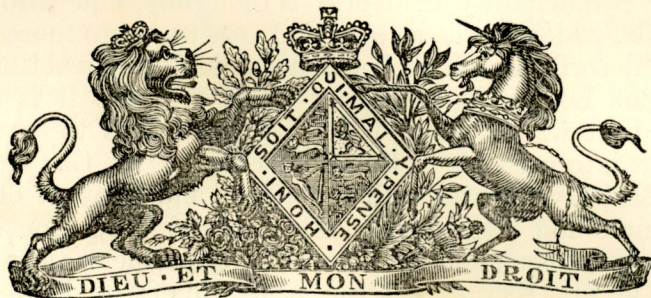


New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to amend the "Willoughby and Gordon Tramway Act of 1887." [Assented to, 17th September, 1890.]

WHEREAS by the "Willoughby and Gordon Tramway Act of 1887," Andrew Armstrong and James Alexander Brown, both therein described, their heirs, executors, administrators, or assigns, were authorised upon the conditions and terms therein contained to construct, subject to the liabilities therein imposed, a tramway for conveying passengers and their luggage and other goods and merchandise on the line in the said Act more particularly described, provided that the said tramway should be constructed and brought into use within three years from the passing of the Act. And whereas the "North Sydney Investment and Tramway Company (Limited)," being a joint stock company, duly registered and incorporated under and in accordance with the provisions of the "Companies Act" (hereinafter called "the said Company"), is possessed of and entitled to an estate consisting of over one thousand acres of land in the parish of Willoughby, county of Cumberland, in the Colony of New South Wales. And whereas the said Andrew Armstrong and James Alexander Brown, by a certain indenture, dated the sixteenth day of October, one thousand eight hundred and eighty-eight, duly assigned and transferred to the said Company, its successors and assigns, all the authority then vested in the said Andrew Armstrong and James Alexander Brown to construct the tramway specified in the said "Willoughby and Gordon

A

Tramway

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Tramway Act of 1887," and all and singular the benefits, privileges, and advantages arising out of or to be derived from the said Act of Parliament and the said Tramway. And whereas the said Company have, under the authority of the said Act, constructed a portion of the said tramway, namely, from the terminal point of the Saint Leonards cable tramway to Amherst-street. And whereas the said Company are now erecting in connection with the said tramway a bridge across Long Bay, and it is considered that the route specified in the said Act is difficult of formation, and upon survey it is found to be inexpedient to carry out the same, and the said Company are desirous of deviating from such route, and to construct the said tramway along the route hereinafter described and set forth, passing through certain lands the property of the said Company, and also along and across certain streets and roadways in the town and Municipality of Saint Leonards, and in the Municipality of North Willoughby, and through certain private lands, which lands, streets, and roadways are more particularly hereinafter described, and such deviation and construction cannot be made without Legislative authority. And whereas it is desirable to extend the time within which the said tramway is to be constructed and brought into use. 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:—

Repeal of the first section and Schedule of the principal Act, except as to certain parts.

1. The first section and the Schedule of the Principal Act are hereby repealed except as to the line between the terminal point of the Saint Leonards cable tramway and Amherst-street, and in lieu of the first section and the said Schedule, the third section of this Act and the Schedule hereto shall be read in substitution thereof.

Authority to deviate from route and to construct tramway.

2. It shall be lawful for the said Company on the terms and conditions and subject to the provisions and other enactments in the said Principal Act and hereinafter contained to deviate from the route of the said tramway as described in the said principal Act and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the Saint Leonards Cable Tramway, or from a point in Amherst-street, and thence by the lines described in the Schedule to this Act to the termination at a point in the Cammeray estate, near the junction of the Teralba Road and the Warrane Road in the municipality of North Willoughby, and along the branch lines described in Schedule B, C, and D to this Act, and to such portions of the Company's estate as may hereafter be determined, and to take and use so much of the streets or roadways, and so much of the lands of private persons, which are mentioned in the said Schedule, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet, including the support and foundations thereof, or in the said private lands a greater space in breadth than twenty-two feet including the support and foundations thereof; provided that the said tramway shall be constructed in a proper and workmanlike manner, and be brought into use within three years from the passing of this Act, and the said branch lines mentioned in Schedule B, C, and D to this Act, within five years from the passing hereof. Provided further that in the event of the said tramway and branch lines not being constructed within the times lastly beforementioned, then all the powers and privileges granted by this Act shall cease and determine.

Entry upon street, &c.

Maximum width of lands taken for tramway.

Lands taken to be vested in Company without conveyance.

3. Such lands as shall be required shall be taken under the provisions of this Act, for the purpose of the said tramway, together with

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with such right of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair thereof, and shall be vested by virtue of this Act and without the necessity of any conveyance to the said Company for the purposes of the said tramway. Provided that no lands vested in the Railway Commissioners of New South Wales shall by virtue of this Act be vested in the said Company. Provided also that nothing herein contained shall prevent the owners of such adjacent lands from carrying on any mining operations underneath the said tramway which shall not interfere with the safety of the said tramway and the traffic thereon. And the said Company shall have no further right to the soil of the said lands beneath the surface than shall be requisite for the formation, support, and repair of the said tramway by cutting, embanking, or otherwise. Provided also that if in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any street, or roadway, whether carriage-road or horse-road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the said Company shall before the commencement of any such operations cause a sufficient road to be made instead of any street or roadway interfered with, and shall, at its own expense, maintain such substituted road in a state as convenient as the road interfered with, or as nearly as may be; and the said Company, before the said lands of the said owners of land respectively shall be used for any of the purposes aforesaid, shall, if required so to do, separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such land, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle and horses from or upon the lands traversed by such roads. And shall also make and at its own expense maintain such and so many convenient bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the tramway as may be necessary for the purpose of making good any interruptions caused by the tramway to the use of the lands, streets, or roads through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands, streets, or roads shall have been laid out or formed, or during the formation thereof. Also all necessary arches, tunnels, culverts, drains, or other passages, either over, under, or by the sides of the tramway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands, streets, or roads lying near or affected by the tramway, as before the making of the tramway, or as nearly so as may be, and such work shall be made from time to time as the tramway works proceed. Provided always that the said Company and their assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the tramway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive and shall have been paid compensation. And in case of any difference between the owners or occupiers of such roads and lands and the said Company, as to the necessity for such fences and gates, bridges, arches, culverts, and passages, tunnels, drains, or other passages, such fences and gates shall be put up, and such bridges, arches, culverts and passages, tunnels, drains, or other passages, made by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.

4. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the Company, and their workmen and servants, to enter

Owners may mine.

Before roads interfered with others to be substituted.

Works for benefit of owners.

To fence where necessary.

Gates.

Bridges, &c.

Drains, &c.

Differences as to necessity of gates, &c., how to be settled.

Entry in case of accidents.

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enter upon the land adjoining thereto at any time whatsoever, for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose. Provided also that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respectively by reason of such works, the amount of which compensation in case of any dispute about the same shall be settled by arbitrators in manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said tramway.

Company not entitled to minerals.

5. The said Company shall not be entitled to any mines of coal, iron, slate, or other minerals under any lands whereof the surface is vested in them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized, and such mines shall not be deemed to vest in the said Company.

Compensation to be settled by arbitration.

6. If within twenty-eight days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said Company shall not agree as to the amount of compensation to be paid by them 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 mentioned (that is to say); unless both parties concur in the appointment of a single arbitrator, each party on request of the other shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the common seal of the said Company, and under the hand of such person or persons respectively; and such 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 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 shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to 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 or determination of such single arbitrator shall be final and conclusive.

Proceedings in case of disability of arbitrator.

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 powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

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8. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in 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 so to do by the arbitrators or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon 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 arbitrators 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 differ or which shall be referred to him under this Act shall be final.

Neglect to appoint
umpire.

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 matters 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 disability
of single arbitrator.

11. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (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.

Arbitrators failing to
make their award,
matters referred to
umpire.

12. The said arbitrator or arbitrators, or his 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 questions in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may
order production of
documents, &c.

13. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say—

Declaration by
arbitrators or
umpire.

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 "Willoughby and Gordon Tramway Amending Act."

Made and subscribed in the presence of

C.D.

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 thereto he shall be guilty of a misdemeanour.

14. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators. Provided that, if either party shall be dissatisfied with the costs allowed by the said 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.

Costs of arbitration,
how to be borne.
Costs may be taxed.

15. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said Company, who shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the

Arbitrators or
umpire to deliver
award to Company.

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Compensation to be paid within sixty days after publication of award.

Submission may be made a rule of Supreme Court.

Award not to be set aside for irregularity.

Compensation in cases of negligence.

Compensation in cases of temporary possession.

Proceedings in absence of owner.

Justices to appoint valuator in certain cases.

Production of valuation, &c.

the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

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

17. 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 matter of form.

18. The said Company shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands or the Municipal Councils controlling the streets through which the said tramway shall pass by the non-performance or negligent performance by the said Company of any of the matters or things hereby required or authorized to be performed by them.

19. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such land, upon being required so to do, to pay to the occupier of said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry, and shall also, from time to time during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ; and shall also, within twelve months after such entry, pay to such owners and occupiers, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

20. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon diligent inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or qualified interests therein, and who cannot enter into binding agreements with the said Company for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said Company in respect of such lands shall be determined by the valuation of a sworn valuator under the "Real Property Act" to be nominated as hereinafter mentioned.

21. Upon application by the said Company to a Court of Petty Sessions, and upon such proof as may be satisfactory to such Court that there is no person in the Colony, or to be found who can enter into a binding contract with the said Company, or join with the said Company in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Court shall by writing under their hands nominate a valuator as aforesaid for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

22. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together

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together therewith by the said Company, and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

23. All the expenses of and incident to any such valuation shall be borne by the said Company. Costs of valuation, how borne.

24. If the amount of compensation determined by any such valuator does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony or cannot be found, be paid by the said Company to the person or persons for the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees or trustees of such persons. Compensation not exceeding £50, how to be dealt with.

25. If the amount of compensation determined by any such valuator as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said Company into the hands of the Master in Equity of the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in, and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said Company for the money so paid. Provided that all moneys so paid in shall be dealt with by the Supreme Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds, and for the relief of Trustees.*" And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder. Compensation, how dealt with in absence of owner.

26. If in any case in which, according to the provisions of the Principal Act or of this Act, the said Company is authorized to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue its warrant to the Sheriff to deliver possession of the same to the persons appointed by the said Company in such warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said Company from the compensation, if any, then payable to such person refusing to give possession, 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 the amount of 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. Power of entry in case of refusal.

27. All notices required to be served by the said Company and their assigns, upon the parties interested in or entitled to sell any such lands, shall either be served personally on such parties or left at their last usual place of abode (if any such can after diligent inquiry be found), and in case any such parties shall be absent from the Colony, or cannot be found after diligent inquiry, shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands, and shall also be advertised in the Government *Gazette* and a local newspaper. Service of notice on owners of lands.

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Short title.

28. This Act may, for all purposes, be cited as the "Willoughby and Gordon Tramway Act Amending Act," and shall be deemed to be incorporated with, and constructed as part of the said "Willoughby and Gordon Tramway Act of 1887," and which Act is hereinbefore called the "Principal Act."

SCHEDULE A.

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby, county of Cumberland, and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

Description of proposed tramway from the terminal point of the Saint Leonards cable tramway, Miller-street, Saint Leonards, to the termination at a point in the Cammeray Estate, near the junction of the Taralba Road and the Warrane Road, in the Municipality of North Willoughby.

Municipality of Saint Leonards.

Commencing in Miller-street, in the town and Municipality of Saint Leonards, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved line in a north-westerly direction through allotments nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, section thirty-two, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction by a curved line through allotment sixteen, section thirty-two, the property of T. J. Cook; thence in a north-westerly direction by a curved line across Palmer and Rose Streets, near their intersection; thence in a north-westerly direction by a curved line through allotment one, section thirty-three, the property of George Brown; thence in a north-westerly direction by a curved line through allotment two, section thirty-three, the property of H. Hughes; thence in a northerly direction by a curved line through allotments three and four, section thirty-three, the property of Captain Reddall; thence in a north-easterly direction by a curved line through allotment five, section thirty-three, the property of W. Waterhouse; thence in a north-easterly direction by a curved line across Glen-street; thence in a north-easterly direction by a curved line across allotment five original section three, the property of S. Cunningham; thence in a north-easterly direction by a curved line across Rose-street; thence in a north-easterly direction by a curved line across allotment seven, section thirty-four, the property of John Ritchie; thence in a north-easterly direction by a curved line across allotment eight, section thirty-four, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-easterly direction by a straight line across Flat-street; thence in a north-easterly direction in a straight line across the south-eastern corner of original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly direction in a straight line across allotment twelve, section thirty-five, the property of Andrew Armstrong; thence in a north-easterly direction by a straight line across Pine-street; thence in a north-easterly, northerly, and north-westerly direction by a straight and curved line through original section five, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction by a straight line across the head waters of Long Bay by a high-level bridge, now in course of construction by the "North Sydney Investment and Tramway Company (Limited)," into the Municipality of North Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)."

Municipality of North Willoughby.

Thence from the beforementioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through a section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction across Sailor's Bay Road; thence in a northerly direction through section originally granted to M. F. Josephson, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a northerly direction through section originally granted to E. H. Osbourne, now the property of John Clarke; thence in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a northerly direction through

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through section originally granted to James Harris French, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a north-easterly direction through section originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)" to Victoria Avenue; thence in a north-westerly direction along Victoria Avenue, and the frontages of the lands abutting on Victoria Avenue, to wit, on the south-western side of said Avenue, sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)"; on the north-eastern side a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southernmost corner of section originally granted to S. Mallarky, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through the aforesaid section; thence in a north-westerly direction through section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through a portion of the Alleyne Estate, now the property of Michael Stephenson; thence in a north-westerly direction across Smith-street; thence in a north-westerly direction through two subdivisions of the Alleyne Estate, now the property of — Watson and James Forsyth, respectively; thence in a north-easterly direction across Warrane Road, to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

This first branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with Sailors' Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-easterly direction through the said section to Sailors' Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)."

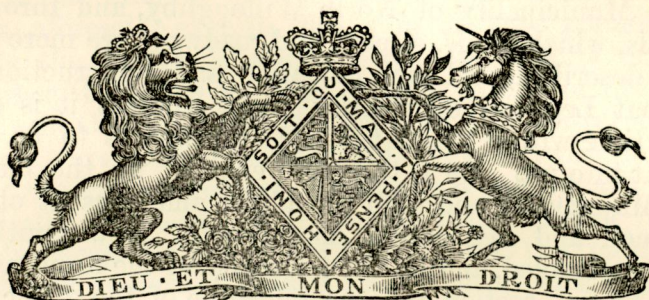
SCHEDULE C.

This second branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

This third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly, easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence in an easterly direction along Corrobare Road, and entering on the sections abutting on the said road: to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens; section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; and section originally granted to H. G. Alleyne, now the property of James Francis Cullen; and on the northern side of the said Corrobare Road that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to the termination in reserve number twenty-eight, a Crown reserve for public purposes.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to amend the "Willoughby and Gordon Tramway Act of 1887." [Assented to, 17th September, 1890.]

WHEREAS by the "Willoughby and Gordon Tramway Act of 1887," Andrew Armstrong and James Alexander Brown, both therein described, their heirs, executors, administrators, or assigns, were authorised upon the conditions and terms therein contained to construct, subject to the liabilities therein imposed, a tramway for conveying passengers and their luggage and other goods and merchandise on the line in the said Act more particularly described, provided that the said tramway should be constructed and brought into use within three years from the passing of the Act. And whereas the "North Sydney Investment and Tramway Company (Limited)," being a joint stock company, duly registered and incorporated under and in accordance with the provisions of the "Companies Act" (hereinafter called "the said Company"), is possessed of and entitled to an estate consisting of over one thousand acres of land in the parish of Willoughby, county of Cumberland, in the Colony of New South Wales. And whereas the said Andrew Armstrong and James Alexander Brown, by a certain indenture, dated the sixteenth day of October, one thousand eight hundred and eighty-eight, duly assigned and transferred to the said Company, its successors and assigns, all the authority then vested in the said Andrew Armstrong and James Alexander Brown to construct the tramway specified in the said "Willoughby and Gordon

Preamble.

Tramway

A

Willoughby and Gordon Tramway Act Amending.

Tramway Act of 1887," and all and singular the benefits, privileges, and advantages arising out of or to be derived from the said Act of Parliament and the said Tramway. And whereas the said Company have, under the authority of the said Act, constructed a portion of the said tramway, namely, from the terminal point of the Saint Leonards cable tramway to Amherst-street. And whereas the said Company are now erecting in connection with the said tramway a bridge across Long Bay, and it is considered that the route specified in the said Act is difficult of formation, and upon survey it is found to be inexpedient to carry out the same, and the said Company are desirous of deviating from such route, and to construct the said tramway along the route hereinafter described and set forth, passing through certain lands the property of the said Company, and also along and across certain streets and roadways in the town and Municipality of Saint Leonards, and in the Municipality of North Willoughby, and through certain private lands, which lands, streets, and roadways are more particularly hereinafter described, and such deviation and construction cannot be made without Legislative authority. And whereas it is desirable to extend the time within which the said tramway is to be constructed and brought into use. 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:—

Repeal of the first section and Schedule of the principal Act, except as to certain parts.

1. The first section and the Schedule of the Principal Act are hereby repealed except as to the line between the terminal point of the Saint Leonards cable tramway and Amherst-street, and in lieu of the first section and the said Schedule, the third section of this Act and the Schedule hereto shall be read in substitution thereof.

Authority to deviate from route and to construct tramway.

2. It shall be lawful for the said Company on the terms and conditions and subject to the provisions and other enactments in the said Principal Act and hereinafter contained to deviate from the route of the said tramway as described in the said principal Act and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the Saint Leonards Cable Tramway, or from a point in Amherst-street, and thence by the lines described in the Schedule to this Act to the termination at a point in the Cammeray estate, near the junction of the Teralba Road and the Warrane Road in the municipality of North Willoughby, and along the branch lines described in Schedule B, C, and D to this Act, and to such portions of the Company's estate as may hereafter be determined, and to take and use so much of the streets or roadways, and so much of the lands of private persons, which are mentioned in the said Schedule, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet, including the support and foundations thereof, or in the said private lands a greater space in breadth than twenty-two feet including the support and foundations thereof; provided that the said tramway shall be constructed in a proper and workmanlike manner, and be brought into use within three years from the passing of this Act, and the said branch lines mentioned in Schedule B, C, and D to this Act, within five years from the passing hereof. Provided further that in the event of the said tramway and branch lines not being constructed within the times lastly beforementioned, then all the powers and privileges granted by this Act shall cease and determine.

Entry upon street, &c.

Maximum width of lands taken for tramway.

Lands taken to be vested in Company without conveyance.

3. Such lands as shall be required shall be taken under the provisions of this Act, for the purpose of the said tramway, together with

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with such right of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair thereof, and shall be vested by virtue of this Act and without the necessity of any conveyance to the said Company for the purposes of the said tramway. Provided that no lands vested in the Railway Commissioners of New South Wales shall by virtue of this Act be vested in the said Company. Provided also that nothing herein contained shall prevent the owners of such adjacent lands from carrying on any mining operations underneath the said tramway which shall not interfere with the safety of the said tramway and the traffic thereon. And the said Company shall have no further right to the soil of the said lands beneath the surface than shall be requisite for the formation, support, and repair of the said tramway by cutting, embanking, or otherwise. Provided also that if in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any street, or roadway, whether carriage-road or horse-road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the said Company shall before the commencement of any such operations cause a sufficient road to be made instead of any street or roadway interfered with, and shall, at its own expense, maintain such substituted road in a state as convenient as the road interfered with, or as nearly as may be; and the said Company, before the said lands of the said owners of land respectively shall be used for any of the purposes aforesaid, shall, if required so to do, separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such land, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle and horses from or upon the lands traversed by such roads. And shall also make and at its own expense maintain such and so many convenient bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the tramway as may be necessary for the purpose of making good any interruptions caused by the tramway to the use of the lands, streets, or roads through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands, streets, or roads shall have been laid out or formed, or during the formation thereof. Also all necessary arches, tunnels, culverts, drains, or other passages, either over, under, or by the sides of the tramway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands, streets, or roads lying near or affected by the tramway, as before the making of the tramway, or as nearly so as may be, and such work shall be made from time to time as the tramway works proceed. Provided always that the said Company and their assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the tramway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive and shall have been paid compensation. And in case of any difference between the owners or occupiers of such roads and lands and the said Company, as to the necessity for such fences and gates, bridges, arches, culverts, and passages, tunnels, drains, or other passages, such fences and gates shall be put up, and such bridges, arches, culverts and passages, tunnels, drains, or other passages, made by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.

4. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the Company, and their workmen and servants, to enter

Owners may mine.

Before roads interfered with others to be substituted.

Works for benefit of owners.

To fence where necessary.

Gates.

Bridges, &c.

Drains, &c.

Differences as to necessity of gates, &c., how to be settled.

Entry in case of accidents.

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enter upon the land adjoining thereto at any time whatsoever, for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose. Provided also that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respectively by reason of such works, the amount of which compensation in case of any dispute about the same shall be settled by arbitrators in manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said tramway.

Company not entitled to minerals.

5. The said Company shall not be entitled to any mines of coal, iron, slate, or other minerals under any lands whereof the surface is vested in them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized, and such mines shall not be deemed to vest in the said Company.

Compensation to be settled by arbitration.

6. If within twenty-eight days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said Company shall not agree as to the amount of compensation to be paid by them 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 mentioned (that is to say); unless both parties concur in the appointment of a single arbitrator, each party on request of the other shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the common seal of the said Company, and under the hand of such person or persons respectively; and such 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 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 shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to 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 or determination of such single arbitrator shall be final and conclusive.

Proceedings in case of disability of arbitrator.

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 powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

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8. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in 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 so to do by the arbitrators or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon 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 arbitrators 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 differ or which shall be referred to him under this Act shall be final.

Neglect to appoint
umpire.

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 matters 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 disability
of single arbitrator.

11. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (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.

Arbitrators failing to
make their award,
matters referred to
umpire.

12. The said arbitrator or arbitrators, or his 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 questions in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may
order production of
documents, &c.

13. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say—

Declaration by
arbitrators or
umpire.

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 "Willoughby and Gordon Tramway Amending Act."

Made and subscribed in the presence of

C.D.

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 thereto he shall be guilty of a misdemeanour.

14. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators. Provided that, if either party shall be dissatisfied with the costs allowed by the said 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.

Costs of arbitration,
how to be borne.
Costs may be taxed.

15. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said Company, who shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the

Arbitrators or
umpire to deliver
award to Company.

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Compensation to be paid within sixty days after publication of award.

Submission may be made a rule of Supreme Court.

Award not to be set aside for irregularity.

Compensation in cases of negligence.

Compensation in cases of temporary possession.

Proceedings in absence of owner.

Justices to appoint valuator in certain cases.

Production of valuation, &c.

the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

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

17. 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 matter of form.

18. The said Company shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands or the Municipal Councils controlling the streets through which the said tramway shall pass by the non-performance or negligent performance by the said Company of any of the matters or things hereby required or authorized to be performed by them.

19. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such land, upon being required so to do, to pay to the occupier of said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry, and shall also, from time to time during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ; and shall also, within twelve months after such entry, pay to such owners and occupiers, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

20. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon diligent inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or qualified interests therein, and who cannot enter into binding agreements with the said Company for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said Company in respect of such lands shall be determined by the valuation of a sworn valuator under the "Real Property Act" to be nominated as hereinafter mentioned.

21. Upon application by the said Company to a Court of Petty Sessions, and upon such proof as may be satisfactory to such Court that there is no person in the Colony, or to be found who can enter into a binding contract with the said Company, or join with the said Company in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Court shall by writing under their hands nominate a valuator as aforesaid for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

22. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together

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together therewith by the said Company, and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

23. All the expenses of and incident to any such valuation shall be borne by the said Company. Costs of valuation, how borne.

24. If the amount of compensation determined by any such valuator does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony or cannot be found, be paid by the said Company to the person or persons for the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees or trustees of such persons. Compensation not exceeding £50, how to be dealt with.

25. If the amount of compensation determined by any such valuator as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said Company into the hands of the Master in Equity of the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in, and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said Company for the money so paid. Provided that all moneys so paid in shall be dealt with by the Supreme Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds, and for the relief of Trustees.*" And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder. Compensation, how dealt with in absence of owner.

26. If in any case in which, according to the provisions of the Principal Act or of this Act, the said Company is authorized to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue its warrant to the Sheriff to deliver possession of the same to the persons appointed by the said Company in such warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said Company from the compensation, if any, then payable to such person refusing to give possession, 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 the amount of 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. Power of entry in case of refusal.

27. All notices required to be served by the said Company and their assigns, upon the parties interested in or entitled to sell any such lands, shall either be served personally on such parties or left at their last usual place of abode (if any such can after diligent inquiry be found), and in case any such parties shall be absent from the Colony, or cannot be found after diligent inquiry, shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands, and shall also be advertised in the *Government Gazette* and a local newspaper. Service of notice on owners of lands.

Willoughby and Gordon Tramway Act Amending.

Short title.

28. This Act may, for all purposes, be cited as the "Willoughby and Gordon Tramway Act Amending Act," and shall be deemed to be incorporated with, and constructed as part of the said "Willoughby and Gordon Tramway Act of 1887," and which Act is hereinbefore called the "Principal Act."

SCHEDULE A.

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby, county of Cumberland, and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

Description of proposed tramway from the terminal point of the Saint Leonards cable tramway, Miller-street, Saint Leonards, to the termination at a point in the Cammeray Estate, near the junction of the Taralba Road and the Warrane Road, in the Municipality of North Willoughby.

Municipality of Saint Leonards.

Commencing in Miller-street, in the town and Municipality of Saint Leonards, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved line in a north-westerly direction through allotments nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, section thirty-two, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction by a curved line through allotment sixteen, section thirty-two, the property of T. J. Cook; thence in a north-westerly direction by a curved line across Palmer and Rose Streets, near their intersection; thence in a north-westerly direction by a curved line through allotment one, section thirty-three, the property of George Brown; thence in a north-westerly direction by a curved line through allotment two, section thirty-three, the property of H. Hughes; thence in a northerly direction by a curved line through allotments three and four, section thirty-three, the property of Captain Reddall; thence in a north-easterly direction by a curved line through allotment five, section thirty-three, the property of W. Waterhouse; thence in a north-easterly direction by a curved line across Glen-street; thence in a north-easterly direction by a curved line across allotment five original section three, the property of S. Cunningham; thence in a north-easterly direction by a curved line across Rose-street; thence in a north-easterly direction by a curved line across allotment seven, section thirty-four, the property of John Ritchie; thence in a north-easterly direction by a curved line across allotment eight, section thirty-four, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-easterly direction by a straight line across Flat-street; thence in a north-easterly direction in a straight line across the south-eastern corner of original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly direction in a straight line across allotment twelve, section thirty-five, the property of Andrew Armstrong; thence in a north-easterly direction by a straight line across Pine-street; thence in a north-easterly, northerly, and north-westerly direction by a straight and curved line through original section five, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction by a straight line across the head waters of Long Bay by a high-level bridge, now in course of construction by the "North Sydney Investment and Tramway Company (Limited)," into the Municipality of North Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)."

Municipality of North Willoughby.

Thence from the beforementioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through a section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction across Sailor's Bay Road; thence in a northerly direction through section originally granted to M. F. Josephson, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a northerly direction through section originally granted to E. H. Osbourne, now the property of John Clarke; thence in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a northerly direction through

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through section originally granted to James Harris French, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a north-easterly direction through section originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)" to Victoria Avenue; thence in a north-westerly direction along Victoria Avenue, and the frontages of the lands abutting on Victoria Avenue, to wit, on the south-western side of said Avenue, sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)"; on the north-eastern side a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southern-most corner of section originally granted to S. Mallarky, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through the aforesaid section; thence in a north-westerly direction through section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through a portion of the Alleyne Estate, now the property of Michael Stephenson; thence in a north-westerly direction across Smith-street; thence in a north-westerly direction through two subdivisions of the Alleyne Estate, now the property of — Watson and James Forsyth, respectively; thence in a north-easterly direction across Warrane Road, to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

This first branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with Sailors' Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-easterly direction through the said section to Sailors' Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE C.

This second branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

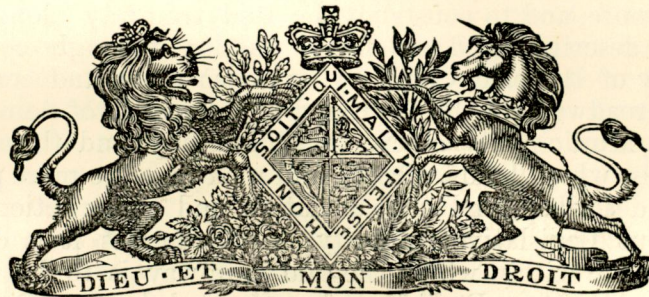
This third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly, easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence in an easterly direction along Corrobare Road, and entering on the sections abutting on the said road: to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens; section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; and section originally granted to H. G. Alleyne, now the property of James Francis Cullen; and on the northern side of the said Corrobare Road that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to the termination in reserve number twenty-eight, a Crown reserve for public purposes.

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, 28 August, 1890.* }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to amend the "Willoughby and Gordon Tramway Act of 1887." [Assented to, 17th September, 1890.]

WHEREAS by the "Willoughby and Gordon Tramway Act of Preamble. 1887," Andrew Armstrong and James Alexander Brown, both therein described, their heirs, executors, administrators, or assigns, were authorised upon the conditions and terms therein contained to construct, subject to the liabilities therein imposed, a tramway for conveying passengers and their luggage and other goods and merchandise on the line in the said Act more particularly described, provided that the said tramway should be constructed and brought into use within three years from the passing of the Act. And whereas the "North Sydney Investment and Tramway Company (Limited)," being a joint stock company, duly registered and incorporated under and in accordance with the provisions of the "Companies Act" (hereinafter called "the said Company"), is possessed of and entitled to an estate consisting of over one thousand acres of land in the parish of Willoughby, county of Cumberland, in the Colony of New South Wales. And whereas the said Andrew Armstrong and James Alexander Brown, by a certain indenture, dated the sixteenth day of October, one thousand eight hundred and eighty-eight, duly assigned and transferred to the said Company, its successors and assigns, all the authority then vested in the said Andrew Armstrong and James Alexander Brown to construct the tramway specified in the said "Willoughby and Gordon Tramway

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

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

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Tramway Act of 1887," and all and singular the benefits, privileges, and advantages arising out of or to be derived from the said Act of Parliament and the said Tramway. And whereas the said Company have, under the authority of the said Act, constructed a portion of the said tramway, namely, from the terminal point of the Saint Leonards cable tramway to Amherst-street. And whereas the said Company are now erecting in connection with the said tramway a bridge across Long Bay, and it is considered that the route specified in the said Act is difficult of formation, and upon survey it is found to be inexpedient to carry out the same, and the said Company are desirous of deviating from such route, and to construct the said tramway along the route hereinafter described and set forth, passing through certain lands the property of the said Company, and also along and across certain streets and roadways in the town and Municipality of Saint Leonards, and in the Municipality of North Willoughby, and through certain private lands, which lands, streets, and roadways are more particularly hereinafter described, and such deviation and construction cannot be made without Legislative authority. And whereas it is desirable to extend the time within which the said tramway is to be constructed and brought into use. 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:—

Repeal of the first section and Schedule of the principal Act, except as to certain parts.

1. The first section and the Schedule of the Principal Act are hereby repealed except as to the line between the terminal point of the Saint Leonards cable tramway and Amherst-street, and in lieu of the first section and the said Schedule, the third section of this Act and the Schedule hereto shall be read in substitution thereof.

Authority to deviate from route and to construct tramway.

2. It shall be lawful for the said Company on the terms and conditions and subject to the provisions and other enactments in the said Principal Act and hereinafter contained to deviate from the route of the said tramway as described in the said principal Act and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the Saint Leonards Cable Tramway, or from a point in Amherst-street, and thence by the lines described in the Schedule to this Act to the termination at a point in the Cammeray estate, near the junction of the Teralba Road and the Warrane Road in the municipality of North Willoughby, and along the branch lines described in Schedule B, C, and D to this Act, and to such portions of the Company's estate as may hereafter be determined, and to take and use so much of the streets or roadways, and so much of the lands of private persons, which are mentioned in the said Schedule, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet, including the support and foundations thereof, or in the said private lands a greater space in breadth than twenty-two feet including the support and foundations thereof; provided that the said tramway shall be constructed in a proper and workmanlike manner, and be brought into use within three years from the passing of this Act, and the said branch lines mentioned in Schedule B, C, and D to this Act, within five years from the passing hereof. Provided further that in the event of the said tramway and branch lines not being constructed within the times lastly beforementioned, then all the powers and privileges granted by this Act shall cease and determine.

Entry upon street, &c.

Maximum width of lands taken for tramway.

Lands taken to be vested in Company without conveyance.

3. Such lands as shall be required shall be taken under the provisions of this Act, for the purpose of the said tramway, together with

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with such right of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair thereof, and shall be vested by virtue of this Act and without the necessity of any conveyance to the said Company for the purposes of the said tramway. Provided that no lands vested in the Railway Commissioners of New South Wales shall by virtue of this Act be vested in the said Company. Provided also that nothing herein contained shall prevent the owners of such adjacent lands from carrying on any mining operations underneath the said tramway which shall not interfere with the safety of the said tramway and the traffic thereon. And the said Company shall have no further right to the soil of the said lands beneath the surface than shall be requisite for the formation, support, and repair of the said tramway by cutting, embanking, or otherwise. Provided also that if in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any street, or roadway, whether carriage-road or horse-road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the said Company shall before the commencement of any such operations cause a sufficient road to be made instead of any street or roadway interfered with, and shall, at its own expense, maintain such substituted road in a state as convenient as the road interfered with, or as nearly as may be; and the said Company, before the said lands of the said owners of land respectively shall be used for any of the purposes aforesaid, shall, if required so to do, separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such land, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle and horses from or upon the lands traversed by such roads. And shall also make and at its own expense maintain such and so many convenient bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the tramway as may be necessary for the purpose of making good any interruptions caused by the tramway to the use of the lands, streets, or roads through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands, streets, or roads shall have been laid out or formed, or during the formation thereof. Also all necessary arches, tunnels, culverts, drains, or other passages, either over, under, or by the sides of the tramway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands, streets, or roads lying near or affected by the tramway, as before the making of the tramway, or as nearly so as may be, and such work shall be made from time to time as the tramway works proceed. Provided always that the said Company and their assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the tramway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive and shall have been paid compensation. And in case of any difference between the owners or occupiers of such roads and lands and the said Company, as to the necessity for such fences and gates, bridges, arches, culverts, and passages, tunnels, drains, or other passages, such fences and gates shall be put up, and such bridges, arches, culverts and passages, tunnels, drains, or other passages, made by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.

4. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the Company, and their workmen and servants, to enter

Owners may mine.

Before roads interfered with others to be substituted.

Works for benefit of owners.

To fence where necessary.

Gates.

Bridges, &c.

Drains, &c.

Differences as to necessity of gates, &c., how to be settled.

Entry in case of accidents.

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enter upon the land adjoining thereto at any time whatsoever, for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose. Provided also that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respectively by reason of such works, the amount of which compensation in case of any dispute about the same shall be settled by arbitrators in manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said tramway.

Company not entitled to minerals.

5. The said Company shall not be entitled to any mines of coal, iron, slate, or other minerals under any lands whereof the surface is vested in them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized, and such mines shall not be deemed to vest in the said Company.

Compensation to be settled by arbitration.

6. If within twenty-eight days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said Company shall not agree as to the amount of compensation to be paid by them 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 mentioned (that is to say); unless both parties concur in the appointment of a single arbitrator, each party on request of the other shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the common seal of the said Company, and under the hand of such person or persons respectively; and such 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 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 shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to 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 or determination of such single arbitrator shall be final and conclusive.

Proceedings in case of disability of arbitrator.

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 powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

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8. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in 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 so to do by the arbitrators or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon 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 arbitrators 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 differ or which shall be referred to him under this Act shall be final.

Neglect to appoint
umpire.

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 matters 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 disability
of single arbitrator.

11. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (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.

Arbitrators failing to
make their award,
matters referred to
umpire.

12. The said arbitrator or arbitrators, or his 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 questions in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may
order production of
documents, &c.

13. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say—

Declaration by
arbitrators or
umpire.

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 "Willoughby and Gordon Tramway Amending Act."

Made and subscribed in the presence of

C.D.

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 thereto he shall be guilty of a misdemeanour.

14. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators. Provided that, if either party shall be dissatisfied with the costs allowed by the said 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.

Costs of arbitration,
how to be borne.
Costs may be taxed.

15. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said Company, who shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the

Arbitrators or
umpire to deliver
award to Company.

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Compensation to be paid within sixty days after publication of award.

Submission may be made a rule of Supreme Court.

Award not to be set aside for irregularity.

Compensation in cases of negligence.

Compensation in cases of temporary possession.

Proceedings in absence of owner.

Justices to appoint valuator in certain cases.

Production of valuation, &c.

the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

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

17. 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 matter of form.

18. The said Company shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands or the Municipal Councils controlling the streets through which the said tramway shall pass by the non-performance or negligent performance by the said Company of any of the matters or things hereby required or authorized to be performed by them.

19. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such land, upon being required so to do, to pay to the occupier of said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry, and shall also, from time to time during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ; and shall also, within twelve months after such entry, pay to such owners and occupiers, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

20. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon diligent inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or qualified interests therein, and who cannot enter into binding agreements with the said Company for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said Company in respect of such lands shall be determined by the valuation of a sworn valuator under the "Real Property Act" to be nominated as hereinafter mentioned.

21. Upon application by the said Company to a Court of Petty Sessions, and upon such proof as may be satisfactory to such Court that there is no person in the Colony, or to be found who can enter into a binding contract with the said Company, or join with the said Company in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Court shall by writing under their hands nominate a valuator as aforesaid for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

22. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together

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together therewith by the said Company, and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

23. All the expenses of and incident to any such valuation shall be borne by the said Company. Costs of valuation, how borne.

24. If the amount of compensation determined by any such valuator does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony or cannot be found, be paid by the said Company to the person or persons for the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees or trustees of such persons. Compensation not exceeding £50, how to be dealt with.

25. If the amount of compensation determined by any such valuator as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said Company into the hands of the Master in Equity of the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in, and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said Company for the money so paid. Provided that all moneys so paid in shall be dealt with by the Supreme Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds, and for the relief of Trustees.*" And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder. Compensation, how dealt with in absence of owner.

26. If in any case in which, according to the provisions of the Principal Act or of this Act, the said Company is authorized to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue its warrant to the Sheriff to deliver possession of the same to the persons appointed by the said Company in such warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said Company from the compensation, if any, then payable to such person refusing to give possession, 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 the amount of 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. Power of entry in case of refusal.

27. All notices required to be served by the said Company and their assigns, upon the parties interested in or entitled to sell any such lands, shall either be served personally on such parties or left at their last usual place of abode (if any such can after diligent inquiry be found), and in case any such parties shall be absent from the Colony, or cannot be found after diligent inquiry, shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands, and shall also be advertised in the Government *Gazette* and a local newspaper. Service of notice on owners of lands.

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Short title.

28. This Act may, for all purposes, be cited as the "Willoughby and Gordon Tramway Act Amending Act," and shall be deemed to be incorporated with, and constructed as part of the said "Willoughby and Gordon Tramway Act of 1887," and which Act is hereinbefore called the "Principal Act."

[SCHEDULE A.]

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby, county of Cumberland, and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

Description of proposed tramway from the terminal point of the Saint Leonards cable tramway, Miller-street, Saint Leonards, to the termination at a point in the Cammeray Estate, near the junction of the Taralba Road and the Warrane Road, in the Municipality of North Willoughby.

Municipality of Saint Leonards.

Commencing in Miller-street, in the town and Municipality of Saint Leonards, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved line in a north-westerly direction through allotments nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, section thirty-two, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction by a curved line through allotment sixteen, section thirty-two, the property of T. J. Cook; thence in a north-westerly direction by a curved line across Palmer and Rose Streets, near their intersection; thence in a north-westerly direction by a curved line through allotment one, section thirty-three, the property of George Brown; thence in a north-westerly direction by a curved line through allotment two, section thirty-three, the property of H. Hughes; thence in a northerly direction by a curved line through allotments three and four, section thirty-three, the property of Captain Reddall; thence in a north-easterly direction by a curved line through allotment five, section thirty-three, the property of W. Waterhouse; thence in a north-easterly direction by a curved line across Glen-street; thence in a north-easterly direction by a curved line across allotment five original section three, the property of S. Cunningham; thence in a north-easterly direction by a curved line across Rose-street; thence in a north-easterly direction by a curved line across allotment seven, section thirty-four, the property of John Ritchie; thence in a north-easterly direction by a curved line across allotment eight, section thirty-four, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-easterly direction by a straight line across Flat-street; thence in a north-easterly direction in a straight line across the south-eastern corner of original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly direction in a straight line across allotment twelve, section thirty-five, the property of Andrew Armstrong; thence in a north-easterly direction by a straight line across Pine-street; thence in a north-easterly, northerly, and north-westerly direction by a straight and curved line through original section five, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction by a straight line across the head waters of Long Bay by a high-level bridge, now in course of construction by the "North Sydney Investment and Tramway Company (Limited)," into the Municipality of North Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)."

Municipality of North Willoughby.

Thence from the beforementioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through a section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction across Sailor's Bay Road; thence in a northerly direction through section originally granted to M. F. Josephson, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a northerly direction through section originally granted to E. H. Osbourne, now the property of John Clarke; thence in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a northerly direction through

Willoughby and Gordon Tramway Act Amending.

through section originally granted to James Harris French, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a north-easterly direction through section originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)" to Victoria Avenue; thence in a north-westerly direction along Victoria Avenue, and the frontages of the lands abutting on Victoria Avenue, to wit, on the south-western side of said Avenue, sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)"; on the north-eastern side a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southernmost corner of section originally granted to S. Mallarky, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through the aforesaid section; thence in a north-westerly direction through section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through a portion of the Alleyne Estate, now the property of Michael Stephenson; thence in a north-westerly direction across Smith-street; thence in a north-westerly direction through two subdivisions of the Alleyne Estate, now the property of — Watson and James Forsyth, respectively; thence in a north-easterly direction across Warrane Road, to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

This first branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with Sailors' Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-easterly direction through the said section to Sailors' Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE C.

This second branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

This third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly, easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence in an easterly direction along Corrobare Road, and entering on the sections abutting on the said road: to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens; section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; and section originally granted to H. G. Alleyne, now the property of James Francis Cullen; and on the northern side of the said Corrobare Road that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to the termination in reserve number twenty-eight, a Crown reserve for public purposes.

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

CARRINGTON.

*Government House,
Sydney, 17th September, 1890.*

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONERS OF THE
BUREAU OF CHEMISTRY
FOR THE YEAR 1900
PUBLISHED BY THE
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WASHINGTON, D. C.
1901

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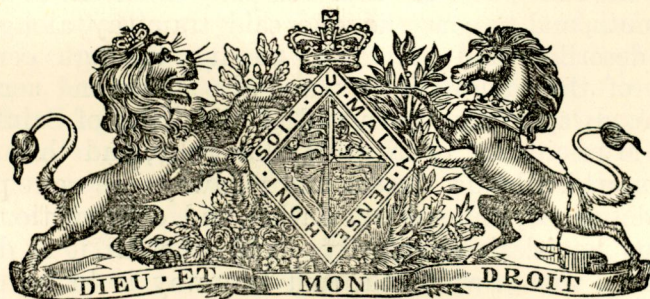
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I Certify that this PRIVATE BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 28 August, 1890. }*

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

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to amend the "Willoughby and Gordon Tramway Act of 1887." [Assented to, 17th September, 1890.]

WHEREAS by the "Willoughby and Gordon Tramway Act of 1887," Andrew Armstrong and James Alexander Brown, both therein described, their heirs, executors, administrators, or assigns, were authorised upon the conditions and terms therein contained to construct, subject to the liabilities therein imposed, a tramway for conveying passengers and their luggage and other goods and merchandise on the line in the said Act more particularly described, provided that the said tramway should be constructed and brought into use within three years from the passing of the Act. And whereas the "North Sydney Investment and Tramway Company (Limited)," being a joint stock company, duly registered and incorporated under and in accordance with the provisions of the "Companies Act" (hereinafter called "the said Company"), is possessed of and entitled to an estate consisting of over one thousand acres of land in the parish of Willoughby, county of Cumberland, in the Colony of New South Wales. And whereas the said Andrew Armstrong and James Alexander Brown, by a certain indenture, dated the sixteenth day of October, one thousand eight hundred and eighty-eight, duly assigned and transferred to the said Company, its successors and assigns, all the authority then vested in the said Andrew Armstrong and James Alexander Brown to construct the tramway specified in the said "Willoughby and Gordon Tramway

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

*NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.*

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Tramway Act of 1887," and all and singular the benefits, privileges, and advantages arising out of or to be derived from the said Act of Parliament and the said Tramway. And whereas the said Company have, under the authority of the said Act, constructed a portion of the said tramway, namely, from the terminal point of the Saint Leonards cable tramway to Amherst-street. And whereas the said Company are now erecting in connection with the said tramway a bridge across Long Bay, and it is considered that the route specified in the said Act is difficult of formation, and upon survey it is found to be inexpedient to carry out the same, and the said Company are desirous of deviating from such route, and to construct the said tramway along the route hereinafter described and set forth, passing through certain lands the property of the said Company, and also along and across certain streets and roadways in the town and Municipality of Saint Leonards, and in the Municipality of North Willoughby, and through certain private lands, which lands, streets, and roadways are more particularly hereinafter described, and such deviation and construction cannot be made without Legislative authority. And whereas it is desirable to extend the time within which the said tramway is to be constructed and brought into use. 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:—

Repeal of the first section and Schedule of the principal Act, except as to certain parts.

1. The first section and the Schedule of the Principal Act are hereby repealed except as to the line between the terminal point of the Saint Leonards cable tramway and Amherst-street, and in lieu of the first section and the said Schedule, the third section of this Act and the Schedule hereto shall be read in substitution thereof.

Authority to deviate from route and to construct tramway.

2. It shall be lawful for the said Company on the terms and conditions and subject to the provisions and other enactments in the said Principal Act and hereinafter contained to deviate from the route of the said tramway as described in the said principal Act and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the Saint Leonards Cable Tramway, or from a point in Amherst-street, and thence by the lines described in the Schedule to this Act to the termination at a point in the Cammeray estate, near the junction of the Teralba Road and the Warrane Road in the municipality of North Willoughby, and along the branch lines described in Schedule B, C, and D to this Act, and to such portions of the Company's estate as may hereafter be determined, and to take and use so much of the streets or roadways, and so much of the lands of private persons, which are mentioned in the said Schedule, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet, including the support and foundations thereof, or in the said private lands a greater space in breadth than twenty-two feet including the support and foundations thereof; provided that the said tramway shall be constructed in a proper and workmanlike manner, and be brought into use within three years from the passing of this Act, and the said branch lines mentioned in Schedule B, C, and D to this Act, within five years from the passing hereof. Provided further that in the event of the said tramway and branch lines not being constructed within the times lastly beforementioned, then all the powers and privileges granted by this Act shall cease and determine.

Entry upon street, &c.

Maximum width of lands taken for tramway.

Lands taken to be vested in Company without conveyance.

3. Such lands as shall be required shall be taken under the provisions of this Act, for the purpose of the said tramway, together with

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with such right of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair thereof, and shall be vested by virtue of this Act and without the necessity of any conveyance to the said Company for the purposes of the said tramway. Provided that no lands vested in the Railway Commissioners of New South Wales shall by virtue of this Act be vested in the said Company. Provided also that nothing herein contained shall prevent the owners of such adjacent lands from carrying on any mining operations underneath the said tramway which shall not interfere with the safety of the said tramway and the traffic thereon. And the said Company shall have no further right to the soil of the said lands beneath the surface than shall be requisite for the formation, support, and repair of the said tramway by cutting, embanking, or otherwise. Provided also that if in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any street, or roadway, whether carriage-road or horse-road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the said Company shall before the commencement of any such operations cause a sufficient road to be made instead of any street or roadway interfered with, and shall, at its own expense, maintain such substituted road in a state as convenient as the road interfered with, or as nearly as may be; and the said Company, before the said lands of the said owners of land respectively shall be used for any of the purposes aforesaid, shall, if required so to do, separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such land, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle and horses from or upon the lands traversed by such roads. And shall also make and at its own expense maintain such and so many convenient bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the tramway as may be necessary for the purpose of making good any interruptions caused by the tramway to the use of the lands, streets, or roads through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands, streets, or roads shall have been laid out or formed, or during the formation thereof. Also all necessary arches, tunnels, culverts, drains, or other passages, either over, under, or by the sides of the tramway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands, streets, or roads lying near or affected by the tramway, as before the making of the tramway, or as nearly so as may be, and such work shall be made from time to time as the tramway works proceed. Provided always that the said Company and their assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the tramway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive and shall have been paid compensation. And in case of any difference between the owners or occupiers of such roads and lands and the said Company, as to the necessity for such fences and gates, bridges, arches, culverts, and passages, tunnels, drains, or other passages, such fences and gates shall be put up, and such bridges, arches, culverts and passages, tunnels, drains, or other passages, made by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.

4. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the Company, and their workmen and servants, to enter

Owners may mine.

Before roads interfered with others to be substituted.

Works for benefit of owners.

To fence where necessary.

Gates.

Bridges, &c.

Drains, &c.

Differences as to necessity of gates, &c., how to be settled.

Entry in case of accidents.

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enter upon the land adjoining thereto at any time whatsoever, for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose. Provided also that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respectively by reason of such works, the amount of which compensation in case of any dispute about the same shall be settled by arbitrators in manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said tramway.

Company not entitled to minerals.

5. The said Company shall not be entitled to any mines of coal, iron, slate, or other minerals under any lands whereof the surface is vested in them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized, and such mines shall not be deemed to vest in the said Company.

Compensation to be settled by arbitration.

6. If within twenty-eight days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said Company shall not agree as to the amount of compensation to be paid by them 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 mentioned (that is to say); unless both parties concur in the appointment of a single arbitrator, each party on request of the other shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the common seal of the said Company, and under the hand of such person or persons respectively; and such 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 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 shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to 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 or determination of such single arbitrator shall be final and conclusive.

Proceedings in case of disability of arbitrator.

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 powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

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8. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in 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 so to do by the arbitrators or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon 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 arbitrators 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 differ or which shall be referred to him under this Act shall be final.

Neglect to appoint
umpire.

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 matters 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 disability
of single arbitrator.

11. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (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.

Arbitrators failing to
make their award,
matters referred to
umpire.

12. The said arbitrator or arbitrators, or his 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 questions in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may
order production of
documents, &c.

13. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say—

Declaration by
arbitrators or
umpire.

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 "Willoughby and Gordon Tramway Amending Act."

Made and subscribed in the presence of

C.D.

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 thereto he shall be guilty of a misdemeanour.

14. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators. Provided that, if either party shall be dissatisfied with the costs allowed by the said 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.

Costs of arbitration,
how to be borne.
Costs may be taxed.

15. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said Company, who shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the

Arbitrators or
umpire to deliver
award to Company.

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Compensation to be paid within sixty days after publication of award.

Submission may be made a rule of Supreme Court.

Award not to be set aside for irregularity.

Compensation in cases of negligence.

Compensation in cases of temporary possession.

Proceedings in absence of owner.

Justices to appoint valuator in certain cases.

Production of valuation, &c.

the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

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

17. 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 matter of form.

18. The said Company shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands or the Municipal Councils controlling the streets through which the said tramway shall pass by the non-performance or negligent performance by the said Company of any of the matters or things hereby required or authorized to be performed by them.

19. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such land, upon being required so to do, to pay to the occupier of said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry, and shall also, from time to time during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ; and shall also, within twelve months after such entry, pay to such owners and occupiers, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

20. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon diligent inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or qualified interests therein, and who cannot enter into binding agreements with the said Company for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said Company in respect of such lands shall be determined by the valuation of a sworn valuator under the "Real Property Act" to be nominated as hereinafter mentioned.

21. Upon application by the said Company to a Court of Petty Sessions, and upon such proof as may be satisfactory to such Court that there is no person in the Colony, or to be found who can enter into a binding contract with the said Company, or join with the said Company in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Court shall by writing under their hands nominate a valuator as aforesaid for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

22. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together

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together therewith by the said Company, and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

23. All the expenses of and incident to any such valuation shall be borne by the said Company. Costs of valuation, how borne.

24. If the amount of compensation determined by any such valuator does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony or cannot be found, be paid by the said Company to the person or persons for the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiotcy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees or trustees of such persons. Compensation not exceeding £50, how to be dealt with.

25. If the amount of compensation determined by any such valuator as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said Company into the hands of the Master in Equity of the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in, and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said Company for the money so paid. Provided that all moneys so paid in shall be dealt with by the Supreme Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds, and for the relief of Trustees.*" And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder. Compensation, how dealt with in absence of owner.

26. If in any case in which, according to the provisions of the Principal Act or of this Act, the said Company is authorized to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue its warrant to the Sheriff to deliver possession of the same to the persons appointed by the said Company in such warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said Company from the compensation, if any, then payable to such person refusing to give possession, 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 the amount of 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. Power of entry in case of refusal.

27. All notices required to be served by the said Company and their assigns, upon the parties interested in or entitled to sell any such lands, shall either be served personally on such parties or left at their last usual place of abode (if any such can after diligent inquiry be found), and in case any such parties shall be absent from the Colony, or cannot be found after diligent inquiry, shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands, and shall also be advertised in the *Government Gazette* and a local newspaper. Service of notice on owners of lands.

Willoughby and Gordon Tramway Act Amending.

Short title.

28. This Act may, for all purposes, be cited as the "Willoughby and Gordon Tramway Act Amending Act," and shall be deemed to be incorporated with, and constructed as part of the said "Willoughby and Gordon Tramway Act of 1887," and which Act is hereinbefore called the "Principal Act."

[SCHEDULE A.]

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby, county of Cumberland, and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

Description of proposed tramway from the terminal point of the Saint Leonards cable tramway, Miller-street, Saint Leonards, to the termination at a point in the Cammeray Estate, near the junction of the Taralba Road and the Warrane Road, in the Municipality of North Willoughby.

Municipality of Saint Leonards.

Commencing in Miller-street, in the town and Municipality of Saint Leonards, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved line in a north-westerly direction through allotments nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, section thirty-two, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction by a curved line through allotment sixteen, section thirty-two, the property of T. J. Cook; thence in a north-westerly direction by a curved line across Palmer and Rose Streets, near their intersection; thence in a north-westerly direction by a curved line through allotment one, section thirty-three, the property of George Brown; thence in a north-westerly direction by a curved line through allotment two, section thirty-three, the property of H. Hughes; thence in a northerly direction by a curved line through allotments three and four, section thirty-three, the property of Captain Reddall; thence in a north-easterly direction by a curved line through allotment five, section thirty-three, the property of W. Waterhouse; thence in a north-easterly direction by a curved line across Glen-street; thence in a north-easterly direction by a curved line across allotment five original section three, the property of S. Cunningham; thence in a north-easterly direction by a curved line across Rose-street; thence in a north-easterly direction by a curved line across allotment seven, section thirty-four, the property of John Ritchie; thence in a north-easterly direction by a curved line across allotment eight, section thirty-four, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-easterly direction by a straight line across Flat-street; thence in a north-easterly direction in a straight line across the south-eastern corner of original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly direction in a straight line across allotment twelve, section thirty-five, the property of Andrew Armstrong; thence in a north-easterly direction by a straight line across Pine-street; thence in a north-easterly, northerly, and north-westerly direction by a straight and curved line through original section five, the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction by a straight line across the head waters of Long Bay by a high-level bridge, now in course of construction by the "North Sydney Investment and Tramway Company (Limited)," into the Municipality of North Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)."

Municipality of North Willoughby.

Thence from the beforementioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through a section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction across Sailor's Bay Road; thence in a northerly direction through section originally granted to M. F. Josephson, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a northerly direction through section originally granted to E. H. Osbourne, now the property of John Clarke; thence in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a northerly direction through

Willoughby and Gordon Tramway Act Amending.

through section originally granted to James Harris French, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a north-easterly direction through section originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)" to Victoria Avenue; thence in a north-westerly direction along Victoria Avenue, and the frontages of the lands abutting on Victoria Avenue, to wit, on the south-western side of said Avenue, sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)"; on the north-eastern side a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southernmost corner of section originally granted to S. Mallarky, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through the aforesaid section; thence in a north-westerly direction through section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through a portion of the Alleyne Estate, now the property of Michael Stephenson; thence in a north-westerly direction across Smith-street; thence in a north-westerly direction through two subdivisions of the Alleyne Estate, now the property of — Watson and James Forsyth, respectively; thence in a north-easterly direction across Warrane Road, to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

This first branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with Sailors' Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-easterly direction through the said section to Sailors' Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE C.

This second branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

This third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly, easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence in an easterly direction along Corrobare Road, and entering on the sections abutting on the said road: to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens; section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; and section originally granted to H. G. Alleyne, now the property of James Francis Cullen; and on the northern side of the said Corrobare Road that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to the termination in reserve number twenty-eight, a Crown reserve for public purposes.

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

CARRINGTON.

Government House,
Sydney, 17th September, 1890.

WILLOUGHBY AND GORDON TRAMWAY ACT AMENDING BILL.

SCHEDULE of the Amendments referred to in Message of 27th August, 1890.

Page 2, clause 2. At end of clause *add* “**Provided further that in the event of the
“said tramway and branch lines not being constructed within the times
“lastly beforementioned, then all the powers and privileges granted by
“this Act shall cease and determine.”**

Page 8, clause 28, line 4. *Omit* “hereinafter” *insert* “hereinbefore”

WILMINGTON AND COTTON TRAMWAY ACT AMENDING BILL

NOTICE OF THE APPOINTMENT OF A COMMITTEE TO ENQUIRE INTO THE MATTER OF THE

Bill of the 17th of January 1871. Provided further that in the event of the
"and tramway and branch lines not being constructed within the time
"likely to be determined, then all the powers and privileges granted by
"this Act shall cease and determine."
"and if it shall be found that the tramway is not a necessity."

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, 6 August, 1890. }*

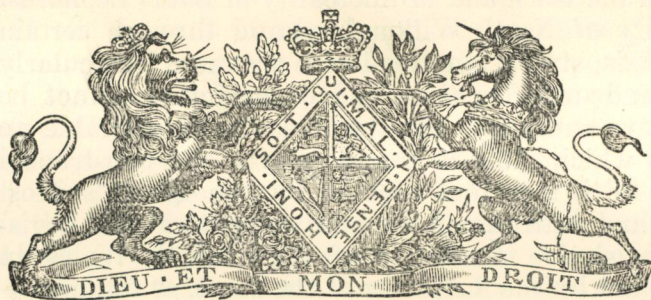
*F. W. WEBB,
Clerk of Legislative Assembly.*

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

*Legislative Council Chamber,
Sydney, 27th August, 1890. }*

*JOHN J. CALVERT,
Clerk of the Parliaments.*

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to amend the "Willoughby and Gordon Tramway Act of 1887."

WHEREAS by the "Willoughby and Gordon Tramway Act of Preamble.
1887," Andrew Armstrong and James Alexander Brown, both
therein described, their heirs, executors, administrators, or assigns,
were authorised upon the conditions and terms therein contained to
5 construct, subject to the liabilities therein imposed, a tramway for con-
veying passengers and their luggage and other goods and merchandise
on the line in the said Act more particularly described, provided that
the said tramway should be constructed and brought into use within
three years from the passing of the Act. And whereas the "North
10 Sydney Investment and Tramway Company (Limited)," being a joint
stock company, duly registered and incorporated under and in accord-
ance with the provisions of the "Companies Act" (hereinafter called
"the said Company"), is possessed of and entitled to an estate con-
sisting of over one thousand acres of land in the parish of Willoughby,
15 county of Cumberland, in the Colony of New South Wales. And
whereas the said Andrew Armstrong and James Alexander Brown, by
a certain indenture, dated the sixteenth day of October, one thousand
eight hundred and eighty-eight, duly assigned and transferred to the
said Company, its successors and assigns, all the authority then
20 vested in the said Andrew Armstrong and James Alexander Brown to
construct the tramway specified in the said "Willoughby and Gordon
241—A Tramway

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

Willoughby and Gordon Tramway Act Amending.

Tramway Act of 1887," and all and singular the benefits, privileges, and advantages arising out of or to be derived from the said Act of Parliament and the said Tramway. And whereas the said Company have, under the authority of the said Act, constructed a portion of the
 5 said tramway, namely, from the terminal point of the Saint Leonards cable tramway to Amherst-street. And whereas the said Company are now erecting in connection with the said tramway a bridge across Long Bay, and it is considered that the route specified in the said Act is difficult of formation, and upon survey it is found to be inexpedient
 10 to carry out the same, and the said Company are desirous of deviating from such route, and to construct the said tramway along the route hereinafter described and set forth, passing through certain lands the property of the said Company, and also along and across certain streets and roadways in the town and Municipality of Saint Leonards,
 15 and in the Municipality of North Willoughby, and through certain private lands, which lands, streets, and roadways are more particularly hereinafter described, and such deviation and construction cannot be made without Legislative authority. And whereas it is desirable to extend the time within which the said tramway is to be constructed
 20 and brought into use. 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:—

1. The first section and the Schedule of the Principal Act are
 25 hereby repealed except as to the line between the terminal point of the Saint Leonards cable tramway and Amherst-street, and in lieu of the first section and the said Schedule, the third section of this Act and the Schedule hereto shall be read in substitution thereof.

Repeal of the first section and Schedule of the principal Act, except as to certain parts.

2. It shall be lawful for the said Company on the terms and
 30 conditions and subject to the provisions and other enactments in the said Principal Act and hereinafter contained to deviate from the route of the said tramway as described in the said principal Act and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and
 35 use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the Saint Leonards Cable Tramway, or from a point in Amherst-street, and thence by the lines described in the Schedule to this Act to the termi-
 40 nation at a point in the Cammeray estate, near the junction of the Teralba Road and the Warrane Road in the municipality of North Willoughby, and along the branch lines described in Schedule B, C, and D to this Act, and to such portions of the Company's estate as may hereafter be determined, and to take and use so much of the streets or roadways, and so much of
 45 the lands of private persons, which are mentioned in the said Schedule, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet, including the support and foundations thereof, or in the said private lands a greater space in breadth than twenty-two feet
 50 including the support and foundations thereof; provided that the said tramway shall be constructed in a proper and workmanlike manner, and be brought into use within three years from the passing of this Act, and the said branch lines mentioned in Schedule B, C, and D to this Act, within five years from the passing hereof. Provided further
 55 that in the event of the said tramway and branch lines not being constructed within the times lastly beforementioned, then all the powers and privileges granted by this Act shall cease and determine.

Authority to deviate from route and to construct tramway.

Entry upon street, &c.

Maximum width of lands taken for tramway.

3. Such lands as shall be required shall be taken under the provisions of this Act, for the purpose of the said tramway, together
 with

Lands taken to be vested in Company without conveyance.

Willoughby and Gordon Tramway Act Amending.

- with such right of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair thereof, and shall be vested by virtue of this Act and without the necessity of any conveyance to the said Company for the purposes of the said tramway. Provided
- 5 that no lands vested in the Railway Commissioners of New South Wales shall by virtue of this Act be vested in the said Company. Provided also that nothing herein contained shall prevent the owners of such adjacent lands from carrying on any mining operations under- Owners may mine.
- 10 neath the said tramway which shall not interfere with the safety of the said tramway and the traffic thereon. And the said Company shall have no further right to the soil of the said lands beneath the surface than shall be requisite for the formation, support, and repair of the said tramway by cutting, embanking, or otherwise. Provided
- 15 also that if in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any street, or roadway, whether carriage-road or horse-road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the said Company shall before the com- Before roads interfered with others to be substituted.
- 20 mencement of any such operations cause a sufficient road to be made instead of any street or roadway interfered with, and shall, at its own expense, maintain such substituted road in a state as convenient as the road interfered with, or as nearly as may be; and the said Company, before the said lands of the said owners of land respectively shall be used for any of the purposes aforesaid, shall, if required so to do, Works for benefit of owners.
- 25 separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such land, and shall also, to all private roads used by them as afore- To fence where necessary.
- said, put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle and horses Gates.
- 30 from or upon the lands traversed by such roads. And shall also make Bridges, &c.
- and at its own expense maintain such and so many convenient bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the tramway as may be necessary for the purpose of making good any interruptions caused by the tramway to the use of the lands,
- 35 streets, or roads through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands, streets, or roads shall have been laid out or formed, or during the formation thereof. Also all necessary arches, tunnels, cul- Drains, &c.
- 40 verts, drains, or other passages, either over, under, or by the sides of the tramway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands, streets, or roads lying near or affected by the tramway, as before the making of the tramway, or as nearly so as may be, and such work shall be made from time to time as the tramway works proceed. Provided always that the said
- 45 Company and their assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the tramway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive and shall have been paid compensation. And
- 50 in case of any difference between the owners or occupiers of such roads and lands and the said Company, as to the necessity for such fences and gates, bridges, arches, culverts, and passages, tunnels, drains, or other passages, such fences and gates shall be put up, and such bridges, arches, culverts and passages, tunnels, drains, or other passages, made
- 55 by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.
4. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the Company, and their workmen and servants, to enter
- enter

Willoughby and Gordon Tramway Act Amending.

enter upon the land adjoining thereto at any time whatsoever, for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose. Provided also that such works shall be as little injurious to the said adjoining lands as the
 5 nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respectively by reason of such works, the amount of which compensation in case of any dispute about the
 10 same shall be settled by arbitrators in manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said tramway.

5. The said Company shall not be entitled to any mines of coal,
 15 iron, slate, or other minerals under any lands whereof the surface is vested in them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized, and such mines shall not be deemed to vest in the said Company. Company not entitled to minerals.

20 6. If within twenty-eight days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said Company shall not agree as to the amount of compensation to be paid by them 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,
 25 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 mentioned (that is to say); unless both parties concur in the appointment of a single arbitrator, each party on request of the other shall nominate
 30 and appoint an arbitrator to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the common seal of the said Company, and under the hand of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to
 35 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 such dispute or other matter shall have
 40 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 shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself
 45 appointed an arbitrator, to 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 or determination of such single arbitrator shall be final and conclusive.

7. If before the matter so referred shall be determined any
 50 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
 55 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 powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid. Proceedings in case of disability of arbitrator.

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8. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in 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 so to do by the arbitrators or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon 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 arbitrators 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 differ or which shall be referred to him under this Act shall be final.

Neglect to appoint
umpire.

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 matters 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 disability
of single arbitrator.

11. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (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.

Arbitrators failing to
make their award,
matters referred to
umpire.

12. The said arbitrator or arbitrators, or his 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 questions in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may
order production of
documents, &c.

13. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say—

Declaration by
arbitrators or
umpire.

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 "Willoughby and Gordon Tramway Amending Act."

Made and subscribed in the presence of

C.D.

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 thereto he shall be guilty of a misdemeanour.

14. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators. Provided that, if either party shall be dissatisfied with the costs allowed by the said 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.

Costs of arbitration,
how to be borne.
Costs may be taxed.

15. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said Company, who shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the

Arbitrators or
umpire to deliver
award to Company.

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the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Compensation to be paid within sixty days after publication of award.

5 16. 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 Supreme Court.

17. 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 matter of form.

Award not to be set aside for irregularity.

10 18. The said Company shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and

Compensation in cases of negligence.

all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands or the Municipal Councils controlling the streets through which the said tramway shall pass by the non-performance or negligent performance by the said Company of any of the matters or things hereby required or authorized to be performed by them.

19. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such land, upon being required so to do, to pay to the occupier of said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry, and shall also, from time to time during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ; and shall also, within twelve months after such entry, pay to such owners and occupiers, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

Compensation in cases of temporary possession.

20. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon diligent inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or qualified interests therein, and who cannot enter into binding agreements with the said Company for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said Company in respect of such lands shall be determined by the valuation of a sworn valuator under the "Real Property Act" to be nominated as hereinafter mentioned.

Proceedings in absence of owner.

21. Upon application by the said Company to a Court of Petty Sessions, and upon such proof as may be satisfactory to such Court that there is no person in the Colony, or to be found who can enter into a binding contract with the said Company, or join with the said Company in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Court shall by writing under their hands nominate a valuator as aforesaid for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

Justices to appoint valuator in certain cases.

22. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together

Production of valuation, &c.

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together therewith by the said Company, and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

23. All the expenses of and incident to any such valuation Costs of valuation, how borne.
5 shall be borne by the said Company.

24. If the amount of compensation determined by any such valuator does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony or cannot be found, be paid by the said Company to the person or persons for Compensation not exceeding £50, how to be dealt with.
10 the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiotcy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees or trustees of such persons.

15 25. If the amount of compensation determined by any such valuator as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said Company into the hands of the Master in Equity of Compensation, how dealt with in absence of owner.
20 the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in, and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said Company for the money so paid. Provided that all moneys so paid in shall be dealt with by the Supreme
25 Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds, and for the relief of Trustees.*" And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder.

30 26. If in any case in which, according to the provisions of the Principal Act or of this Act, the said Company is authorized to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said
35 Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue its warrant to the Sheriff to deliver possession of the same to the persons appointed by the said Company in such warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of any such lands
40 accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said Company from the compensation, if any, then payable to such person refusing to give
45 possession, 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 the amount of 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
50 accordingly.

27. All notices required to be served by the said Company and their assigns, upon the parties interested in or entitled to sell any such lands, shall either be served personally on such parties or left at their last usual place of abode (if any such can after diligent inquiry be
55 found), and in case any such parties shall be absent from the Colony, or cannot be found after diligent inquiry, shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands, and shall also be advertised in the *Government Gazette* and a local newspaper.

Willoughby and Gordon Tramway Act Amending.

28. This Act may, for all purposes, be cited as the “Willoughby and Gordon Tramway Act Amending Act,” and shall be deemed to be incorporated with, and constructed as part of the said “Willoughby and Gordon Tramway Act of 1887,” and which Act is hereinafter ^{short title.}
 5 hereinbefore called the “Principal Act.”

SCHEDULE A.

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby, county of Cumberland, and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

10 Description of proposed tramway from the terminal point of the Saint Leonards cable tramway, Miller-street, Saint Leonards, to the termination at a point in the Cammeray Estate, near the junction of the Taralba Road and the Warrane Road, in the Municipality of North Willoughby.

Municipality of Saint Leonards.

15 Commencing in Miller-street, in the town and Municipality of Saint Leonards, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved line in a north-westerly direction through allotments nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, section thirty-two, the property of the “North Sydney Investment and Tramway Company (Limited)”;

20 thence in a north-westerly direction by a curved line through allotment sixteen, section thirty-two, the property of T. J. Cook; thence in a north-westerly direction by a curved line across Palmer and Rose Streets, near their intersection; thence in a north-westerly direction by a curved line through allotment one, section thirty-three, the property of George Brown; thence in a north-westerly direction by a

25 curved line through allotment two, section thirty-three, the property of H. Hughes; thence in a northerly direction by a curved line through allotments three and four, section thirty-three, the property of Captain Reddall; thence in a north-easterly direction by a curved line through allotment five, section thirty-three, the property of W. Waterhouse; thence in a north-easterly direction by a curved line across Glen-

30 street; thence in a north-easterly direction by a curved line across allotment five original section three, the property of S. Cunningham; thence in a north-easterly direction by a curved line across Rose-street; thence in a north-easterly direction by a curved line across allotment seven, section thirty-four, the property of John Ritchie; thence in a north-easterly direction by a curved line across allotment eight,

35 section thirty-four, the property of the “North Sydney Investment and Tramway Company (Limited)”;

40 thence in a north-easterly direction by a straight line across Flat-street; thence in a north-easterly direction in a straight line across the south-eastern corner of original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly

45 direction in a straight line across allotment twelve, section thirty-five, the property of Andrew Armstrong; thence in a north-easterly direction by a straight line across Pine-street; thence in a north-easterly, northerly, and north-westerly direction by a straight and curved line through original section five, the property of the “North Sydney Investment and Tramway Company (Limited)”;

50 direction by a straight line across the head waters of Long Bay by a high-level bridge, now in course of construction by the “North Sydney Investment and Tramway Company (Limited),” into the Municipality of North Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the “North Sydney Investment and Tramway Company (Limited).”

Municipality of North Willoughby.

Thence from the beforementioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the “North Sydney Investment and Tramway Company (Limited)”;

55 direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the “North Sydney Investment and Tramway Company (Limited)”;

60 direction through a section originally granted to T. Strickland, now the property of the “North Sydney Investment and Tramway Company (Limited)”;

65 direction across Sailor's Bay Road; thence in a northerly direction through section originally granted to M. F. Josephson, now the property of the “North Shore and Middle Harbour Land Company (Limited)”;

70 direction through section originally granted to E. H. Osbourne, now the property of John Clarke; thence in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the “North Shore and Middle Harbour Land Company (Limited)”;

75 direction through

Willoughby and Gordon Tramway Act Amending.

through section originally granted to James Harris French, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a north-easterly direction through section originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)" to Victoria Avenue; thence in a north-westerly direction along Victoria Avenue, and the frontages of the lands abutting on Victoria Avenue, to wit, on the south-western side of said Avenue, sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)"; on the north-eastern side a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southernmost corner of section originally granted to S. Mallarky, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through the aforesaid section; thence in a north-westerly direction through section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through a portion of the Alleyne Estate, now the property of Michael Stephenson; thence in a north-westerly direction across Smith-street; thence in a north-westerly direction through two subdivisions of the Alleyne Estate, now the property of — Watson and James Forsyth, respectively; thence in a north-easterly direction across Warrane Road, to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

This first branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with Sailors' Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-easterly direction through the said section to Sailors' Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE C.

This second branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

This third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly, easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence in an easterly direction along Corrobare Road, and entering on the sections abutting on the said road: to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens; section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; and section originally granted to H. G. Alleyne, now the property of James Francis Cullen; and on the northern side of the said Corrobare Road that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to the termination in reserve number twenty-eight, a Crown reserve for public purposes.

THE UNIVERSITY OF MICHIGAN

The first of the two main parts of the book is devoted to a general survey of the history of the University of Michigan. It begins with a description of the early years of the institution, when it was founded in 1817. The author then traces the development of the university through the years, highlighting the various milestones and achievements. The second part of the book is a detailed account of the university's present state, including its faculties, departments, and student body. The author also discusses the university's future prospects and the challenges it faces.

CHAPTER II

The second part of the book is devoted to a detailed account of the university's present state. It begins with a description of the university's faculties and departments, and then proceeds to a discussion of the student body. The author also discusses the university's financial situation and its efforts to raise funds. The chapter concludes with a summary of the university's achievements and a look at its future prospects.

CHAPTER III

The third part of the book is devoted to a detailed account of the university's future prospects. It begins with a discussion of the challenges the university faces, and then proceeds to a description of the various efforts being made to address these challenges. The author also discusses the university's role in the community and its efforts to promote public service. The chapter concludes with a summary of the university's future prospects and a look at the challenges it will face in the years ahead.

CHAPTER IV

The fourth part of the book is devoted to a detailed account of the university's role in the community. It begins with a discussion of the university's efforts to promote public service, and then proceeds to a description of the various programs and initiatives that have been developed. The author also discusses the university's role in the development of the state and the nation. The chapter concludes with a summary of the university's role in the community and a look at the challenges it will face in the years ahead.

CHAPTER V

The fifth part of the book is devoted to a detailed account of the university's role in the development of the state and the nation. It begins with a discussion of the university's efforts to promote public service, and then proceeds to a description of the various programs and initiatives that have been developed. The author also discusses the university's role in the development of the state and the nation. The chapter concludes with a summary of the university's role in the development of the state and the nation.

WILLOUGHBY AND GORDON TRAMWAY ACT AMENDING BILL.

SCHEDULE of the Amendments referred to in Message of 27th August, 1890.

Page 2, clause 2. At end of clause *add* “**Provided further that in the event of the
“said tramway and branch lines not being constructed within the times
“lastly beforementioned, then all the powers and privileges granted by
“this Act shall cease and determine.”**”

Page 8, clause 28, line 4. *Omit* “hereinafter” *insert* “hereinbefore”

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, 6 August, 1890. }*

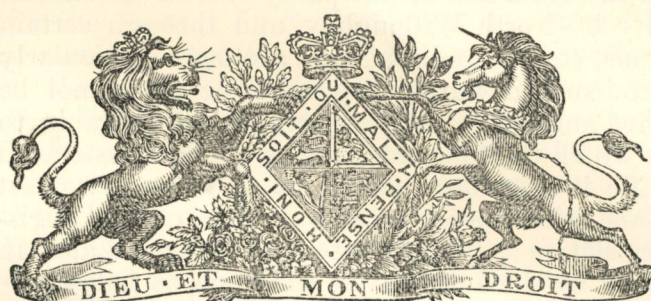
*F. W. WEBB,
Clerk of Legislative Assembly.*

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

*Legislative Council Chamber,
Sydney, 27th August, 1890. }*

*JOHN J. CALVERT,
Clerk of the Parliaments.*

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to amend the "Willoughby and Gordon Tramway Act of 1887."

WHEREAS by the "Willoughby and Gordon Tramway Act of 1887," Andrew Armstrong and James Alexander Brown, both therein described, their heirs, executors, administrators, or assigns, were authorised upon the conditions and terms therein contained to construct, subject to the liabilities therein imposed, a tramway for conveying passengers and their luggage and other goods and merchandise on the line in the said Act more particularly described, provided that the said tramway should be constructed and brought into use within three years from the passing of the Act. And whereas the "North Sydney Investment and Tramway Company (Limited)," being a joint stock company, duly registered and incorporated under and in accordance with the provisions of the "Companies Act" (hereinafter called "the said Company"), is possessed of and entitled to an estate consisting of over one thousand acres of land in the parish of Willoughby, county of Cumberland, in the Colony of New South Wales. And whereas the said Andrew Armstrong and James Alexander Brown, by a certain indenture, dated the sixteenth day of October, one thousand eight hundred and eighty-eight, duly assigned and transferred to the said Company, its successors and assigns, all the authority then vested in the said Andrew Armstrong and James Alexander Brown to construct the tramway specified in the said "Willoughby and Gordon

Preamble.

Tramway

241—A

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

Willoughby and Gordon Tramway Act Amending.

Tramway Act of 1887," and all and singular the benefits, privileges, and advantages arising out of or to be derived from the said Act of Parliament and the said Tramway. And whereas the said Company have, under the authority of the said Act, constructed a portion of the
 5 said tramway, namely, from the terminal point of the Saint Leonards cable tramway to Amherst-street. And whereas the said Company are now erecting in connection with the said tramway a bridge across Long Bay, and it is considered that the route specified in the said Act is difficult of formation, and upon survey it is found to be inexpedient
 10 to carry out the same, and the said Company are desirous of deviating from such route, and to construct the said tramway along the route hereinafter described and set forth, passing through certain lands the property of the said Company, and also along and across certain streets and roadways in the town and Municipality of Saint Leonards,
 15 and in the Municipality of North Willoughby, and through certain private lands, which lands, streets, and roadways are more particularly hereinafter described, and such deviation and construction cannot be made without Legislative authority. And whereas it is desirable to extend the time within which the said tramway is to be constructed
 20 and brought into use. 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:—

1. The first section and the Schedule of the Principal Act are
 25 hereby repealed except as to the line between the terminal point of the Saint Leonards cable tramway and Amherst-street, and in lieu of the first section and the said Schedule, the third section of this Act and the Schedule hereto shall be read in substitution thereof.

Repeal of the first section and Schedule of the principal Act, except as to certain parts.

2. It shall be lawful for the said Company on the terms and
 30 conditions and subject to the provisions and other enactments in the said Principal Act and hereinafter contained to deviate from the route of the said tramway as described in the said principal Act and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and
 35 use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the Saint Leonards Cable Tramway, or from a point in Amherst-street, and thence by the lines described in the Schedule to this Act to the termi-
 40 nation at a point in the Cammeray estate, near the junction of the Teralba Road and the Warrane Road in the municipality of North Willoughby, and along the branch lines described in Schedule B, C, and D to this Act, and to such portions of the Company's estate as may hereafter be determined, and to take and use so much of the streets or roadways, and so much of
 45 the lands of private persons, which are mentioned in the said Schedule, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet, including the support and foundations thereof, or in the said private lands a greater space in breadth than twenty-two feet
 50 including the support and foundations thereof; provided that the said tramway shall be constructed in a proper and workmanlike manner, and be brought into use within three years from the passing of this Act, and the said branch lines mentioned in Schedule B, C, and D to this Act, within five years from the passing hereof. **Provided further**
 55 **that in the event of the said tramway and branch lines not being constructed within the times lastly beforementioned, then all the powers and privileges granted by this Act shall cease and determine.**

Authority to deviate from route and to construct tramway.

Entry upon street, &c.

Maximum width of lands taken for tramway.

3. Such lands as shall be required shall be taken under the provisions of this Act, for the purpose of the said tramway, together
 with

Lands taken to be vested in Company without conveyance.

Willoughby and Gordon Tramway Act Amending.

- with such right of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair thereof, and shall be vested by virtue of this Act and without the necessity of any conveyance to the said Company for the purposes of the said tramway. Provided
- 5 that no lands vested in the Railway Commissioners of New South Wales shall by virtue of this Act be vested in the said Company. Provided also that nothing herein contained shall prevent the owners of such adjacent lands from carrying on any mining operations under- Owners may mine.
- 10 said tramway and the traffic thereon. And the said Company shall have no further right to the soil of the said lands beneath the surface than shall be requisite for the formation, support, and repair of the said tramway by cutting, embanking, or otherwise. Provided
- 15 also that if in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any street, or roadway, whether carriage-road or horse-road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the said Company shall before the com- Before roads interfered with others to be substituted.
- 20 mence of any such operations cause a sufficient road to be made instead of any street or roadway interfered with, and shall, at its own expense, maintain such substituted road in a state as convenient as the road interfered with, or as nearly as may be; and the said Company, before the said lands of the said owners of land respectively shall be Works for benefit of owners.
- 25 separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such land, and shall also, to all private roads used by them as afore- To fence where necessary.
- said, put up fences and gates in like manner in all cases where the Gates.
- 30 same may be necessary to prevent the straying of cattle and horses from or upon the lands traversed by such roads. And shall also make Bridges, &c.
- and at its own expense maintain such and so many convenient bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the tramway as may be necessary for the purpose of making good any interruptions caused by the tramway to the use of the lands,
- 35 streets, or roads through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands, streets, or roads shall have been laid out or formed, or during the formation thereof. Also all necessary arches, tunnels, cul- Drains, &c.
- 40 verts, drains, or other passages, either over, under, or by the sides of the tramway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands, streets, or roads lying near or affected by the tramway, as before the making of the tramway, or as nearly so as may be, and such work shall be made from time to time as the tramway works proceed. Provided always that the said
- 45 Company and their assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the tramway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive and shall have been paid compensation. And
- 50 in case of any difference between the owners or occupiers of such roads and lands and the said Company, as to the necessity for such fences and gates, bridges, arches, culverts, and passages, tunnels, drains, or other passages, such fences and gates shall be put up, and such bridges, arches, culverts and passages, tunnels, drains, or other passages, made Differences as to necessity of gates, &c., how to be settled.
- 55 by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.
4. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the Company, and their workmen and servants, to enter
- Entry in case of accidents.

Willoughby and Gordon Tramway Act Amending.

enter upon the land adjoining thereto at any time whatsoever, for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose. Provided also that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respectively by reason of such works, the amount of which compensation in case of any dispute about the same shall be settled by arbitrators in manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said tramway.

5. The said Company shall not be entitled to any mines of coal, iron, slate, or other minerals under any lands whereof the surface is vested in them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized, and such mines shall not be deemed to vest in the said Company.

Company not entitled to minerals.

6. If within twenty-eight days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said Company shall not agree as to the amount of compensation to be paid by them 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 mentioned (that is to say); unless both parties concur in the appointment of a single arbitrator, each party on request of the other shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the common seal of the said Company, and under the hand of such person or persons respectively; and such 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 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 shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to 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 or determination of such single arbitrator shall be final and conclusive.

Compensation to be settled by arbitration.

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 powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

Proceedings in case of disability of arbitrator.

Willoughby and Gordon Tramway Act Amending.

8. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in 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 so to do by the arbitrators or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon 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 arbitrators 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 differ or which shall be referred to him under this Act shall be final.

Neglect to appoint
umpire.

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 matters 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 disability
of single arbitrator.

11. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (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.

Arbitrators failing to
make their award,
matters referred to
umpire.

12. The said arbitrator or arbitrators, or his 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 questions in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may
order production of
documents, &c.

13. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say—

Declaration by
arbitrators or
umpire.

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 "Willoughby and Gordon Tramway Amending Act."

Made and subscribed in the presence of

C.D.

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 thereto he shall be guilty of a misdemeanour.

14. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators. Provided that, if either party shall be dissatisfied with the costs allowed by the said 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.

Costs of arbitration,
how to be borne.
Costs may be taxed.

15. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said Company, who shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the

Arbitrators or
umpire to deliver
award to Company.

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the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Compensation to be paid within sixty days after publication of award.

16. 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 Supreme Court.

17. 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 matter of form.

Award not to be set aside for irregularity.

18. The said Company shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands or the Municipal Councils controlling the streets through which the said tramway shall pass by the non-performance or negligent performance by the said Company of any of the matters or things hereby required or authorized to be performed by them.

Compensation in cases of negligence.

19. In every case where the said Company shall take temporary possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such land, upon being required so to do, to pay to the occupier of said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of such entry, and shall also, from time to time during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ; and shall also, within twelve months after such entry, pay to such owners and occupiers, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

Compensation in cases of temporary possession.

20. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon diligent inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or qualified interests therein, and who cannot enter into binding agreements with the said Company for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said Company in respect of such lands shall be determined by the valuation of a sworn valuator under the "Real Property Act" to be nominated as hereinafter mentioned.

Proceedings in absence of owner.

21. Upon application by the said Company to a Court of Petty Sessions, and upon such proof as may be satisfactory to such Court that there is no person in the Colony, or to be found who can enter into a binding contract with the said Company, or join with the said Company in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Court shall by writing under their hands nominate a valuator as aforesaid for determining such compensation as aforesaid, and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

Justices to appoint valuator in certain cases.

22. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together

Production of valuation, &c.

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together therewith by the said Company, and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

23. All the expenses of and incident to any such valuation shall be borne by the said Company. Costs of valuation, how borne.

24. If the amount of compensation determined by any such valuator does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony or cannot be found, be paid by the said Company to the person or persons for the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiotcy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees or trustees of such persons. Compensation not exceeding £50, how to be dealt with.

25. If the amount of compensation determined by any such valuator as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said Company into the hands of the Master in Equity of the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in, and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said Company for the money so paid. Provided that all moneys so paid in shall be dealt with by the Supreme Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds, and for the relief of Trustees.*" And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder. Compensation, how dealt with in absence of owner.

26. If in any case in which, according to the provisions of the Principal Act or of this Act, the said Company is authorized to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue its warrant to the Sheriff to deliver possession of the same to the persons appointed by the said Company in such warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said Company from the compensation, if any, then payable to such person refusing to give possession, 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 the amount of 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. Power of entry in case of refusal.

27. All notices required to be served by the said Company and their assigns, upon the parties interested in or entitled to sell any such lands, shall either be served personally on such parties or left at their last usual place of abode (if any such can after diligent inquiry be found), and in case any such parties shall be absent from the Colony, or cannot be found after diligent inquiry, shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands, and shall also be advertised in the Government *Gazette* and a local newspaper. Service of notice on owners of lands.

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28. This Act may, for all purposes, be cited as the “Willoughby and Gordon Tramway Act Amending Act,” and shall be deemed to be incorporated with, and constructed as part of the said “Willoughby and Gordon Tramway Act of 1887,” and which Act is hereinafter ^{short title.}
 5 hereinbefore called the “Principal Act.”

SCHEDULE A.

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby, county of Cumberland, and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

10 Description of the “North Sydney Investment and Tramway Company cable tramway, Miller-street, Saint Leonards, to the termination at a point in the Cammeray Estate, near the junction of the Taralba Road and the Warrane Road, in the Municipality of North Willoughby.

Municipality of Saint Leonards.

15 Commencing in Miller-street, in the town and Municipality of Saint Leonards, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved line in a north-westerly direction through allotments nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, section thirty-two, the property of the “North Sydney Investment and Tramway Company
 20 (Limited)” ; thence in a north-westerly direction by a curved line through allotment sixteen, section thirty-two, the property of T. J. Cook; thence in a north-westerly direction by a curved line across Palmer and Rose Streets, near their intersection; thence in a north-westerly direction by a curved line through allotment one, section thirty-three, the property of George Brown; thence in a north-westerly direction by a
 25 curved line through allotment two, section thirty-three, the property of H. Hughes; thence in a northerly direction by a curved line through allotments three and four, section thirty-three, the property of Captain Reddall; thence in a north-easterly direction by a curved line through allotment five, section thirty-three, the property of W. Waterhouse; thence in a north-easterly direction by a curved line across Glen-
 30 street; thence in a north-easterly direction by a curved line across allotment five original section three, the property of S. Cunningham; thence in a north-easterly direction by a curved line across Rose-street; thence in a north-easterly direction by a curved line across allotment seven, section thirty-four, the property of John Ritchie; thence in a north-easterly direction by a curved line across allotment eight,
 35 section thirty-four, the property of the “North Sydney Investment and Tramway Company (Limited)” ; thence in a north-easterly direction by a straight line across Flat-street; thence in a north-easterly direction in a straight line across the south-eastern corner of original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly
 40 direction in a straight line across allotment twelve, section thirty-five, the property of Andrew Armstrong; thence in a north-easterly direction by a straight line across Pine-street; thence in a north-easterly, northerly, and north-westerly direction by a straight and curved line through original section five, the property of the “North Sydney Investment and Tramway Company (Limited)” ; thence in a north-westerly
 45 direction by a straight line across the head waters of Long Bay by a high-level bridge, now in course of construction by the “North Sydney Investment and Tramway Company (Limited),” into the Municipality of North Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the “North Sydney Investment and Tramway Company
 50 (Limited).”

Municipality of North Willoughby.

Thence from the beforementioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the “North Sydney Investment and Tramway Company (Limited)” ; thence in a north-westerly
 55 direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the “North Sydney Investment and Tramway Company (Limited)” ; thence in a north-westerly direction through a section originally granted to T. Strickland, now the property of the “North
 60 Sydney Investment and Tramway Company (Limited)” ; thence in a north-westerly direction across Sailor’s Bay Road; thence in a northerly direction through section originally granted to M. F. Josephson, now the property of the “North Shore and Middle Harbour Land Company (Limited)” ; thence in a northerly direction through section originally granted to E. H. Osbourne, now the property of John Clarke; thence
 65 in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the “North Shore and Middle Harbour Land Company (Limited)” ; thence in a northerly direction through

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through section originally granted to James Harris French, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a north-easterly direction through section originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)" to Victoria Avenue; thence in a north-westerly direction along Victoria Avenue, and the frontages of the lands abutting on Victoria Avenue, to wit, on the south-western side of said Avenue, sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)"; on the north-eastern side a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southern-most corner of section originally granted to S. Mallarky, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through the aforesaid section; thence in a north-westerly direction through section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through a portion of the Alleyne Estate, now the property of Michael Stephenson; thence in a north-westerly direction across Smith-street; thence in a north-westerly direction through two subdivisions of the Alleyne Estate, now the property of — Watson and James Forsyth, respectively; thence in a north-easterly direction across Warrane Road, to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

This first branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with Sailors' Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-easterly direction through the said section to Sailors' Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE C.

This second branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

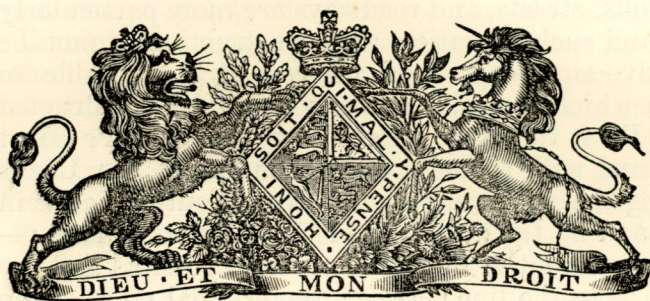
This third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly, easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence in an easterly direction along Corrobare Road, and entering on the sections abutting on the said road: to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens; section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; and section originally granted to H. G. Alleyne, now the property of James Francis Cullen; and on the northern side of the said Corrobare Road that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to the termination in reserve number twenty-eight, a Crown reserve for public purposes.

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, 6 August, 1890. }*

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

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to amend the "Willoughby and Gordon Tramway Act of 1887."

WHEREAS by the "Willoughby and Gordon Tramway Act of 1887," Andrew Armstrong and James Alexander Brown, both therein described, their heirs, executors, administrators, or assigns, were authorised upon the conditions and terms therein contained to
5 construct, subject to the liabilities therein imposed, a tramway for conveying passengers and their luggage and other goods and merchandise on the line in the said Act more particularly described, provided that the said tramway should be constructed and brought into use within three years from the passing of the Act. And whereas the "North
10 Sydney Investment and Tramway Company (Limited)," being a joint stock company, duly registered and incorporated under and in accordance with the provisions of the "Companies Act" (hereinafter called "the said Company"), is possessed of and entitled to an estate consisting of over one thousand acres of land in the parish of Willoughby,
15 county of Cumberland, in the Colony of New South Wales. And whereas the said Andrew Armstrong and James Alexander Brown, by a certain indenture, dated the sixteenth day of October, one thousand eight hundred and eighty-eight, duly assigned and transferred to the

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said Company, its successors and assigns, all the authority then vested in the said Andrew Armstrong and James Alexander Brown to construct the tramway specified in the said "Willoughby and Gordon Tramway Act of 1887," and all and singular the benefits, privileges, and advantages arising out of or to be derived from the said Act of Parliament and the said Tramway. And whereas the said Company have, under the authority of the said Act, constructed a portion of the said tramway, namely, from the terminal point of the Saint Leonards cable tramway to Amherst-street. And whereas the said Company are now erecting in connection with the said tramway a bridge across Long Bay, and it is considered that the route specified in the said Act is difficult of formation, and upon survey it is found to be inexpedient to carry out the same, and the said Company are desirous of deviating from such route, and to construct the said tramway along the route hereinafter described and set forth, passing through certain lands the property of the said Company, and also along and across certain streets and roadways in the town and Municipality of Saint Leonards, and in the Municipality of North Willoughby, and through certain private lands, which lands, streets, and roadways are more particularly hereinafter described, and such deviation and construction cannot be made without Legislative authority. And whereas it is desirable to extend the time within which the said tramway is to be constructed and brought into use. 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:—

1. The first section and the Schedule of the Principal Act are hereby repealed except as to the line between the terminal point of the Saint Leonards cable tramway and Amherst-street, and in lieu of the first section and the said Schedule, the third section of this Act and the Schedule hereto shall be read in substitution thereof.

Repeal of the first section and Schedule of the principal Act, except as to certain parts.

2. It shall be lawful for the said Company on the terms and conditions and subject to the provisions and other enactments in the said Principal Act and hereinafter contained to deviate from the route of the said tramway as described in the said principal Act and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the Saint Leonards Cable Tramway, or from a point in Amherst-street, and thence by the lines described in the Schedule to this Act to the termination at a point in the Cammeray estate, near the junction of the Teralba Road and the Warrane Road in the municipality of North Willoughby, and along the branch lines described in Schedule B, C, and D to this Act, and to such portions of the Company's estate as may hereafter be determined, and to take and use so much of the streets or roadways, and so much of the lands of private persons, which are mentioned in the said Schedule, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet, including the support and foundations thereof, or in the said private lands a greater space in breadth than twenty-two feet including the support and foundations thereof; provided that the said tramway shall be constructed in a proper and workmanlike manner, and be brought into use within three years from the passing of this Act, and the said branch lines mentioned in Schedule B, C, and D to this Act, within five years from the passing hereof.

Authority to deviate from route and to construct tramway.

Entry upon street, &c.

Maximum width of lands taken for tramway.

3. Such lands as shall be required shall be taken under the provisions of this Act, for the purpose of the said tramway, together with

Lands taken to be vested in Company without conveyance.

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- with such right of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair thereof, and shall be vested by virtue of this Act and without the necessity of any conveyance to the said Company for the purposes of the said tramway. Provided
- 5 that no lands vested in the Railway Commissioners of New South Wales shall by virtue of this Act be vested in the said Company. Provided also that nothing herein contained shall prevent the owners of such adjacent lands from carrying on any mining operations under- Owners may mine.
- 10 neath the said tramway which shall not interfere with the safety of the said tramway and the traffic thereon. And the said Company shall have no further right to the soil of the said lands beneath the surface than shall be requisite for the formation, support, and repair of the said tramway by cutting, embanking, or otherwise. Provided
- 15 also that if in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any street, or roadway, whether carriage-road or horse-road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the said Company shall before the com- Before roads interfered with others to be substituted.
- 20 mencement of any such operations cause a sufficient road to be made instead of any street or roadway interfered with, and shall, at its own expense, maintain such substituted road in a state as convenient as the road interfered with, or as nearly as may be; and the said Company, before the said lands of the said owners of land respectively shall be used for any of the purposes aforesaid, shall, if required so to do,
- 25 separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such land, and shall also, to all private roads used by them as afore- To fence where necessary.
- said, put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle and horses Gates.
- 30 from or upon the lands traversed by such roads. And shall also make Bridges, &c.
- and at its own expense maintain such and so many convenient bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the tramway as may be necessary for the purpose of making good any interruptions caused by the tramway to the use of the lands,
- 35 streets, or roads through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands, streets, or roads shall have been laid out or formed, or during the formation thereof. Also all necessary arches, tunnels, cul- Drains, &c.
- 40 verts, drains, or other passages, either over, under, or by the sides of the tramway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands, streets, or roads lying near or affected by the tramway, as before the making of the tramway, or as nearly so as may be, and such work shall be made from time to time as the tramway works proceed. Provided always that the said
- 45 Company and their assigns shall not be required to make such accom- modation works in such a manner as would prevent or obstruct the working or using of the tramway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive and shall have been paid compensation. And
- 50 in case of any difference between the owners or occupiers of such roads and lands and the said Company, as to the necessity for such fences and gates, bridges, arches, culverts, and passages, tunnels, drains, or other passages, such fences and gates shall be put up, and such bridges, arches, culverts and passages, tunnels, drains, or other passages, made Differences as to necessity of gates, &c., how to be settled.
- 55 by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.
4. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the Company, and their workmen and servants, to enter

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enter upon the land adjoining thereto at any time whatsoever, for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose. Provided also that such works shall be as little injurious to the said adjoining lands as the
 5 nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respectively by reason of such works, the amount of which compensation in case of any dispute about the
 10 same shall be settled by arbitrators in manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said tramway.

5. The said Company shall not be entitled to any mines of coal,
 15 iron, slate, or other minerals under any lands whereof the surface is vested in them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized, and such mines shall not be deemed to vest in the said Company.

Company not entitled to minerals.

20 6. If within twenty-eight days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said Company shall not agree as to the amount of compensation to be paid by them 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,
 25 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 mentioned (that is to say); unless both parties concur in the appointment of a single arbitrator, each party on request of the other shall nominate
 30 and appoint an arbitrator to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the common seal of the said Company, and under the hand of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to
 35 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 such dispute or other matter shall have
 40 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 shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself
 45 appointed an arbitrator, to 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 or determination of such single arbitrator shall be final and conclusive.

Compensation to be settled by arbitration.

7. If before the matter so referred shall be determined any
 50 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
 55 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 powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid.

Proceedings in case of disability of arbitrator.

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8. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in 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 so to do by the arbitrators or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon 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 arbitrators 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 differ or which shall be referred to him under this Act shall be final.

Neglect to appoint umpire.

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 matters 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 disability of single arbitrator.

11. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (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.

Arbitrators failing to make their award, matters referred to umpire.

12. The said arbitrator or arbitrators, or his 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 questions in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may order production of documents, &c.

13. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say—

Declaration by arbitrators or umpire.

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 "Willoughby and Gordon Tramway Amending Act."

Made and subscribed in the presence of

C.D.

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 thereto he shall be guilty of a misdemeanour.

14. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators. Provided that, if either party shall be dissatisfied with the costs allowed by the said 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.

Costs of arbitration, how to be borne. Costs may be taxed.

15. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said Company, who shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the

Arbitrators or umpire to deliver award to Company.

Willoughby and Gordon Tramway Act Amending.

the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Compensation to be paid within sixty days after publication of award.

5 16. 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 Supreme Court.

17. 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 matter of form.

Award not to be set aside for irregularity.

10 18. The said Company shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands or the
15 Municipal Councils controlling the streets through which the said tramway shall pass by the non-performance or negligent performance by the said Company of any of the matters or things hereby required or authorized to be performed by them.

Compensation in cases of negligence.

19. In every case where the said Company shall take temporary
20 possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such land, upon being required so to do, to pay to the occupier of said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry, as well as full compensation for any other damage
25 of a temporary nature which he may sustain by reason of such entry, and shall also, from time to time during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ; and shall also, within twelve months after such entry,
30 pay to such owners and occupiers, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted, including the full value of all clay, stone, gravel, sand,
35 and other things taken from such lands.

Compensation in cases of temporary possession.

20. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon diligent inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or
40 qualified interests therein, and who cannot enter into binding agreements with the said Company for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said Company in respect of such lands shall be determined by the valuation
45 of a sworn valuator under the "Real Property Act" to be nominated as hereinafter mentioned.

Proceedings in absence of owner.

21. Upon application by the said Company to a Court of Petty Sessions, and upon such proof as may be satisfactory to such Court that there is no person in the Colony, or to be found who can enter
50 into a binding contract with the said Company, or join with the said Company in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Court shall by writing under their hands nominate a valuator as aforesaid for determining such compensation as aforesaid,
55 and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

Justices to appoint valuator in certain cases.

22. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved
together

Production of valuation, &c.

Willoughby and Gordon Tramway Act Amending.

together therewith by the said Company, and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

23. All the expenses of and incident to any such valuation shall be borne by the said Company. Costs of valuation, how borne.

24. If the amount of compensation determined by any such valuator does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony or cannot be found, be paid by the said Company to the person or persons for the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees or trustees of such persons. Compensation not exceeding £50, how to be dealt with.

25. If the amount of compensation determined by any such valuator as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said Company into the hands of the Master in Equity of the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in, and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said Company for the money so paid. Provided that all moneys so paid in shall be dealt with by the Supreme Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds, and for the relief of Trustees.*" And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder. Compensation, how dealt with in absence of owner.

26. If in any case in which, according to the provisions of the Principal Act or of this Act, the said Company is authorized to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue its warrant to the Sheriff to deliver possession of the same to the persons appointed by the said Company in such warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said Company from the compensation, if any, then payable to such person refusing to give possession, 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 the amount of 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. Power of entry in case of refusal.

27. All notices required to be served by the said Company and their assigns, upon the parties interested in or entitled to sell any such lands, shall either be served personally on such parties or left at their last usual place of abode (if any such can after diligent inquiry be found), and in case any such parties shall be absent from the Colony, or cannot be found after diligent inquiry, shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands, and shall also be advertised in the *Government Gazette* and a local newspaper. Service of notice on owners of lands.

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28. This Act may, for all purposes, be cited as the “Willoughby and Gordon Tramway Act Amending Act,” and shall be deemed to be incorporated with, and constructed as part of the said “Willoughby and Gordon Tramway Act of 1887,” and which Act is hereinafter called the “Principal Act.” Short title.

SCHEDULE A.

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby, county of Cumberland, and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

- 10 Description of proposed tramway from the terminal point of the Saint Leonards cable tramway, Miller-street, Saint Leonards, to the termination at a point in the Cammeray Estate, near the junction of the Taralba Road and the Warrane Road, in the Municipality of North Willoughby.

Municipality of Saint Leonards.

- 15 Commencing in Miller-street, in the town and Municipality of Saint Leonards, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved line in a north-westerly direction through allotments nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, section thirty-two, the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 20 thence in a north-westerly direction by a curved line through allotment sixteen, section thirty-two, the property of T. J. Cook; thence in a north-westerly direction by a curved line across Palmer and Rose Streets, near their intersection; thence in a north-westerly direction by a curved line through allotment one, section thirty-three, the property of George Brown; thence in a north-westerly direction by a
- 25 curved line through allotment two, section thirty-three, the property of H. Hughes; thence in a northerly direction by a curved line through allotments three and four, section thirty-three, the property of Captain Reddall; thence in a north-easterly direction by a curved line through allotment five, section thirty-three, the property of W. Waterhouse; thence in a north-easterly direction by a curved line across Glen-
- 30 street; thence in a north-easterly direction by a curved line across allotment five original section three, the property of S. Cunningham; thence in a north-easterly direction by a curved line across Rose-street; thence in a north-easterly direction by a curved line across allotment seven, section thirty-four, the property of John Ritchie; thence in a north-easterly direction by a curved line across allotment eight,
- 35 section thirty-four, the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 40 thence in a north-easterly direction by a straight line across Flat-street; thence in a north-easterly direction in a straight line across the south-eastern corner of original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly
- 45 direction in a straight line across allotment twelve, section thirty-five, the property of Andrew Armstrong; thence in a north-easterly direction by a straight line across Pine-street; thence in a north-easterly, northerly, and north-westerly direction by a straight and curved line through original section five, the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 50 direction by a straight line across the head waters of Long Bay by a high-level bridge, now in course of construction by the “North Sydney Investment and Tramway Company (Limited),” into the Municipality of North Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the “North Sydney Investment and Tramway Company (Limited).”

Municipality of North Willoughby.

- Thence from the beforementioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 55 direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 60 direction through a section originally granted to T. Strickland, now the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 65 direction across Sailor’s Bay Road; thence in a northerly direction through section originally granted to M. F. Josephson, now the property of the “North Shore and Middle Harbour Land Company (Limited)”;
- thence in a northerly direction through section originally granted to E. H. Osbourne, now the property of John Clarke; thence in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the “North Shore and Middle Harbour Land Company (Limited)”;
- thence in a northerly direction through

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- through section originally granted to James Harris French, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a north-easterly direction through section originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)" to Victoria
- 5 Avenue; thence in a north-westerly direction along Victoria Avenue, and the frontages of the lands abutting on Victoria Avenue, to wit, on the south-western side of said Avenue, sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)"; on the north-eastern side a portion of the Cammeray
- 10 Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southern-most corner of section originally granted to S. Mallarky, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through the aforesaid section; thence in a north-westerly direction through
- 15 section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through a portion of the Alleyne Estate, now the property of Michael Stephenson; thence in a north-westerly direction across Smith-street; thence in a north-westerly direction through two subdivisions of the Alleyne Estate, now the property of — Watson
- 20 and James Forsyth, respectively; thence in a north-easterly direction across Warrane Road, to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

- This first branch line of tramway commences at a point on the main line of tram-
- 25 way, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with Sailors' Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-easterly direction through the said section to Sailors' Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the
- 30 western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE C.

- This second branch line of tramway commences at a point on the main line of
- 35 tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally
- 40 granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

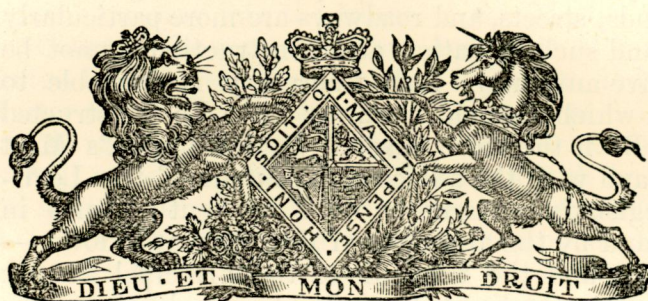
- This third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly,
- 45 easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence
- 50 in an easterly direction along Corrobare Road, and entering on the sections abutting on the said road: to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens; section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; and section originally granted to H. G. Alleyne, now the property of James Francis Cullen;
- 55 and on the northern side of the said Corrobare Road that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to the termination in reserve number twenty-eight, a Crown reserve for public purposes.

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, 6 August, 1890.*

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO QUARTO

VICTORIÆ REGINÆ.

An Act to amend the "Willoughby and Gordon Tramway Act of 1887."

WHEREAS by the "Willoughby and Gordon Tramway Act of 1887," Andrew Armstrong and James Alexander Brown, both therein described, their heirs, executors, administrators, or assigns, were authorised upon the conditions and terms therein contained to
5 construct, subject to the liabilities therein imposed, a tramway for conveying passengers and their luggage and other goods and merchandise on the line in the said Act more particularly described, provided that the said tramway should be constructed and brought into use within three years from the passing of the Act. And whereas the "North
10 Sydney Investment and Tramway Company (Limited)," being a joint stock company, duly registered and incorporated under and in accordance with the provisions of the "Companies Act" (hereinafter called "the said Company"), is possessed of and entitled to an estate consisting of over one thousand acres of land in the parish of Willoughby,
15 county of Cumberland, in the Colony of New South Wales. And whereas the said Andrew Armstrong and James Alexander Brown, by a certain indenture, dated the sixteenth day of October, one thousand eight hundred and eighty-eight, duly assigned and transferred to the
241—A said

Willoughby and Gordon Tramway Act Amending.

said Company, its successors and assigns, all the authority then vested in the said Andrew Armstrong and James Alexander Brown to construct the tramway specified in the said "Willoughby and Gordon Tramway Act of 1887," and all and singular the benefits, privileges, and advantages arising out of or to be derived from the said Act of Parliament and the said Tramway. And whereas the said Company have, under the authority of the said Act, constructed a portion of the said tramway, namely, from the terminal point of the Saint Leonards cable tramway to Amherst-street. And whereas the said Company are now erecting in connection with the said tramway a bridge across Long Bay, and it is considered that the route specified in the said Act is difficult of formation, and upon survey it is found to be inexpedient to carry out the same, and the said Company are desirous of deviating from such route, and to construct the said tramway along the route hereinafter described and set forth, passing through certain lands the property of the said Company, and also along and across certain streets and roadways in the town and Municipality of Saint Leonards, and in the Municipality of North Willoughby, and through certain private lands, which lands, streets, and roadways are more particularly hereinafter described, and such deviation and construction cannot be made without Legislative authority. And whereas it is desirable to extend the time within which the said tramway is to be constructed and brought into use. 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:—

1. The first section and the Schedule of the Principal Act are hereby repealed except as to the line between the terminal point of the Saint Leonards cable tramway and Amherst-street, and in lieu of the first section and the said Schedule, the third section of this Act and the Schedule hereto shall be read in substitution thereof.

Repeal of the first section and Schedule of the principal Act, except as to certain parts.

2. It shall be lawful for the said Company on the terms and conditions and subject to the provisions and other enactments in the said Principal Act and hereinafter contained to deviate from the route of the said tramway as described in the said principal Act and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the Saint Leonards Cable Tramway, or from a point in Amherst-street, and thence by the lines described in the Schedule to this Act to the termination at a point in the Cammeray estate, near the junction of the Teralba Road and the Warrane Road in the municipality of North Willoughby, and along the branch lines described in Schedule B, C, and D to this Act, and to such portions of the Company's estate as may hereafter be determined, and to take and use so much of the streets or roadways, and so much of the lands of private persons, which are mentioned in the said Schedule, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet, including the support and foundations thereof, or in the said private lands a greater space in breadth than twenty-two feet including the support and foundations thereof; provided that the said tramway shall be constructed in a proper and workmanlike manner, and be brought into use within three years from the passing of this Act, and the said branch lines mentioned in Schedule B, C, and D to this Act, within five years from the passing hereof.

Authority to deviate from route and to construct tramway.

Entry upon street, &c.

Maximum width of lands taken for tramway.

3. Such lands as shall be required shall be taken under the provisions of this Act, for the purpose of the said tramway, together with

Lands taken to be vested in Company without conveyance.

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- with such right of ingress, egress, and regress upon the adjacent land as may be necessary for the making and repair thereof, and shall be vested by virtue of this Act and without the necessity of any conveyance to the said Company for the purposes of the said tramway. Provided
- 5 that no lands vested in the Railway Commissioners of New South Wales shall by virtue of this Act be vested in the said Company. Provided also that nothing herein contained shall prevent the owners of such adjacent lands from carrying on any mining operations under- Owners may mine.
- 10 neath the said tramway which shall not interfere with the safety of the said tramway and the traffic thereon. And the said Company shall have no further right to the soil of the said lands beneath the surface than shall be requisite for the formation, support, and repair of the said tramway by cutting, embanking, or otherwise. Provided
- 15 also that if in the exercise of the powers hereby granted it be found necessary to cross, cut through, raise, sink, or use any part of any street, or roadway, whether carriage-road or horse-road, so as to render it impassable for or dangerous or inconvenient to the persons entitled to the use thereof, the said Company shall before the com- Before roads interfered with others to be substituted.
- 20 mencement of any such operations cause a sufficient road to be made instead of any street or roadway interfered with, and shall, at its own expense, maintain such substituted road in a state as convenient as the road interfered with, or as nearly as may be; and the said Company, before the said lands of the said owners of land respectively shall be used for any of the purposes aforesaid, shall, if required so to do,
- 25 separate the same by a sufficient fence from the land adjoining thereto with such gates as may be required for the convenient occupation of such land, and shall also, to all private roads used by them as afore- To fence where necessary.
- said, put up fences and gates in like manner in all cases where the same may be necessary to prevent the straying of cattle and horses Gates.
- 30 from or upon the lands traversed by such roads. And shall also make Bridges, &c.
- and at its own expense maintain such and so many convenient bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the tramway as may be necessary for the purpose of making good any interruptions caused by the tramway to the use of the lands,
- 35 streets, or roads through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands, streets, or roads shall have been laid out or formed, or during the formation thereof. Also all necessary arches, tunnels, cul- Drains, &c.
- 40 verts, drains, or other passages, either over, under, or by the sides of the tramway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands, streets, or roads lying near or affected by the tramway, as before the making of the tramway, or as nearly so as may be, and such work shall be made from time to time as the tramway works proceed. Provided always that the said
- 45 Company and their assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the tramway, nor to make any accommodation works with respect to which the owners and occupiers of the land shall have agreed to receive and shall have been paid compensation. And
- 50 in case of any difference between the owners or occupiers of such roads and lands and the said Company, as to the necessity for such fences and gates, bridges, arches, culverts, and passages, tunnels, drains, or other passages, such fences and gates shall be put up, and such bridges, arches, culverts and passages, tunnels, drains, or other passages, made
- 55 by the said Company as any two Justices of the Peace shall deem necessary for the purposes aforesaid on application being made to them.
4. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the Company, and their workmen and servants, to enter
- Entry in case of accidents.

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enter upon the land adjoining thereto at any time whatsoever, for the purpose of repairing or preventing such accidents, and to do such works as may be necessary for the purpose. Provided also that such works shall be as little injurious to the said adjoining lands as the
 5 nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss, injury, or inconvenience sustained by them respectively by reason of such works, the amount of which compensation in case of any dispute about the
 10 same shall be settled by arbitrators in manner hereinafter mentioned. And provided also that no land shall be taken permanently for any such works otherwise than is herein provided with respect to the lands originally taken for the purpose of making the said tramway.

5. The said Company shall not be entitled to any mines of coal,
 15 iron, slate, or other minerals under any lands whereof the surface is vested in them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorized, and such mines shall not be deemed to vest in the said Company. Company not entitled to minerals.

20 6. If within twenty-eight days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said Company shall not agree as to the amount of compensation to be paid by them 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,
 25 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 mentioned (that is to say); unless both parties concur in the appointment of a single arbitrator, each party on request of the other shall nominate
 30 and appoint an arbitrator to whom such dispute or other matter shall be referred; and any appointment of an arbitrator shall be under the common seal of the said Company, and under the hand of such person or persons respectively; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to
 35 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 such dispute or other matter shall have
 40 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 shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself
 45 appointed an arbitrator, to 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 or determination of such single arbitrator shall be final and conclusive.

7. If before the matter so referred shall be determined any
 50 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
 55 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 powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, neglect, or disability as aforesaid. Proceedings in case of disability of arbitrator.

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8. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint in 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 so to do by the arbitrators or either of them, they shall forthwith after such death, refusal, or neglect, appoint another umpire in his place, and the decision of every such umpire upon 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 arbitrators 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 differ or which shall be referred to him under this Act shall be final.

Neglect to appoint
umpire.

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 matters 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 disability
of single arbitrator.

11. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (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.

Arbitrators failing to
make their award,
matters referred to
umpire.

12. The said arbitrator or arbitrators, or his 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 questions in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Arbitrators may
order production of
documents, &c.

13. Before any arbitrator or umpire shall enter upon the consideration of any matter referred to him he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say—

Declaration by
arbitrators or
umpire.

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 "Willoughby and Gordon Tramway Amending Act."

Made and subscribed in the presence of

C.D.

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 thereto he shall be guilty of a misdemeanour.

14. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators. Provided that, if either party shall be dissatisfied with the costs allowed by the said 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.

Costs of arbitration,
how to be borne.
Costs may be taxed.

15. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said Company, who shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the

Arbitrators or
umpire to deliver
award to Company.

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the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

Compensation to be paid within sixty days after publication of award.

5 16. 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 Supreme Court.

17. 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 matter of form.

Award not to be set aside for irregularity.

10 18. The said Company shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands or the
15 Municipal Councils controlling the streets through which the said tramway shall pass by the non-performance or negligent performance by the said Company of any of the matters or things hereby required or authorized to be performed by them.

Compensation in cases of negligence.

19. In every case where the said Company shall take temporary
20 possession of lands by virtue of the powers hereby granted it shall be incumbent on them within three months after entry upon such land, upon being required so to do, to pay to the occupier of said lands the value of any crop or dressing that may be thereon and damaged or injured by such entry, as well as full compensation for any other damage
25 of a temporary nature which he may sustain by reason of such entry, and shall also, from time to time during their occupation of the said lands, pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two Justices in case the parties differ; and shall also, within twelve months after such entry,
30 pay to such owners and occupiers, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise as regards the said lands of the powers hereby granted, including the full value of all clay, stone, gravel, sand,
35 and other things taken from such lands.

Compensation in cases of temporary possession.

20. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon diligent inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or
40 qualified interests therein, and who cannot enter into binding agreements with the said Company for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said Company in respect of such lands shall be determined by the valuation
45 of a sworn valuator under the "Real Property Act" to be nominated as hereinafter mentioned.

Proceedings in absence of owner.

21. Upon application by the said Company to a Court of Petty Sessions, and upon such proof as may be satisfactory to such Court that there is no person in the Colony, or to be found who can enter
50 into a binding contract with the said Company, or join with the said Company in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Court shall by writing under their hands nominate a valuator as aforesaid for determining such compensation as aforesaid,
55 and such valuator shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

Justices to appoint valuator in certain cases.

22. The said nomination and declaration shall be annexed to the valuation to be made by such valuator, and shall be preserved together

Production of valuation, &c.

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together therewith by the said Company, and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

23. All the expenses of and incident to any such valuation shall be borne by the said Company. Costs of valuation, how borne.

24. If the amount of compensation determined by any such valuator does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony or cannot be found, be paid by the said Company to the person or persons for the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees or trustees of such persons. Compensation not exceeding £50, how to be dealt with.

25. If the amount of compensation determined by any such valuator as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said Company into the hands of the Master in Equity of the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in, and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said Company for the money so paid. Provided that all moneys so paid in shall be dealt with by the Supreme Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds, and for the relief of Trustees.*" And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder. Compensation, how dealt with in absence of owner.

26. If in any case in which, according to the provisions of the Principal Act or of this Act, the said Company is authorized to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said Company from entering upon or taking possession of the same, it shall be lawful for the said Company to issue its warrant to the Sheriff to deliver possession of the same to the persons appointed by the said Company in such warrant to receive the same; and upon receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said Company from the compensation, if any, then payable to such person refusing to give possession, 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 the amount of 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. Power of entry in case of refusal.

27. All notices required to be served by the said Company and their assigns, upon the parties interested in or entitled to sell any such lands, shall either be served personally on such parties or left at their last usual place of abode (if any such can after diligent inquiry be found), and in case any such parties shall be absent from the Colony, or cannot be found after diligent inquiry, shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands, and shall also be advertised in the *Government Gazette* and a local newspaper. Service of notice on owners of lands.

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28. This Act may, for all purposes, be cited as the “Willoughby and Gordon Tramway Act Amending Act,” and shall be deemed to be incorporated with, and constructed as part of the said “Willoughby and Gordon Tramway Act of 1887,” and which Act is hereinafter called the “Principal Act.” Short title.

SCHEDULE A.

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby, county of Cumberland, and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

- 10 Description of proposed tramway from the terminal point of the Saint Leonards cable tramway, Miller-street, Saint Leonards, to the termination at a point in the Cammeray Estate, near the junction of the Taralba Road and the Warrane Road, in the Municipality of North Willoughby.

Municipality of Saint Leonards.

- 15 Commencing in Miller-street, in the town and Municipality of Saint Leonards, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved line in a north-westerly direction through allotments nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, section thirty-two, the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 20 thence in a north-westerly direction by a curved line through allotment sixteen, section thirty-two, the property of T. J. Cook; thence in a north-westerly direction by a curved line across Palmer and Rose Streets, near their intersection; thence in a north-westerly direction by a curved line through allotment one, section thirty-three, the property of George Brown; thence in a north-westerly direction by a
- 25 curved line through allotment two, section thirty-three, the property of H. Hughes; thence in a northerly direction by a curved line through allotments three and four, section thirty-three, the property of Captain Reddall; thence in a north-easterly direction by a curved line through allotment five, section thirty-three, the property of W. Waterhouse; thence in a north-easterly direction by a curved line across Glen-
- 30 street; thence in a north-easterly direction by a curved line across allotment five original section three, the property of S. Cunningham; thence in a north-easterly direction by a curved line across Rose-street; thence in a north-easterly direction by a curved line across allotment seven, section thirty-four, the property of John Ritchie; thence in a north-easterly direction by a curved line across allotment eight,
- 35 section thirty-four, the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 40 thence in a north-easterly direction by a straight line across Flat-street; thence in a north-easterly direction in a straight line across the south-eastern corner of original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly
- 45 direction in a straight line across allotment twelve, section thirty-five, the property of Andrew Armstrong; thence in a north-easterly direction by a straight line across Pine-street; thence in a north-easterly, northerly, and north-westerly direction by a straight and curved line through original section five, the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 50 thence in a north-westerly direction by a straight line across the head waters of Long Bay by a high-level bridge, now in course of construction by the “North Sydney Investment and Tramway Company (Limited),” into the Municipality of North Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the “North Sydney Investment and Tramway Company (Limited).”

Municipality of North Willoughby.

- Thence from the beforementioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 55 thence in a north-westerly direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the “North Sydney Investment and Tramway Company (Limited)”;
- 60 thence in a north-westerly direction through a section originally granted to T. Strickland, now the property of the “North Sydney Investment and Tramway Company (Limited)”;
- thence in a north-westerly direction across Sailor’s Bay Road; thence in a northerly direction through section originally granted to M. F. Josephson, now the property of the “North Shore and Middle Harbour Land Company (Limited)”;
- 65 thence in a northerly direction through section originally granted to E. H. Osbourne, now the property of John Clarke; thence in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the “North Shore and Middle Harbour Land Company (Limited)”;
- thence in a northerly direction through

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through section originally granted to James Harris French, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; thence in a north-easterly direction through section originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)" to Victoria Avenue; thence in a north-westerly direction along Victoria Avenue, and the frontages of the lands abutting on Victoria Avenue, to wit, on the south-western side of said Avenue, sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)"; on the north-eastern side a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southernmost corner of section originally granted to S. Mallarky, now the property of the "North Sydney Investment and Tramway Company (Limited)"; thence in a north-westerly direction through the aforesaid section; thence in a north-westerly direction through section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through a portion of the Alleyne Estate, now the property of Michael Stephenson; thence in a north-westerly direction across Smith-street; thence in a north-westerly direction through two subdivisions of the Alleyne Estate, now the property of — Watson and James Forsyth, respectively; thence in a north-easterly direction across Warrane Road, to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

This first branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with Sailors' Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-easterly direction through the said section to Sailors' Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE C.

This second branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

This third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly, easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence in an easterly direction along Corrobare Road, and entering on the sections abutting on the said road: to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens; section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)"; and section originally granted to H. G. Alleyne, now the property of James Francis Cullen; and on the northern side of the said Corrobare Road that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to the termination in reserve number twenty-eight, a Crown reserve for public purposes.

