

Legislative Council.

1908.

A BILL

To authorise the construction and maintenance of a tramway from Waite Terrace, in the township of Burns, parish of Victoria, county of Yancowinna, on the boundary dividing the State of New South Wales from the State of South Australia, to the ~~town of Willyama,~~ **city of Broken Hill.**

(As amended and agreed to in Select Committee.)

WHEREAS the mineral richness and commercial importance of **the city of Broken Hill** and the districts contiguous to and between Broken Hill and Burns, in the State of New South Wales, require that greater facilities for transit than now exist to and from **the said districts** should be provided: And whereas John Dunstan, of Pitt-street, Sydney, architect; William Hamilton, of Adelaide, pastoralist; Laurie Phillip Lawrence, of Adelaide, merchant; Cromwell Magarey, of Adelaide, medical practitioner; Charles Wolf Hamilton, of Adelaide, medical practitioner; and Samuel Harris, of Adelaide, land-owner (hereinafter called and designated "the said promoters"), are desirous of constructing a tramway from a point at or near Waite Terrace, on the boundary dividing the State of New South Wales from the State of South Australia, to the ~~town of Willyama~~ **city of Broken Hill** aforesaid: And whereas it is

29081 c 70—A proposed

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

proposed to construct such tramway through certain lands and streets described in the First Schedule hereto, but the said tramway cannot be constructed without Legislative authority: And whereas it is expedient to confer upon the said promoters authority to construct, maintain, and use the said tramway, subject to the provisions hereinafter contained: And whereas it is expedient that power should be conferred upon the said promoters to transfer and assign their rights, powers, authorities, obligations, and liabilities under this Act to any company duly incorporated for that purpose: Be it therefore enacted by the King'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. It shall be lawful for the said promoters, their executors, administrators, or assigns, upon the terms and conditions and subject to the provisions hereinafter contained to make and construct a tramway from such point at or near Waite Terrace, on the boundary dividing the State of New South Wales from the State of South Australia, to the town of ~~Willyama~~, city of **Broken Hill**, across the lands and by the lines described in the First Schedule hereto, as to the said promoters may appear most expedient, and to take and use so much of the said lands, including any street or road and whether public or private, referred to in the said Schedule, as may be required for the purposes of such tramway. And in the construction of the said tramway, it shall be lawful to deviate from the line of tramway described in the said Schedule on either side thereof at any part thereof to a distance not exceeding one mile, and in consequence of such deviation the said tramway may be increased in length to an extent of not more than one-fifth of the entire length of such tramway, as described in the said Schedule: Provided that the said tramway shall be constructed in a proper and workmanlike manner, and brought into use within three years from the passing of this Act:

Penalty on failure to carry out works.

Provided also that the said promoters, their heirs, executors, administrators, and assigns, shall, within six months after the passing of this Act, deposit the sum of ten thousand pounds with the Colonial Treasurer as a guarantee for the due carrying out of the works authorised by this Act, and in the event of such works not being carried out such sum shall become forfeited to His Majesty.

Entry upon street, &c.

2. The said promoters, their heirs, executors, administrators, and assigns, shall have all necessary rights of ingress and egress to and over the surface of the said lands, including any road or street as aforesaid, and all such other rights as are required for the construction, repair, completion, and use of the said tramway: Provided that nothing herein contained shall impair, or be held to impair, the lawful authority of any municipal council, corporation, company, or person to make all entries and exercise all other powers necessary for the construction, maintenance, and preservation of gas-works, water-works, sewerage-works, and other works lawfully constructed underground.

3.

3. The gauge of the said tramway shall be three feet six inches : Gauge.
Provided that the Governor may compel the owners of the said tramway to alter the said gauge either for the whole or a portion of the said tramway whenever it shall appear to him expedient so to do.

5 4. The tramway shall, whenever its course is over or along any Level.
road or street, be laid at or about the general level of the said road or street, and shall, wherever it passes through any municipality, be laid with rails subject to the approval of the council of such municipality, and the said promoters, their heirs, executors, administrators, and
10 assigns, may, with the consent of the said council, alter and improve the levels of the said road or street: Provided that all expenses incurred in the reformation of the said road or street so altered and improved shall be borne by the said promoters, their heirs, executors, administrators, or assigns, unless otherwise agreed upon.

15 5. The said tramway shall be open to the public use upon Tramway to be open
payment of the tolls or charges following, which may be demanded to public use.
and sued for by the said promoters, their heirs, executors, administrators, and assigns, that is to say:—

20 (1) For passengers, a sum not exceeding fourpence each per mile each way or portion of each way.

(2) For the carriage of general goods, exclusive of the expense of loading or discharging,—

First class, not exceeding fourpence per ton per mile.

Second class, not exceeding fivepence per ton per mile.

25 Third class, not exceeding sevenpence per ton per mile.

Fourth class, not exceeding ninepence per ton per mile.

(3) For live stock a sum not exceeding sixpence per head per mile each way, or portion of each way (exclusive of the expense of loading or discharging):

30 Provided that no differential charges shall be made, but that the charges shall be equal to all persons using the said tramway:

Provided also that if the rates, tolls, or dues that may be established as aforesaid under and by virtue of this Act shall be found excessive, it shall be lawful for the Executive Council, on the
35 petition of any person to reduce the said rates, tolls, or dues, and to revise them in such manner as may seem most proper and advisable.

6. The said promoters, their heirs, executors, administrators or Maintenance of
assigns, shall maintain in good order and repair the said tramway and roads.
and the pavements of the same between the rails of the said tramway and
40 for the space of one foot six inches on each side of the said rails, and furthermore shall erect and maintain all necessary causeways in connection with the said tramway.

7. The said promoters, their heirs, executors, administrators, Repairs of damage
or assigns, shall immediately repair any damage which may, during to sewers.
45 or by reason of the construction of the said tramway, be occasioned to any sewer or drain, or gas or water main, or other property, and shall also repair all damages which may be occasioned by the working of the said tramway.

Power to grant land for tramway.

8. Upon the completion of the tramway and works authorised by this Act, or of part or parts thereof, to the satisfaction of the Chief Commissioner for Railways and Tramways, it shall be lawful for the Governor to grant to the said promoters, their heirs, executors, administrators, and assigns, in fee simple, such Crown lands as shall have been necessarily used, required, or taken for the said tramway, or for any works incidental thereto or connected therewith. 5

Before commencing tramway, survey to be made and book of reference.

9. Before commencing the said tramway, by this Act authorised to be made, the said promoters, their heirs, executors, administrators, and assigns, shall, by some qualified engineer by them to be appointed, cause to be made and taken levels and surveys of the private lands through which such tramway is to be carried, together with a map or plan of the line of the said tramway, and of the lands through which it is to pass, and a book of reference in which shall be set forth a description of the said several lands and the names of the proprietors thereof, so far as the same shall be known, or can with reasonable diligence be ascertained, setting forth the bearings of such railway, as the case may require, and the nature and quality, state of cultivation, and enclosures (if any), and the quantity of such land which may be required for the purpose of making such tramway. And the said map or plan, and book of reference, shall be kept at some convenient office at Broken Hill, and true copies thereof, signed by any two or more of the said promoters, their heirs, executors, administrators, or assigns, shall be deposited with the clerk of petty sessions at Broken Hill aforesaid, and such map or plan, or book of reference, and such copies thereof respectively, shall be opened at all convenient times for public examination from the day of the date on which such notice as in the next succeeding section is provided, shall be first published, and all persons shall be at liberty, at all proper and convenient times, to inspect the said map or plan, and book of reference, or copies, as aforesaid. 10 15 20 25 30

Map and book of reference to be open to public inspection.

Notice to be give of intention to make tramway.

10. The said promoters, their heirs, executors, administrators, or assigns, shall, by advertisement in the Government Gazette and in one or more Sydney newspapers and in one or more newspapers published or circulating in Broken Hill, respectively, at least thirty days before the commencement of the formation of the tramway, give notice that they intend to construct the said tramway between the places therein specified, according to a map or plan to be seen at an office (in the said notice specified) in Broken Hill and at the office of the said clerk of petty sessions. 35 40

Omission in book of reference not to impede making the tramway, &c.

11. No advantage shall be taken of or against the said promoters, their heirs, executors, administrators, and assigns, or any interruption be given to the making of such tramway or other works on account of any omission, misstatement, or erroneous description in the book of reference, but it shall be lawful for the said promoters, their 45

their heirs, executors, administrators, and assigns, by themselves, their agent, officers, surveyors, servants, and workmen, to enter into and upon and to take and use for the purpose of this Act any lands or grounds set out and described in the said map or plan, notwithstanding
5 any such omission, misstatement, or erroneous description, in case it shall appear to the stipendary or police magistrate acting for the district or place in which such lands or grounds shall be situated, and be certified by writing under his hand that such error or omission proceeds from mistake and not from fraud.

10 **12.** It shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, subject to the provisions of this Act, to agree with the owners of any lands by this Act authorised to be taken, or which shall be required for the purposes thereof, and with
15 all parties having any estate or interest in the said lands or by this Act enabled to sell and convey the same, for the absolute purchase of such lands or any part thereof and of all estates or interests therein.

Power to purchase land by agreement.

13. It shall be lawful for all parties being seized, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and convey and release the same to the said promoters, their heirs,
20 executors, administrators, and assigns, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled, as aforesaid, so to sell, convey, or release, that is to say: All corporations, tenants-in-tail or for life, married women seized in their own rights,
25 guardians of infants, committees of lunatics and idiots, trustees or officers in trust for charitable or other purposes, executors and administrators, and all parties, for the time being, entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate, or to any lease for life or lives, or for years, or any less interest,
30 not only on behalf of themselves, their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy, after them or in defeasance of the estates of such parties; and as to such married women, whether they be of full age or not, as if they were sole and
35 of full age; and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are committees, respectively, and that to the same extent as such wives, wards, lunatics and idiots, respectively, could have exercised the same power under the authority of this Act if they had respectively
40 been under no disability; and as to such trustees, executors or administrators, on behalf of their cestuis que trustent, whether infants, issue unborn, lunatics, femmes coverts, or other persons; and that to the same extent as such cestuis qui trustent could have exercised the same powers under the authority of this Act if they had respectively been
45 under no disability.

Persons who may convey lands.

Notice of lands
required for tram-
way.

14. When the said promoters, their heirs, executors, administrators, or assigns shall have made and completed the map or plan and book of reference hereinbefore required to be made, they shall give notice of the lands taken, set out, and required for the said tramway, not being lands to be granted to the said promoters, their heirs, executors, administrators, and assigns, under the provisions hereinbefore contained, to all the parties interested in such land, or to the parties enabled by this Act to sell or convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the said promoters, their heirs, executors, administrators, and assigns, and by such notice shall demand from such parties the particulars of their estate and interest in such lands and of the claims made by them in respect thereof: And every such notice shall state the particulars of the lands so taken, set out, or required as aforesaid, and that the said promoters, their heirs, executors, administrators, or assigns are willing to treat for the purchase of such of the said lands as the said promoters, their heirs, executors, and administrators, or assigns are not by this Act authorised to take without the previous consent of the owner, and to treat as to the compensation to be made to all parties for the lands taken and the damage that may be sustained by them by reason of the execution of the works.

Service of notice on
owners and occupiers
of land.

15. All notices required to be served by the said promoters, their heirs, executors, administrators, and 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 State 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.

Power to enter upon
lands and to take
soil, timber, &c.

16. For the purpose and subject to the provisions of this Act, it shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, their agents, servants, and workmen, and all other persons by them authorised, and they are hereby empowered and authorised to enter into and upon the lands and grounds of any person whomsoever, and to take, carry away, and use any earth, soil, clay, stone, beds of gravel or sand, or any other materials or things which may be dug, raised, or obtained therein, or otherwise in making the said tramway and other works, or any lands contiguous or adjoining thereto and which may be proper or necessary for making, maintaining, altering, repairing, or using such tramway and other works by this Act authorised, or which may hinder, prevent, or obstruct the making, maintaining, altering, repairing, or using the same respectively. And it shall not be necessary for the said promoters, their heirs, executors, administrators, and assigns to make any previous agreement with or to apply

To remove materials.

Barrier Tramway.

apply for or obtain the previous consent of the owner or occupier of any such lands for any of the purposes aforesaid. And also to make, build, erect, or construct, bank, excavate, and cut and set up in, upon, across, under, or over any such tramway or other works, or 5 upon any lands, streets, hills, valleys, roads, rivers, canals, brooks, streams, or other waters adjoining the same, such and so many inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, deep cuttings, and fences as the said promoters, their heirs, executors, administrators, or assigns 10 shall think proper; and, also, to alter the course of any rivers, canals, brooks, streams, or watercourses during such time as may be necessary for constructing tunnels, bridges, or passages over or under the same, or for any other necessary purpose; and, also, to divert or alter the course of any roads or ways or to sink any roads or ways in order the more 15 conveniently to carry the same over or under or by the side of such tramway, and to make drains or conduits into, through, or under any lands adjoining such tramway for the purpose of conveying water from or to the same; and, also, in or upon such tramway, or any lands adjoining or near thereto, to erect and make such toll and other houses, 20 warehouses, yards, stations, engines, tanks, dams, reservoirs, and other works and conveniences connected with such tramway as the said promoters, their heirs, executors, administrators, or assigns shall think proper; and, also, from time to time, to alter, repair, and amend or discontinue the beforementioned works, or any of them, and to 25 substitute others in their stead, and, where any such tramway shall pass through any woods, lands, or forests, it shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, to fell or remove any trees standing thereon within the distance of one hundred yards from either side of such tramway which, by their liability to be 30 thrown down, or from their falling, may obstruct or impair the said tramway; and, also, to enter upon and use any private road (being a road gravelled or found with stones or other hard materials, and not being an avenue or a planted or ornamental road or an approach to any homestead or mansion-house); and generally to do and execute all 35 other matters and things necessary or convenient for constructing, maintaining, altering, or repairing and using such tramway and other works by this Act authorised, the said promoters, their heirs, executors, administrators, or assigns, their agents, servants, and workmen, doing as little damage as may be in the execution of the several powers to 40 them hereby granted, and the said promoters, their heirs, executors, administrators, and assigns, making full satisfaction in manner provided by this Act to the owners and proprietors of and to all persons interested in any lands or hereditaments which shall have been taken, used, or injured, for all damages to be by them sustained in or 45 by the execution of all or any of the powers hereby granted, and this Act

To construct inclined planes, tunnels, &c.

Alter the course of rivers, &c.;

and of roads;

and to erect toll-houses, warehouses, &c.

Power to use private roads.

Promoters to make full satisfaction.

Act shall be sufficient to indemnify the said promoters, their heirs, executors, administrators, and assigns, and all other persons, for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are herein contained.

5

Before roads interfered with others to be substituted.

17. 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 road, whether carriage-road or horse-road, either public or private, so as to render it impassable for or dangerous to or extraordinarily inconvenient to passengers or carriages or to the persons entitled to the use thereof, the said promoters, their heirs, executors, administrators, or assigns, shall, before the commencement of any such operations, cause a sufficient road to be made instead of the road to be interfered with in a state and condition as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

15

Power to take or purchase lands for additional accommodation.

18. It shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, to contract with any party willing to sell the same for the purchase of any lands, or if such party be unwilling to sell the same, to take such lands, subject to the provisions as to compensation hereinafter contained for the purpose of making and providing additional station yards, wharfs, stelling, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or live stock to be conveyed upon the tramway or along any canals constructed by the said promoters, their heirs, executors, administrators, or assigns, and for the erection of weighing-machines, tolls-houses and other buildings and conveniences for the construction of tanks, dams, reservoirs and other means of conserving water, and for any other purpose that may be deemed requisite or convenient for the use of the tramway or for the general promotion of the objects of the said promoters, their heirs, executors, administrators, or assigns, in connection with the undertaking or the works hereby authorised. And it shall be lawful for all parties to sell and convey the lands so authorised to be purchased for the last-mentioned purpose.

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35

And to sell such lands and purchase others.

19. It shall be lawful for the said promoters, their heirs, executors, administrators and assigns to sell any land acquired by them under the provisions of this Act, or any part thereof, in such manner and for such consideration, and to such persons as they think fit; and to purchase other lands for the like purposes and to sell the same, and so on from time to time.

40

Notice of claim for compensation.

20. Every person claiming compensation in respect of any land taken, or to be taken, or in respect of any work or other matter done under the authority of this Act, shall, within ninety days from the service of the notice hereinbefore mentioned, or at any time afterwards,

as

as a Judge of the Supreme Court shall, upon the application and at the cost of the claimant, appoint in that behalf, serve upon the promoters and their solicitor a notice in writing, setting forth—

- 5 (a) the nature of the estate or interest of the claimant in such land, together with an abstract of his title; and
15 (b) if he claims in respect of damage, the nature of the damage which he has sustained, or will sustain, by reason of such resumption or work or matter as aforesaid.

Such notice may be in the form in the Second Schedule hereto, Second Schedule.
10 but with any modifications required by the nature of the claim.

21. Within sixty days after the receipt of every such notice of Report on claim.
claim by the said solicitor, he shall forward the same, together with his report, to the promoters, who shall thereupon (unless no prima facie case for compensation is disclosed) cause a valuation of the land, or
15 of the estate or interest of the claimant therein, to be made in accordance with the provisions of this Act, and shall inform the claimant as soon as practicable of the amount of such valuation by notice in the form of the Third Schedule hereto. Such notice to be signed by one or Third Schedule.
more of the said promoters.

22. (1) If within ninety days after the service of notice of claim Compensation by action in Supreme Court.
the claimant and the promoters do not agree as to the amount of compensation, the claimant may institute proceedings in the Supreme Court in the form of an action for compensation against the promoters, their heirs, executors, administrators, or assigns.

25 (2) Any such action may be tried before a judge of the Special jury.
said court or in any circuit court and a special jury of four persons:
Provided that upon application either of the promoters or of the claimant a special jury of twelve may be summoned for the trial of such action.

30 (3) Provided also that, with the consent in writing of the promoters and the claimant, any such action may be so tried at any time (to be mentioned in such consent) before the expiration of ninety days from service of the notice of claim for compensation, but not within fourteen days from service of the notice of valuation on such
35 claimant.

23. (1) A district court shall, notwithstanding anything con- District courts to have jurisdiction in certain cases.
tained in the District Courts Acts, have jurisdiction to try any such action of compensation at the district court holden within the district wherein any land resumed under this Act (or the greater portion of
40 such land) is situated in any case where the whole amount of the claim in respect to such land served in pursuance of section twenty of this Act does not exceed four hundred pounds, or, if exceeding that amount, in any case where the promoters and the claimant, by a memorandum signed by them, or by such claimant's attorney and the said solicitor
45 for the promoters agree thereto.

District Courts Act
and rules.

(2) For the purposes of this section, the provisions of the said District Courts Acts, and of any Act amending the same, together with all rules made or to be made thereunder, shall be deemed to apply to all proceedings taken in any district court hereunder.

Action of compensa-
tion, provisions as to
costs.

24. (1) If the verdict in any action of compensation tried under the provisions of this Act is for a sum equal to or less than the amount of the valuation notified to the claimant, such claimant shall pay the costs of such action, but if for a greater sum, the promoters shall pay such costs.

No arbitration.

~~(2) The judge before whom any such case is tried shall in no case have power to direct a reference to arbitration.~~

Appeal.

(3) (2) Either party in any such action may move for a new trial in accordance with the practice of the Supreme Court.

General provision as
to compensation for
land taken.

25. For the purpose of ascertaining the purchase money or compensation to be paid, regard shall, in every case, be had by surveyors, valuers, or jury, as the case may be, not only to the value of the land to be purchased or taken, but also the damage, if any, caused by the severing of the lands taken from other lands of the owner, or by the exercise of any statutory powers by the promoters, otherwise injuriously affecting such other lands, and they shall assess the same according to what they find to have been the value of such lands, estate, or interest at the time notice was served, and without being bound in any way by the amount of the valuation notified to such claimant, and without reference to any alteration in such value arising from the establishment of the tramway or other works upon or for which such land was resumed :

Provided that the said surveyors, valuers, and jury, in ascertaining such purchase money and compensation, shall take into consideration and give effect to, by way of set off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of the authorised work. But in no case shall this proviso operate so as to require any payment to be made by such owner to the promoters in consideration of such enhancement of value as aforesaid :

Proviso as to
underground land
taken.

Provided also that in the case of land under the surface taken or acquired for the purpose of constructing a subterranean tunnel for water supply or sewerage, or tramway transit, no compensation shall be allowed or awarded unless—

- (a) the surface of the overlying soil is disturbed ; or
- (b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel ; or
- (c) any mines or underground workings in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.

26. The purchase money or compensation to be paid for any lands to be purchased or taken from any party who—

Compensation to parties under disabilities, &c., and absent parties.

- 5 (a) is under such disability or incapacity as in clause thirteen hereof mentioned, and not having power to sell and convey such lands except under the provisions of this Act; or
(b) by reason of absence from New South Wales is prevented from treating; or
(c) cannot after diligent inquiry be found;

10 and the compensation to be paid for any permanent injury to such lands shall be determined by the valuation of a competent surveyor and valuator nominated for that purpose as hereinafter mentioned.

27. (1) Upon application by the promoters to a stipendary or police magistrate, and upon such proof as satisfies him that any such party is under such disability or incapacity, or is by reason of absence from New South Wales prevented from treating, or cannot after diligent inquiry be found, such magistrate shall by writing under his hand nominate a competent surveyor and valuator for determining such compensation.

Magistrate to nominate a surveyor.

20 (2) Such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

Duties of a surveyor.

28. (1) Before such surveyor and valuator enters upon the duty of making such valuation as aforesaid, he shall, in the presence of such magistrate, make and subscribe the following declaration at the foot of such nomination, that is to say :—

Surveyor to make declaration.

30 I, A. B., do solemnly and sincerely declare that I have no interest directly or indirectly in the property in question, and that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

A. B.

Made and subscribed in the presence of

35 (2) If any such surveyor corruptly makes such declaration, or, having made such declaration, wilfully acts contrary thereto, he shall be guilty of a misdemeanour.

Breach of declaration.

29. The said nomination and declaration shall be annexed to the valuation to be made by such surveyor and valuator, and shall be delivered to the promoters, and the promoters shall retain the same and shall forthwith, on demand, furnish a copy thereof to the other party, and shall at all times upon demand produce the said valuation, and allow the same to be inspected and examined by such party or any person appointed by him for that purpose.

Declaration to be annexed.

30. All the expenses of and incident to every such valuation shall be borne by the promoters.

Costs of valuation.

31.

Parties not to be required to sell part only of a building.

31. No party shall at any time be required to sell or convey to the promoters a part only of any house or other building or manufactory if such party is willing and able to sell and convey the whole thereof.

Owners of intersected lands may insist on sale.

32. (1) Whenever any lands, not being situated in a town or built upon, are so cut through and divided as to leave, either on both sides or on one side thereof, a less quantity of land than half a statute acre, then, if the owner of such small parcel of land requires the promoters to purchase the same along with the other land required for the purposes of this Act, the promoters shall purchase the same accordingly, unless the owner thereof has other land to that so left into which the same can be thrown so as to be conveniently occupied therewith. 5

Or on land being thrown into adjoining land.

(2) If such owner has any other land so adjoining, the promoters shall, if required by the owner, throw the piece of land so left into the adjoining land by removing the fences and levelling the sites thereof and by soiling the same in a sufficient and workmanlike manner. 15

Proprietors may insist on purchase where expense of bridges, &c., exceed the value.

33. Whenever any such land is so cut through and divided as to leave on either side of the works a piece of land of less extent than half a statute acre, or of less value than the expense of making a bridge, culvert, or such other communication between the land so divided as the promoters are under the provisions of this Act compellable to make, then if— 20

- (a) the owner of such lands has not other lands adjoining such piece of land; and 25
- (b) such owner requires the promoters to make such communication,

the promoters may require such owner to sell them such piece of land.

Compensation to be paid within twenty-eight days after determination thereof.

34. In all cases where compensation shall be determined under this Act, the said promoters, their heirs, executors, administrators, and assigns shall, within twenty-eight days after the determination of such compensation, and after demand made, pay the amount thereof to the party lawfully entitled thereto, or by this Act authorised to sell, convey, or release, or to his duly authorised agent, upon such party executing and handing over to the said promoters, if required, a conveyance or other assurance of the lands the subject of such compensation. 35

Form of conveyance.

35. All conveyances of land to be purchased or taken under the provisions of this Act may be according to such form as the said promoters, their heirs, executors, administrators, and assigns may think fit, and all such conveyances shall vest the lands thereby conveyed in the said promoters, their heirs, executors, administrators, and assigns, and shall bar and destroy all estates tail, and other estates, rights, titles, remainders, reversions, limitations, trusts, and interests whatsoever of 45 and

and in the lands comprised in such conveyance which shall have been purchased or compensated for by the consideration therein mentioned. And provided always that after any lands which the said promoters, their heirs, executors, administrators, and assigns are by this Act authorised
5 to take, shall have been set out and appropriated for the purpose of this Act, such lands, and all the right, title, estate, use, trust, and interest of every person therein shall forthwith, subject to the proviso for defeasance hereinbefore contained, be vested in and become the sole property of the said promoters, their heirs, executors, administrators,
10 and assigns for ever for the purposes of this Act, and it shall not be obligatory upon them to obtain a conveyance from the owner of or any person interested in such lands. And the cost of all such conveyances shall be borne by the said promoters, their heirs, executors, administrators, and assigns, and such costs shall include all charges
15 and expenses of what kind and nature soever incurred on the part of the vendor as well as the purchaser in that behalf. But if there be a dispute as to the amount thereof, such costs shall be taxed by the Master in Equity or other proper officer of the Supreme Court, upon the application of either party, and the said promoters, their heirs,
20 executors, administrators, and assigns shall pay what the said Master or other officer shall certify to be due in respect of such costs to the party entitled thereto, or in default thereof it shall be lawful for any judge of the Supreme Court to make an order for the payment of the same, and the said costs may be recovered in the same way as any
25 other costs payable under an order of the said court or a judge thereof, and the expense of taxing such costs shall be paid by the said promoters, their heirs, executors, administrators, and assigns.

How costs to be borne.

Costs may be taxed.

36. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it
30 shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, and their workmen and servants, to 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, but in every such case the said promoters,
35 their heirs, executors, administrators, and assigns shall within forty-eight hours after such entry make a report to the Chief Commissioner for Railways and Tramways, specifying the nature of such accident or apprehended accident and of the works necessary to be done, and such powers shall cease and determine if the said Commissioner shall, after
40 considering the said report, certify that their exercise is not necessary for the public safety: Provided 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
45 and occupiers of such lands for the loss, injury, or inconvenience sustained

Power to enter upon adjoining lands to repair accidents, subject to certain restrictions.

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 in the same manner as cases of disputed compensation in other cases under this Act, and provided also that no land shall be taken permanently for any such works, otherwise than is herein 5 provided, with respect to the lands originally taken for the purpose of making the said tramway.

Works for benefit of owner.

37. The said promoters, their heirs, executors, administrators and assigns, shall make, and at all times thereafter maintain, the following works for the accommodation of the owners and occupiers 10 of the land adjoining the tramway (that is to say):—Such and so many convenient gates, bridges, arches, culverts and passages over, under, or by the sides of, or leading to or from the tramway, as shall be necessary for the purpose of making good any interruption caused 15 by the tramway to the use of the lands through which the tramway shall be made, and such works shall be made forthwith after the part of the tramway passing over such lands shall have been laid out or formed, or during the formation thereof. Also sufficient posts, rails, hedges, ditches, mounds, or other fences for separating the land taken 20 for the use of the tramway from the adjoining lands not taken, and protecting such land from trespass, or the cattle or sheep of the owners of or occupiers thereof from straying therein by reason of the tramway, together with all necessary gates made to open towards such adjoining lands, and not towards the railway, and all necessary stiles, and such posts, rails, and other fences, shall be made forthwith after 25 the taking of any such lands, if the owners thereof shall so require, and the said other works, as soon as conveniently may be. 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 30 lying near or affected by the tramway as before the making of the tramway, or as nearly so as may be, and such works shall be made from time to time as the tramway works proceed: Provided always that the said promoters, their heirs, executors, administrators, and assigns shall not be required to make such accommodation works in 35 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.

Gates, bridges, &c.

Fences.

Drains.

Bridges—how to be constructed over any road.

38. Every bridge to be erected for the purpose of carrying the 40 tramway over any road shall be built in conformity with the following regulations (that is to say):—

The width of the arch shall be such as to leave thereunder a clear space of not less than twenty-five feet, or such less space as may be approved by the Secretary for Public Works, if the 45 arch be over a public road or highway, and of fourteen feet if over a private road.

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The clear height of the arch, from the surface of the road, shall be not less than sixteen feet for a space of twelve feet if the arch be over a public road or highway; and the clear height at the springing of the arch shall not be less than twelve feet.

5. The clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private road.

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a public road or highway, and one foot in sixteen feet if over a private road, not being a tramroad or railroad; or if the same be a tramroad or railroad, the descent shall not be greater than the ruling gradient of such tramroad or railroad.

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39. Every bridge erected for carrying any road over the tramway shall be built in conformity with the following regulations (that is to say):—

15 tramway shall be built in conformity with the following regulations The like over tramway.

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet and of each side of the immediate approaches of such bridge not less than three feet. The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a public highway and twelve feet if a private road. The ascent shall not be more than one foot in thirty feet if the road be a public road or highway, and one foot in sixteen feet if a private road, not being a tramroad or railroad, or, if the same be a tramroad or railroad, the ascent shall not be greater than the ruling gradient of such tramroad or railroad:

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Provided always that in all cases where the average available width for the passing of carriages of any existing road, within fifty yards of the point of crossing the same, is less than the width hereinbefore prescribed for bridges over or under the tramway, the width of the bridges need not be greater than such average available width of such roads, but so, nevertheless, that such bridges be not of less width, in case of a public highway, than twenty feet: Provided also that if at any time after the construction of the tramway the average available width of any such road shall be increased beyond the width of such bridge, on either side thereof, the said promoters, their heirs, executors, administrators, and assigns shall be bound, at their own expense, to increase the width of the said bridge to such extent as they may be required by the trustees or surveyors of such road not exceeding the width of such road as so widened or the maximum width herein prescribed for a bridge in the like case over or under the tramway: Provided also that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same, or the inclination of such portion of any road as may be required to be altered,

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Existing inclination of the roads not to be improved.

Barrier Tramway.

altered, or for which another road shall be substituted, shall be steeper than the inclination hereinbefore required to be preserved by the said promoters, their heirs, executors, administrators, and assigns, then they may carry any such road over or under the tramway, or may construct or alter any such substituted road at an inclination not steeper than 5 the said mesne inclination of the road so to be crossed, or of the road so requiring to be altered or for which another road shall be substituted.

Power to make
by-laws.

40. It shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, from time to time, to make by-laws, not being repugnant to the laws of this State or to the 10 provisions of this Act, and to be approved of by the Governor, for the following purposes (that is to say):—

For regulating the conduct of the officers and servants employed upon or in connection with the said tramway, and providing for the proper management of the affairs of the said tramway 15 in all matters by this Act not otherwise provided for.

For the protection of the tramway and other property and works of the said promoters, their heirs, executors, administrators and assigns from trespass or injury.

For regulating the mode by which, and the speed at which, 20 carriages using the tramway are to be moved or propelled.

For preserving the free course of the tramway and preventing any obstruction thereto.

For regulating the loading and unloading of such carriages and the weights which they are to carry; for regulating the 25 receipt and delivery of minerals, goods, live-stock and all things which are to be conveyed upon or in such carriages; for regulating the number of passengers to be carried in any carriage, and the occupation of the seats therein; for preventing or restricting smoking and the commission of 30 any other nuisance in or upon such carriages, or on any of the stations or premises used or occupied for the purposes of or in connection with the tramway.

And generally for regulating the travelling upon or use of the tramway. 35

But no such by-law shall authorise the closing of the tramway or prevent the passage of engines or carriages on the tramway at reasonable times, except at any time when, in consequence of any of the works being out of repair, or from any sufficient cause, it shall be necessary to close the tramway or a portion thereof. And such 40 by-laws shall be reduced into writing under the hands and seals of the said promoters, their heirs, executors, administrators and assigns, or any two of them, and be published in the Government Gazette and in two newspapers circulating in the district of Broken Hill thirty days at least before coming into operation. And any person offending 45 against

against any such by-laws shall upon conviction before any stipendary or police magistrate forfeit for every offence any sum not exceeding five pounds, to be imposed in such by-laws as a penalty for any such offence. And if the infraction or non-observance of any such by-law
 5 be attended with danger or annoyance to the public, or hindrance to the said promoters, their heirs, executors, administrators, and assigns, in the lawful use of the tramway, it shall be lawful for them summarily to interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to the recovery of any penalty incurred by
 10 the infraction or non-observance of such by-laws.

41. The substance of such by-laws shall be painted on boards or printed on paper and affixed to boards, and placed and maintained in a legible state in some conspicuous part of every station and place of business occupied or used in connection with the tramway according
 15 to the nature and subject matter of such by-laws, so that notice thereof may be given to all parties affected thereby, and no penalty imposed by any such by-laws shall be recoverable unless the same shall have been published and kept published as aforesaid.

Publication of by-laws.

42. The production of the Gazette containing or purporting
 20 to contain the by-laws shall be sufficient evidence of them in all proceedings under the same without any further proof of any kind.

Evidence of by-laws.

43. Such by-laws when so published and affixed shall be binding upon and observed by all parties, and shall be sufficient to justify all persons acting under the same, and for proof of the publication of any
 25 such by-laws it shall be sufficient to prove that a printed paper or painted-board containing a copy of such by-laws was affixed and continued in manner by this Act directed, and in case of the same being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be : Provided that no such
 30 by-laws as shall be applicable to other persons than the said promoters, their heirs, executors, administrators, and assigns, their officers, agents, servants, and workmen, shall be binding on such persons until two months after they have been laid before the Governor, unless the said Governor shall, before the expiration of such period, have signified his
 35 approbation thereof, and the Governor shall have power at any time to disallow any such by-law as last aforesaid, and thereupon the same shall cease to have any force or effect in law.

By-laws to be binding on all parties.

44. Nothing in this Act contained shall extend to charge or make liable the said promoters, their heirs, executors, administrators,
 40 and assigns, further or in any other case than where, according to the laws of this State, stage-coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the said promoters, their heirs, executors, administrators, and assigns, of any protection or privilege which common carriers or stage-coach proprietors may be
 45 entitled to, but, on the contrary, they shall at all times be entitled to the benefit of every such protection and privilege.

Not to be liable to a greater extent than common carriers.

Authority to employ locomotive engines, carriages, and other locomotive power, &c.

45. It shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, subject as aforesaid, to use and employ locomotive engines or other moving power, whether of steam, electricity, or of any other character, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the tramway all such passengers, goods, and things of every kind, cattle and live stock of every kind, as shall be offered for that purpose, and to make and sue for such charges in respect thereof as hereinbefore specified: Provided that all such tolls be, at all times, charged equally to all persons, and after the same rate in respect to all passengers, goods, things, cattle, and live stock as aforesaid, or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of tramway under the same circumstances; and no reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the tramway. 5 10 15

46. It shall be lawful for the Governor at any time after the expiration of twenty-one years from the passing of this Act to purchase the said tramway and other works, with all its hereditaments, stock, and appurtenances, upon giving to the said promoters, their heirs, executors, administrators, and assigns six months' notice in writing of such intention, and upon payment of a sum equal to twenty-one years' purchase of the annual divisible profits, estimated on the average of the seven then next preceding years: Provided that if the average rate of profits for the said seven years shall be less than twenty-five pounds and more than fifteen pounds per centum, it shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, if they shall be of opinion that the said rate of twenty-one years' purchase of the said average profits is an inadequate rate of purchase, reference being had to the prospects of the tramway, to require that it shall be left to arbitration in case of difference to determine what (if any) additional amount of purchase money shall be paid for the said tramway works, hereditaments, stock, and appurtenances, and such arbitration shall be carried out in accordance with the Arbitration Act, 1902, or any statutory modification thereof. 20 25 30 35

Government may purchase tramway.

46. It shall be lawful for the Secretary for Public Works, on behalf of the Government, by notice in writing, to require the said promoters to sell, and thereupon the said promoters shall sell, to the Government the said tramway upon the terms of the said Government paying the then value (exclusive of any allowance for compensation for compulsory sale) of the said tramway, and all lands, buildings, works, materials, and plant of the said promoters suitable to and used by them for the purposes of the said tramway, such value in case of difference to be ascertained by arbitration in the manner provided by the 40 45 the

the Public Works Act, 1900, for settling cases of disputed compensation, and subject to the terms and conditions therein contained; and when any such sale shall have been made to the said Government, the said tramway, lands, buildings, works, materials, plant, and premises shall vest in the Chief Commissioner for Railways and Tramways, who shall have all the rights, powers, and authorities of the said promoters in respect of the said tramway so sold: Provided always that if the Government shall purchase the said tramway within ten years from the date of this Act the sum to be paid by way of purchase shall be not less than the total cost of the construction of the tramway and related works, land, buildings, material, and plant, together with ten per cent. compensation for forced sale.

47. In all cases where any damages, compensation, costs, or expenses are by this Act directed to be paid, and the method of ascertaining the amount, or enforcing the payment thereof is not provided for, such payment, in case of dispute, shall be ascertained and determined by a stipendiary or police magistrate, and if the amount so ascertained be not paid by the said promoters, their heirs, executors, administrators, and assigns, or other party liable to pay the same, within seven days after demand, then the amount may be recovered in a summary manner before a magistrate according to the Acts in force for the time being regulating summary proceedings before justices.

48. Where in this Act any question of compensation, expenses, charges, or damages is referred to the determination of a magistrate, it shall be lawful for any such magistrate, upon the application of either party, to summon the other party to appear before any such magistrate at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them upon proof of due service of the summons, it shall be lawful for such magistrate to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses on oath, and the costs of every such inquiry shall be in the discretion of such magistrate, and he shall determine the amount thereof.

49. The said promoters, their heirs, executors, administrators, and assigns, shall publish the short particulars of the several offences for which any penalty is imposed by this Act, or by any by-law made in pursuance of this Act affecting other persons than the said promoters, their heirs, executors, administrators, and assigns, their officers or servants, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed in some conspicuous part of the principal place of business of the said tramway. And where any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place in the neighbourhood to which such penalties are applicable or have

Provisions for ascertaining damages not otherwise provided for.

Method of proceeding before magistrate in question of damages, &c.

Publication of penalties.

have reference, and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed, and no such penalty shall be recoverable unless particulars of it shall have been published and kept published in the manner hereinbefore required.

Penalties for defacing boards used for publication.

50. If any person pull down or injure any board put up or affixed as required by this Act for the purpose of publishing any by-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall pay the expenses attending the restoration of such board. 5
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Penalties to be summarily recovered.

51. Every penalty or forfeiture imposed by this Act, or by any by-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered in a summary manner before any magistrate according to the Acts in force for the time being regulating summary proceedings before justices. 15

Penalties to be sued for within six months.

52. No person shall be liable to the payment of any penalty or forfeiture imposed by this Act for any offence made cognisable before any such magistrate as aforesaid unless the complaint for such offence shall have been made before any such magistrate within six months next after the commission of such offence. 20

Damage to be made good in addition to penalty.

53. If through any neglect or default on account whereof any person shall have incurred any penalty imposed by this Act or any by-law made in pursuance of this Act any damage to the property of the said promoters, their heirs, executors, administrators or assigns, shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of such damage shall in case of dispute be determined by any such magistrate as aforesaid by whom the party incurring such penalty shall have been convicted. 25

Transient offenders.

54. It shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, and any of their officers, agents, and all persons called by them or any of them to their or his assistance, to seize and detain any person who shall have committed any offence against the provisions of this Act or any by-law made in pursuance thereof and whose name and address shall be unknown to any such person so seizing and detaining, and convey him with all convenient despatch before any such magistrate as aforesaid without any warrant or other authority than this Act, and such magistrate shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender. 30
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Penalty for obstructing the officers of the company or wilfully trespassing upon tramway.

55. If any person shall wilfully obstruct or impede any officer or servant employed upon or in connection with the tramway, or upon or in any of the stations or other works or premises connected therewith, or shall wilfully trespass upon the tramway, or any of the stations, works, and premises as aforesaid, and shall refuse to quit the same 45

same upon request made to him by any officer or servant as aforesaid, the person so offending, and all others aiding and assisting therein, may be seized and detained by such officer or servant as aforesaid, or any person whom he may call to his assistance, until such offender
5 or offenders can be conveniently taken before some magistrate as aforesaid in the district or place where such offence has been committed, and upon conviction of such offence before any such magistrate he shall, in the discretion of such magistrate, forfeit any sum not exceeding five pounds.

10 **56.** If any party shall feel aggrieved by any determination or adjudication of any such magistrate with respect to any penalty or forfeiture under the provisions of this Act, such party may appeal to the general or quarter sessions of the peace holden nearest to the place in which the cause of appeal shall have arisen, but no
15 such appeal shall be entertained unless it be made within six months next after the making of such determination, nor unless within fourteen days after such determination or adjudication notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought,
20 nor unless the appellant forthwith, after such notice, enter into recognisances, with two sufficient sureties, before a magistrate as aforesaid, conditional duly to prosecute such appeal, and to abide the order of the court thereon.

Parties allowed to appeal to quarter sessions.

25 **57.** At the general or quarter sessions for which such notice shall be given, the Court shall proceed to hear and determine the appeal in a summary way, or it may, if it think fit, adjourn it till the following sessions, and upon the hearing of such appeal the Court may, if it think fit, mitigate any penalty or forfeiture, or they may confirm or quash the determination or adjudication, and order any
30 money paid by the appellant to be returned to him, and may also order such further satisfaction to be made to the party injured as it may deem reasonable, and it may make such order as to the costs both of the determination or adjudication and appeal as it may think reasonable.

Court to make such order as it thinks reasonable.

35 **58.** No action, suit, or proceeding at law, or in equity, shall be brought or prosecuted against the said promoters, their heirs, executors, administrators, or assigns, for any act, matter, or thing, done under the authority of this Act, unless such action, suit, or proceeding, shall be commenced within six months next after the cause of action shall have
40 accrued, or offence have been committed, and unless notice in writing and the cause thereof shall be given to the defendants or defendant one calendar month at least before the commencement of the action, and the defendants or defendant in every such action may plead the general issue, and give this Act and the special matter in evidence at
45 any trial to be had thereupon.

No action to be brought for anything done by the authority of the Act unless within six months after offence or cause of action.

Proceedings not to be quashed for want of form.

59. No proceeding in pursuance of this Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into the Supreme Court.

Rights, powers, &c., under this Act may be assigned, &c., to incorporate company.

60. It shall be lawful for the said promoters, their heirs, executors, administrators, and assigns, at any time after the passing hereof, to assign, transfer, convey, and release to any company duly incorporated for that purpose all the rights, powers, authorities, privileges, liabilities, and obligations conferred and imposed upon them by this Act, together with all lands, tenements, hereditaments, estates, chattels, and effects, of every kind acquired by them under or in pursuance thereof, and purchased, occupied, or used in connection with the construction, maintenance, and working of the tramway, and upon and after the completion of such assignment, transfer, conveyance, and release, the said company, their officers, agents, and servants, may lawfully exercise and enjoy all the rights, powers, authorities, and privileges, and shall be and continue to be subject to all the liabilities, obligations, penalties, and forfeitures to which the said promoters, their heirs, executors, or administrators, or their officers, agents, or servants would have been entitled or subject had no such assignment, transfer, conveyance and release been completed: Provided, however, that nothing herein contained shall prejudice or affect any rights, accrued action, or proceedings taken against, or liabilities, obligations, penalties, or forfeitures incurred by the said promoters, their heirs, executors, or administrators before the completion of the said assignment, transfer, conveyance, and release.

How Act to be read upon completion of assignment, &c., under last preceding section.

61. Upon the completion of any such assignment, transfer, conveyance, or release, as in the last preceding section mentioned, this Act shall be read so that whenever the words "promoters, their heirs, executors, administrators, and assigns," or the words "promoters, their heirs, executors, administrators, or assigns" occur they shall be omitted, and the words "company duly incorporated within the meaning of section sixty hereof" shall be inserted in their stead.

Short title.

62. This Act may be cited as the "Barrier Tramway Act, 1907 1908."

SCHEDULES.

FIRST SCHEDULE.

ALL that piece or parcel of land situated in the county of Yancowinna, State of New South Wales: Commencing at or near to Waite Terrace, township of Burns, on the boundary between the States of South Australia and New South Wales; thence for a width of 3 chains, where practicable, easterly for about 60 chains partly along the said Terrace and through reserve 3,799; thence north-easterly for about 4 miles to the easterly boundary of village reserve 613; thence again north-easterly about 140 chains to the easterly boundary of Thackaringa tank reserve of public watering place 127; thence again north-easterly for 78 chains, passing through the north-westerly part of public watering place 127 aforesaid, the drinking area reserve 26,517, the south-westerly part of mineral lease 55, and reserve 26,517, to the westerly boundary of Annie Howson's 80 acres, portion 33, parish of Albert; thence again north-easterly for about 61 chains, passing through the north-westerly part of portion 33 aforesaid, through reserve 26,517 aforementioned to the north-westerly corner of portion 41; thence easterly for about 20 chains to the westerly boundary of mineral lease 156; thence again north-easterly for about 63 chains, passing through mineral lease 156, mineral lease 151, the north-westerly part of mineral lease 39, the south-westerly part of mineral lease 35 to a creek about the centre of mineral lease 38; thence easterly for about 11 chains to the easterly boundary of mineral lease 38 aforesaid; thence by lines generally south-easterly for about 130 chains, passing through part of Thackaringa pastoral holding to the most westerly corner of mineral lease 153; thence south-easterly for about 21 chains, passing through mineral lease 153 to its south-easterly boundary; thence north-easterly for about 119 chains, passing through mineral lease 181, through the northerly part of mineral lease 166, part of homestead lease 93-15, crossing the Broken Hill road to the boundary of the parish of Edgar; thence again north-easterly for about 72 chains to the westerly boundary of homestead lease 01-2; thence north-easterly for about 111 chains, and easterly for about 82 chains to the easterly boundary of the said lease thence again easterly for about 133 chains, and south-easterly for about 82 chains, passing through homestead lease 92-2 to the westerly corner of mineral lease 25, parish of Alma; thence north-easterly for about 80 chains, passing through mineral lease 25 aforesaid and part of reserve 48; thence easterly for about 53 chains, passing through part of reserve 48 aforesaid, the southern part of mineral lease 136, part of reserve 48 aforementioned, through mineral lease 1, and the southern part of mineral lease 3 to a point north of the village of The Pinnacles; thence north-easterly for about 78 chains, passing through part of mineral lease 3 aforesaid, through mineral lease 43, through the northern part of mineral lease 133, through mineral lease 49, and through part of reserve 48 aforementioned to the south-westerly boundary of mineral lease 52; thence north-easterly for about 44 chains, passing through mineral lease 52 and part of reserve 48 aforesaid to the north-westerly boundary of additional homestead lease 91-11; thence again north-easterly for about 340 chains, passing through the north-westerly part of additional homestead lease 91-11 aforesaid, and through homestead lease 90-1 to its north-easterly boundary; thence again north-easterly for about 24 chains to the Willyama temporary common 2,421; thence again north-easterly for about 77 chains, passing through the temporary common 2,421 aforesaid to the Willyama town boundary; thence again north-easterly for about 40 chains to tramway reserve 17,529; thence again easterly through tramway reserve 17,529, 8,563, a public recreation reserve 30,904, and 30,903 to Gypsum-street; and thence along that street south-easterly for about 50 chains to a selected terminus, with a branch as follows:—Commencing at a point where the afore-described line crosses Creedon-street; and thence along that street south-easterly for about 36 chains to a point opposite the most southerly corner of lot 2,416.

SECOND

Barrier Tramway.

SECOND SCHEDULE

Notice of claim and abstract.

Clause 20.

To the [*here name the promoters or their solicitor*].

IN pursuance of the Barrier Tramway Act, 1907 1908, I _____, of _____ (or we), hereby give you notice that I (or we) claim compensation in respect of the land hereunder 5 described, which has been taken under the said Act. The amount of such claim and other the particulars required by the said Act are stated in the subjoined abstract. [*If the claim is not for land taken, this form may be modified in accordance with the nature of the claim.*]

Abstract. 10

Names and descriptions of parties claiming, and nature of their interests, whether tenants for life, in tail, or otherwise.	Situation and description of property.	Quit-rents payable; if leasehold, name of landlord, term of lease, and rent reserved.	Names of occupiers, distinguishing whether tenants-at-will or under lease, rent reserved, terms, &c.	Particulars of claim, specifying separately the amount claimed for value of property and for compensation.	Dates and other short particulars of documents of title.	Names of persons having the custody of documents, and place or places where the same may be inspected, and name of claimants, solicitor, or agent.

(*Signature*)
 (*Address*) 20
 (*Date*)

THIRD SCHEDULE.

Notice of valuation.

To A.B., claimant in respect of the land hereunder described taken under the Barrier Tramway Act, 1907 1908. 25

TAKE notice that the land hereunder described, and being that in respect of the taking whereof, under the authority of the aforesaid Act, your claim for compensation has been lodged, has been valued at the sum of _____ pounds.

A.B. [*signature of one or more of the promoters*].

DESCRIPTION of land or damage in respect of which claim has been made. 30

All that piece or parcel of land, &c., &c.