration of any matters referred to him he shall in the presence of a
Justice of the Peace, notary public, or commissioner for affidavits,
make and subscribe the following declaration (that is to say),— Arbitrator or umpire
to make a declaration
for faithful discharge
of duty.

15 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 pro-
visions of the "Hunter-street Newcastle Extension Act
of 1888," and will not receive any communication thereon
from either party, save in the presence of the other party or
20 at a duly appointed sitting of the arbitration.

Made and subscribed in the presence of

A.B.

And such declaration shall be annexed to the award when made, and
if any arbitrator or umpire having made such declaration shall
25 wilfully act contrary he shall be guilty of a misdemeanour. Penalty for mis-
conduct.

15. All costs of any such arbitration and incidental thereto to
be settled by the arbitrators shall be borne by the said Council unless
the arbitrator shall award the same or a less sum than shall have been
offered by the said Council, in which case each party shall bear his own
30 costs incident to the arbitration, provided that if either party shall be
dissatisfied with the costs allowed by the arbitrators as aforesaid, the
costs may be taxed by the Prothonotary or other proper officer of
the Supreme Court, and the amount allowed by such officer shall be
the amount of costs to be paid. Cost of arbitration
how to be borne.

35 16. The arbitrators shall deliver their award in writing to the
said Council who shall retain the same, and forthwith on demand at their
own expense furnish a copy thereof to the other party, and shall at
all times on demand produce the said award and allow the same to be
inspected or examined by such party or any person appointed by him
40 for that purpose. The amount awarded shall be paid within sixty days
after the publication of such award; but in every such case the party
claiming payment shall be bound to make out a good title to the said
lands, or to the interest claimed by him therein to the satisfaction of
the said Council. Award to be deliv-
ered to the Borough.

45 17. If the person or persons through whose lands shall be thus
taken shall be under any disability or incapacity, or shall be entitled
only to a partial or qualified interest in the said lands, or not entitled
to dispose of the same absolutely for his or their own benefit, or shall
be absent from the Colony, the amount of compensation to be paid by
50 the said Council as aforesaid shall be ascertained, and when so ascer-
tained shall be paid and applied in the same manner in all respects as
the amount of compensation to be paid by the Commissioner for
Railways in like cases under the provisions of the Act made and passed
in the twenty-second year of the reign of Her present Majesty, num-
ber nineteen, is to be ascertained, paid, and applied. How compensation
to be paid when any
of the parties under
any disability.

18. The submission to any such arbitration may be made a rule
of the Supreme Court on the application of either of the parties. Submission may be
made a rule of Court.

19. 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 form. Award not void
through error in
form.

20.

Hunter-street Newcastle Extension.

20. The said Council shall make compensation and satisfaction to be ascertained and recovered in case of difference in manner hereinbefore provided for temporary, permanent, or recurring injury, and all other damage, loss, cost, charges, and inconvenience which may in
 5 anywise be occasioned to the said owners or occupiers, by the non-performance by the said Council of any of the matters and things hereby required to be performed by them or otherwise, and shall account to the said owners or occupiers for any rents and profits received by the said Council in respect of lands taken under this
 10 Act up to the day when payment of compensation money for the taking of the same is made to the said owners or occupiers. And no occupier or tenant of any house or land resumed under this Act shall have any right of action or claim against his landlord for any disturbance of his possession of the said house or land in consequence
 15 of the exercise by the said Council of the powers conferred by this Act, notwithstanding any existing covenant or agreement to the contrary.

Compensation for temporary or recurring injuries.

21. If in any case in which, according to the provisions of this Act, the said Council is authorized to resume enter upon and take
 20 possession of any lands required for the purpose of the undertaking, the owner or occupier of any such lands, or any other person, refuse to give up the possession thereof, or hinder the said Council from entering upon or taking possession of the same, it shall be lawful for the said Council to issue its warrant to the Sheriff to deliver possession of the
 25 same, and upon the receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly; and the costs accruing by reason of the issuing of such execution of such warrant to be settled by the Sheriff shall be paid by the person refusing to give such possession, and the amount of such costs shall be deducted and
 30 retained by the said Council from the compensation (if any) then payable to such party person; or if no such compensation shall be payable to such party or person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by distress, and upon
 35 application to any Justice of the Peace for that purpose he shall issue his warrant accordingly.

Sheriff authorized to give possession of certain land.

22. It shall be lawful for the said Council to purchase any lands adjacent to the lands included in the Schedule hereto, but compulsory powers hereinbefore given shall not extend to such adjacent lands resumed
 40 under this Act.

Power to buy other lands.

23. It shall be lawful for the said Council to borrow by debentures, mortgage bonds, or otherwise on the security of any land (including all or any of the lands purchased under this Act), personal estate, or annual revenues, active or prospective, belonging to body
 45 corporate of the said Borough of Newcastle, for or towards or incidental to the expense of the construction of the proposed new street, extension and the compensation moneys and the cost of the passing of this Act, any moneys not exceeding in the whole thirty-three thousand pounds.

Power to borrow money.

24. And For the purpose of securing the payment of the principal and interest of any loan contracted under the preceding section the said Council shall have all the powers and be enabled to give to the mortgagees, debenture holders, or other lenders all the privileges and remedies set forth in the one hundred and ninety-first section of
 50 the "Municipalities Act of 1867."

Nature of securities.

25. Notwithstanding the issue of any loan under the two next preceding sections, but subject to the rights of the borrower thereunder, it shall be lawful for the said Council to apply the general funds of the said Borough to the purposes of constructing the said new street extension and paying the said compensation moneys. 26.

Power to use general Borough funds.

Hunter-street Newcastle Extension.

26. The said Council shall keep a separate account, entitled the "Hunter-street Extension Account," in which shall be shown all sums received, whether from the said general fund or otherwise, and of all payments made under or for the purposes of this Act. And any debentures or other securities raised under this Act shall be intituled "Hunter-street Extension."

Separate accounts.

27. It shall be lawful for the said Council to sell any of the lands they may have purchased under this Act, and which they do not need for the said new-street, extension in such manner, at such times, and upon such terms and conditions as to payment of purchase moneys or subsequent uses of the land as to them in their absolute discretion shall seem fit.

Power of sale.

28. It shall be lawful for the said Council to grant and convey in fee, or to demise for any number of years not exceeding sixty years, any part of the lands purchased under this Act and which they do not need for the said extension for the purpose of building houses or other erections or otherwise improving the same for such rents and upon and with such conditions, provisos, and covenants as to the said Council in their absolute discretion shall seem fit.

Building leases for years or in fee farm.

29. The powers of sale given in the twenty-seventh section shall extend to the sale of the ground or other rents and reversions created under the next preceding section.

Sale of ground rents.

30. The powers of sale and demise contained in the twenty-seventh and twenty-eighth sections shall not extend to the lands which are reserved for public purposes.

Reserve.

31. The moneys received by the said Council from sales and demises, under the said section, shall be paid into the said separate account, and shall be applied to repaying the general fund any advances that may have been made from it, and to repaying the said loans, and any surplus shall form part of the general fund of the said Borough.

Moneys to be paid to special account.

32. The receipt of the Treasurer for the time being of the said Council shall be a complete discharge to any purchaser or tenant for any payment made by him under this Act. And the attestation to any conveyance or lease, by the Mayor and one Alderman for the time being of the said Borough, shall, after three months shall have elapsed since such deed was registered in the registry of deeds or the real property registry be conclusive evidence that the discretion of the said Council had been duly exercised in reference thereto, and that the Treasurer, Mayor, and Aldermen therein named were duly appointed and then in office. The conveyance or lease by the said Council shall be duly and effectually executed by affixing the corporate seal of the said Borough to such deed.

Evidence and conveyance.

33. This Act shall be called the "Hunter-street Newcastle Extension Act of 1888."

Short title.

45

SCHEDULE.

All that piece or parcel of land forming part of a Government reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre three roods eighteen perches: Commencing on the east side of Zaara-street, at a point bearing south six degrees seven minutes west thirty and one-half links from the south-west corner of allotment number two hundred and seventy-two; and bounded thence on the south by a line bearing south eighty-four degrees nine minutes east two thousand and twenty-five links to the low-water mark, Pacific Ocean; thence on the east by low-water mark bearing north six degrees seven minutes east one hundred links; thence on part of the north by a line bearing north eighty-four degrees nine minutes west one thousand eight hundred links to the east boundary of allotment number two hundred and seventy-two; thence on part of the west by the east boundary of allotment two hundred and seventy-two bearing south six degrees one minute west seventy-one and one-quarter links; thence on the remainder of the north by the south boundary of allotment number two hundred and seventy-two bearing north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links to Zaara-street; thence by the east side of Zaara-street by a line bearing south six degrees seven minutes west thirty and one-half links, to the point of commencement.

All

Hunter-street Newcastle Extension.

All that piece or parcel of land forming Government allotments number two hundred and seventy-two and part of allotment number two hundred and seventy-one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one rood twenty-one perches: Commencing
 5 on the eastern side of Zaara-street, at the south-west corner of allotment number two hundred and seventy-two; and bounded on the west by the east side of Zaara-street bearing north six degrees seven minutes east one hundred and sixty-nine and one-half links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and twenty-five links; thence on the east by a line bearing south six degrees
 10 ten minutes west one hundred and seventy-one and one-quarter links; thence on the south by the south boundary of allotment number two hundred and seventy-two bearing north eighty-three degrees forty-nine minutes west two hundred and twenty-four and three-quarter links, to the point of commencement.

All that piece or parcel of land forming part of Government allotments two
 15 hundred and thirty-two, two hundred and thirty-eight, and two hundred and thirty-nine, and the whole of allotments two hundred and thirty-four, two hundred and thirty-five, two hundred and thirty-six, and two hundred and thirty-seven, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement one acre one rood one perch: Commencing on the west side of Zaara-
 20 street at the south-east corner of allotment number two hundred and thirty-four; and bounded on the east by the west side of Zaara-street bearing north six degrees seven minutes east two hundred and seventy-one links; thence on the north by a line bearing north eighty-four degrees nine minutes west four hundred and forty-nine links to the east side of Telford-street; thence on the west by the east side of Telford-street bearing
 25 south five degrees thirty-six minutes west three hundred links; thence on part of the south by a line bearing south eighty-four degrees nine minutes east two hundred and twenty links; thence again on the east by a line bearing north six degrees twenty-four minutes east thirty links; thence on the remainder of the south by a line bearing south eighty-four degrees twenty-six minutes east two hundred and twenty-six and one-quarter
 30 links, to the point of commencement.

All that piece or parcel of land forming part of allotments two hundred and twenty-seven and two hundred and twenty-eight, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and one-half perches: Commencing on the west side of Telford-street at a point
 35 bearing south five degrees thirty-six minutes west thirty-two links from the north-east corner of allotment number two hundred and twenty-seven; and bounded on the north by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-eight and three-quarter links; thence on the west by the east boundary of a reserve bearing south six degrees eighteen minutes west one hundred links; thence on the south by a
 40 line bearing south eighty-four degrees nine minutes east two hundred and thirty links to the west side of Telford-street; thence on the east by the west side of Telford-street bearing north five degrees thirty-six minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming part of a reserve, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and three-quarter perches: Commencing on the west side of allotment number two hundred and twenty-seven, at a point thirty links southerly from its north-west corner; and bounded on the north by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to
 50 the east side of Pacific-street; thence on the west by the east side of Pacific-street bearing south six degrees forty-four minutes west one hundred links; thence on the south by a line bearing south eighty-four degrees nine minutes east two hundred and twenty-four links to the west boundary of allotment number two hundred and twenty-eight; thence on the east by part of the west boundaries of allotments two hundred and
 55 twenty-eight and two hundred and twenty-seven bearing north six degrees eighteen minutes east one hundred links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number eight, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement eleven perches: Commencing on the east side of Watt-
 60 street at the south-west corner of allotment number six; and bounded on the north by the south boundary of allotment number six bearing south eighty-four degrees nine minutes east two hundred and twenty-three and one-quarter links; thence on the east by the west boundary of allotment number seven bearing south six degrees four minutes west thirty-two links; thence on the south by a line bearing north eighty-four degrees
 65 nine minutes west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty minutes east thirty-two links, to the point of commencement.

All that piece or parcel of land forming part of Government allotment number seven, city of Newcastle, county of Northumberland, Colony of New South Wales,
 70 containing by admeasurement eleven perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number five; and bounded on the north by the south boundary of allotment number five bearing north eighty-four degrees fourteen minutes west two hundred and thirty-one links; thence on the west by part of the east boundary of allotment number eight bearing south six degrees four minutes west thirty-
 75 two links; thence on the south by a line bearing south eighty-four degrees nine minutes east

Hunter-street Newcastle Extension.

east two hundred and thirty-one and one-quarter links to the west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east thirty-two and one-quarter links, to the point of commencement.

5 All that piece or parcel of land forming Government allotment number six, city of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number four; and bounded on the north by the south boundary of allotment number four bearing south eighty-four degrees seventeen minutes east two hundred and twenty-two and one-half links to the north-west corner of allotment number five; thence on the east by the west boundary of allotment number five bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing north eighty-four degrees nine minutes west two hundred and twenty-three and one-quarter links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing north six degrees thirty
10 minutes east one hundred links, to the point of commencement.

15 All that piece or parcel of land forming Government allotment number five, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number three; and bounded on the north by the south boundary of allotment number three bearing
20 north eighty-four degrees four minutes west two hundred and thirty links; thence on the west by the east boundary of allotment number six bearing south six degrees four minutes west one hundred and one-half links; thence on the south by a line bearing south eighty-four degrees fourteen minutes east two hundred and thirty-one links to the west
25 side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred links, to the point of commencement.

30 All that piece or parcel of land being Government allotment number four, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-five and one-half perches: Commencing on the east side of Watt-street at the south-west corner of allotment number two; and bounded on the north by the south boundary of allotment number two bearing south eighty-three
35 degrees fifty-five minutes east two hundred and twenty links; thence on the east by the west boundary of allotment number three bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing north eighty-four degrees seventeen minutes west two hundred and twenty-two and one-half links to the east side of Watt-street; thence on the west by the east side of Watt-street bearing
40 north six degrees thirty minutes east one hundred links, to the point of commencement.

45 All that piece or parcel of land being Government allotment number three, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement thirty-six and three-quarter perches: Commencing on the west side of Pacific-street at the south-east corner of allotment number one; and bounded on the north by the south boundary of allotment number one bearing north
50 eighty-four degrees thirty-four minutes west two hundred and thirty-four and one-quarter links to the north-east corner of allotment number four; thence on the west by the east boundary of allotment number four bearing south four degrees twenty-two minutes west ninety-nine and one-half links; thence on the south by a line bearing
55 south eighty-four degrees six minutes east two hundred and thirty links to west side of Pacific-street; thence on the east by the west side of Pacific-street bearing north six degrees forty-four minutes east one hundred and one and one-half links, to the point of
60 commencement.

All that piece or parcel of land forming part of Government allotment number two, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-four perches: Commencing on the eastern side of Watt-street at the south-west corner of allotment number two; and
65 bounded on the west by the east side of Watt-street bearing north six degrees thirty minutes east sixty-eight links; thence on the north by a line bearing south eighty-four degrees nine minutes east two hundred and eighteen and one-half links; thence on the east by the west boundary of allotment number one bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by the north boundary of allotment number four bearing north
70 eighty-three degrees fifty-five minutes west two hundred and twenty links, to the point of commencement.

All that piece or parcel of land forming part of original Government allotment number one, city of Newcastle, parish of Newcastle, county of Northumberland, Colony of New South Wales, containing by admeasurement twenty-nine perches: Commencing on the western side of Pacific-street at the south-east corner of allotment number one; and bounded on the east by the west side of Pacific-street bearing north six degrees
75 forty-four minutes east sixty-six and three-quarter links; thence on the north by a line bearing north eighty-four degrees nine minutes west two hundred and thirty-seven links; thence on the west by a line bearing south four degrees twenty-two minutes west sixty-nine links to the north-east corner of allotment number four; thence on the south by a line bearing south eighty-four degrees thirty-four minutes east two hundred and thirty-four and one-quarter links, to the point of commencement.