CITY AND SUBURBAN ELECTRIC RAILWAY BILL.

SCHEDULE of the Amendments referred to in Message of 30th September, 1915.

Page 3, clause 8. *Omit* subclause (1) *insert* new subclause **(1)**

Page 4, clause 8, subclause (4), line 7. *Omit* "ninety" *insert* "**one hundred and twenty**"

Page 4, clause 8, subclause (5), line 15. *After* the word "jury" *omit* remainder of subclause.

Page 4, clause 8, subclause (7), line 28. *After* the word "jury" *omit* remainder of subclause.

Pages 4 and 5, clause 8. *Omit* subclause (8)

Page 7, clause 8. *Omit* subclause 13.

Pages 9 and 10. *Omit* clauses 11, 12, and 13, *insert* new clauses **11, 12,** and **13.**

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c 298—

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

W. S. MOWLE,
Acting Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 12 *August,* 1915.

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

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 30*th September,* 1915.

New South Wales.

ANNO SEXTO

GEORGII V REGIS.

* *

Act No. , 1915.

An Act to sanction and provide for the construction of electric railways in the City of Sydney, and certain suburbs thereof; to provide for the use of such works by the Constructing Authority and other persons; to validate certain purchases; for purposes consequent thereon or incidental thereto; and for such purposes to amend the Public Works Act, 1912, and certain other Acts.

25003 374—A BE

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

City and Suburban Electric Railways.

BE it 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. This Act may be cited as the "City and Suburban Electric Railways Act, 1915." Short title.

2. The work described in the Schedule to this Act is hereby sanctioned and shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, but the provisions of sections thirty-four, thirty-five, thirty-six, and thirty-seven of that Act shall not apply to the said work, and the provisions of section thirty-eight shall apply to any contracts for carrying out such work. Work sanctioned.

3. The Minister for Public Works, or the member of the Executive Council for the time being performing the duties of the said Minister, is hereby authorised to undertake and carry out the said work, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers and duties of a Constructing Authority within the meaning of the Public Works Act, 1912. Constructing Authority.

4. The plan of the said work is the plan marked "The City and Suburban Electric Railways," signed by the Constructing Authority, and countersigned by the Director-General of Public Works and the Chief Engineer for Metropolitan Railway Construction, and deposited in the public office of the Constructing Authority. Plan of work.

5. The cost of carrying out the work described in the Schedule to this Act, estimated at six million four hundred thousand pounds (exclusive of land resumptions), shall be defrayed from such Loan Votes as are now, or may hereafter be, applicable to that purpose, or from appropriations of the Public Works Fund, or partly from such votes and partly from the said appropriations, and shall not under any circumstances exceed such estimate by more than ten per centum. Cost, how to be defrayed.

6. The said lines of railway and cables for the transmission of power may be constructed under, over, along, or by the side of any public road or highway, or any public place. Railways constructed over roads, &c.

7.

7. The Constructing Authority and any persons authorised by him may use the said work, or any part thereof, before it is transferred to the Chief Commissioner for Railways and Tramways, and run thereon carriages or waggons propelled or drawn by any motive power, and the net receipts therefrom shall be paid into the Treasury. Constructing Authority may use work.

8. For the purposes of this Act, but not otherwise, the following amendments and additions shall be made in the Public Works Act, 1912, that is to say:— Amendments of Public Works Act 1912.

(1) Section thirty-nine is amended by adding thereto the following:— Sec. 39

"In the application of this section and in any matters or proceedings provided for in this Act, and consequent on such application, the word 'land' shall include an easement or right of using the subsoil or under-surface of any land for the purpose of carrying out the authorised work."

(1) The following section is inserted next after section four of the Principal Act:—

4A. The provisions of this Act relating to the acquisition of land shall also apply to the acquisition of an easement or right to use the subsoil or the under surface of land, whether such easement or right is acquired separately from or together with any land.

(2) Section forty-seven is amended by adding thereto the following subsection:— Sec. 47.

(3) The Constructing Authority shall cause a valuation of the land or of the estate or interest of any claimant therein to be made in accordance with the provisions of this Act, and shall inform the claimants of the amount of such valuation by notice in the form of the Seventh Schedule to this Act: Provided that any such valuation may within ninety days after service of the notice thereof as aforesaid be varied by notification to the claimant of such variation.

(3)

(3) Section ninety-eight is amended as follows:— Sec. 98.

(a) at the end of subsection one insert the following:—

Land may be superfluous within the meaning of this section although the sub-soil or under-surface of the land is used or required for the purposes of the work.

In any sale of superfluous land the Constructing Authority may reserve an easement or a right of using any part of the land.

(b) In subsection three, before "public works" insert "authorised works or", and omit the words "not exceeding fifty years".

(4) The following is added to section one hundred and three:— Sec. 103.

"Provided that any such valuation may within ~~ninety~~ **one hundred and twenty** days after service of the said notice of valuation, be varied by notification to the claimant of such variation."

(5) Subsection two of section one hundred and four is repealed and the following inserted in its place:— Sec. 104.

(2) Any such action shall be tried by a judge of the said court in Sydney, without a jury. ~~Such judge shall be assisted by two~~ assessors, one of whom shall be appointed by the Constructing Authority, and the other by the Lord Mayor of the city of Sydney. Such assessors shall have power to advise, but not to ~~adjudicate.~~

(6) Subsection one of section one hundred and five is amended by omitting the words "four hundred pounds," and inserting in lieu thereof the words "one thousand pounds." Sec. 105.

(7) The following proviso is added to subsection two of section one hundred and five:— Sec. 105.

Provided that no action under this section shall be tried before a jury, ~~but the District~~ Court Judge shall be assisted by two assessors, one of whom shall be appointed by the Con-

~~structing~~

structing Authority and the other by the Lord Mayor of Sydney; such assessors shall have power to advise, but not to adjudicate.

(8) The following section is inserted next after section one hundred and five :— ~~New s. 105a.~~

105A. If it appears to the Judge of the Supreme Court or to the District Court before whom any action for compensation under this Act is tried that any question has arisen upon which the assessors appointed under this Act and summoned to attend upon the trial of such action are not skilled to advise him, he may admit expert evidence upon such question, any rule of law to the contrary notwithstanding.

(~~9~~ 8) Subsection one of section one hundred and six is repealed, and the following inserted in its place :— Sec. 106.

106. (1) If the verdict in any action of compensation under the provisions of this Division of this Act is for an amount exceeding the amount of the valuation last notified to the claimant, and less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the proportion of his costs which the excess of the amount of the verdict over such valuation bears to the excess of the claim over such valuation.

If the amount of the verdict in such action is equal to or greater than the amount of such claim the Constructing Authority shall pay the costs of the action.

If the amount of the verdict in such action is equal to or less than the amount of such valuation the claimant shall pay the costs of the action.

(~~10~~ 9) Subsections one and two of section one hundred and eighteen are repealed, and the following subsection is inserted in their place :— Sec. 118.

(1) If the amount awarded exceeds the amount of the valuation last notified to the claimant, and is less than the amount of the claim of

of the claimant, the Constructing Authority shall pay to the claimant the proportion of his costs of and incidental to the arbitration, as settled by the arbitrators, which the excess of the amount awarded over such valuation bears to the excess of the claim over such valuation.

If the amount awarded is equal to or greater than the amount of such claim, the Constructing Authority shall pay the costs of and incidental to the arbitration, as settled by the arbitrators.

If the amount awarded is equal to or less than the amount of such valuation, the claimant shall pay the costs of and incident to the arbitration, so settled as aforesaid.

(~~11~~ 10) Section one hundred and twenty-three is repealed, and the following inserted in its place :— S. 123.

123. (1) If the compensation awarded by the arbitrators exceeds three hundred pounds, and either party is dissatisfied with the award, and desires to have the compensation settled by the Supreme Court or a district court, and within fourteen days after the making of the award and notice thereof signifies such desire by notice in writing to the other party, then no steps shall be taken to enforce performance of the award, but the claimant shall proceed by action in the Supreme Court or in a district court in the manner directed by sections one hundred and four and one hundred and five of this Act as amended by the City and Suburban Electric Railway Act, 1915.

(2) Upon the trial of the said action, both the costs thereof and the costs of and incidental to the arbitration shall be determined and allocated by a comparison of the respective amounts of the claim, the valuation, and the verdict, in the manner directed by section one hundred and six of this Act as amended by the said Act.

(~~12~~ 11)

(~~12~~ 11) Section one hundred and twenty-four is amended by substituting the word "judges" for the word "jury" and by omitting "at the time notice was given or notification published, as the case may be" and substituting the words "immediately before the passing of the City and Suburban Electric Railways Act, 1915." Sec. 124.

The third paragraph (second proviso) of the same section is amended by striking out the words "by notification in the Gazette".

(13) Section one hundred and twenty-five is amended by adding thereto the following subsection :— Sec. ~~125.~~

(2) Notwithstanding anything in the last preceding section the compensation to be paid for and in respect of the acquiring or taking under this Act of the interest of a lessee or licensee from the Crown or from the Sydney Harbour Trust Commissioners, shall not exceed twice the annual rental payable to the Crown or the said Commissioners at the time of such acquisition or taking, or where part only of the land leased is acquired or taken, twice the amount which may be fairly apportioned as the annual rental payable as aforesaid, in respect of such part, together with the value of any improvements the property of such lessee or licensee then being upon the land, and compensation (if any) for severance.

(~~14~~ 12) Section one hundred and twenty-six is amended by inserting at the end of subsection two the following :— Sec. 126.

"Provided that such interest shall not be paid for any period during which delay in fixing the amount of compensation or in completing title has been caused by the act or default of the person to whom such compensation is payable."

(~~15~~ 13)

(~~15~~ **13**) Section one hundred and thirty-eight is amended by adding thereto the following:— Sec. 138

"Provided that where an easement beneath the surface or a right of using the subsoil or under-surface of any land is taken, such easement or right shall not be deemed part of a house, or other building, or manufactory".

(~~16~~ **14**) Section one hundred and fifty-one is repealed and the following is substituted for it:— Sec. 151.

151. The Constructing Authority shall, by advertisement in the Gazette and in one or more of the Sydney newspapers published at least thirty days before commencing the said railways, or any part thereof, give notice that it is intended to make the said railways between the places therein specified according to a map or plan to be seen in the office of the Constructing Authority at Sydney and at the offices of the clerks of petty sessions of the districts through which such railways are intended to be made; and in case any material deviation from the said line indicated in such map or plan is at any time afterwards deemed by the Governor to be desirable, the like notices shall be given by the Constructing Authority relative to the proposed deviation.

(~~17~~ **15**) Paragraphs (b) and (c), and subsection three of section eighty-two, sections eighty-six, eighty-seven, eighty-eight, subsection two of section eighty-nine, sections ninety, ninety-one, ninety-two, ninety-five, ninety-seven, subsection three of section one hundred and twenty-six, and section one hundred and fifty-two are repealed. Repeal secs. 82, 86, 87, 88, 89, 90, 91, 92, 95, 97, 126, and 152.

9. All private rights of way over any lands which may under the powers of this Act be acquired compulsorily shall from the date of such acquisition be extinguished: Provided that the Constructing Authority shall make full compensation to all parties interested in respect of any such rights, and such compensation shall be settled in manner provided by the Public Works Act, 1912 (as amended by this Act), with reference to the taking of lands otherwise than by agreement. Right of way, s. 18, London Electric Railway Act.

10.

10. The Constructing Authority shall not be required to make any accommodation works for the convenience of persons of whose lands he may have taken possession, nor for the convenience of persons using any road, street, or lane under or over which the said railways may be carried, or which may be closed or partly closed for the purpose of constructing the said railway or any works to be carried out in connection therewith. But the Constructing Authority may carry out such accommodation works as he may think reasonable or desirable under the circumstances, and shall in constructing the said railways cause as little inconvenience as may reasonably be, having regard to the circumstances.

Accommodation works not required.

11. Notwithstanding any provision in any Act to the contrary, it shall not be necessary for the Constructing Authority to give any notice of his intention to blast any rock, nor shall he be liable to pay damages for any nuisance arising out of such blasting, or for any nuisance arising out of any other operation necessary or proper in connection with the construction of the said work, nor have an injunction issued to restrain him from causing any such nuisance.

Notices not required. No liability for nuisances in carrying out work.

12. (1) Notwithstanding anything in the Public Works Act, 1912, to the contrary, any claim under section ninety-six of the said Act for compensation for damage caused by the carrying out of any work or other matter done under the authority of this Act (not being a claim for compensation in respect of any land or any estate or interest, easement or right therein taken under the said authority) shall be heard and determined by a board of three persons, namely, two appointed by the Governor, one of whom shall be chairman, and one appointed by the Lord Mayor of Sydney. Such board may make such orders for carrying out such determination and such order as to the costs of the parties in any proceedings before it as it considers just. Such costs may be taxed by the Prothonotary of the Supreme Court.

Compensation for damage caused by carrying out provisions of Act.

(2) The determination of a majority of the members of such board shall be final and conclusive.

Where

Where any order of such board directs the payment of any money, such board may issue a certificate under the hand of its chairman of the making of such order. On the filing of such certificate in the Supreme Court, execution may, without further or other process, be issued out of such court as upon a judgment or order of such court for the sum mentioned in such certificate, together with the fees for filing the certificate and the fees and costs of issuing execution.

When such certificate has been filed as aforesaid, all proceedings consequent on a judgment or order given or made in the Supreme Court shall apply as if the order of the board were a judgment or order of the Supreme Court.

(3) Every such claim shall be made within two years of the carrying out of that portion of the work through which the damage complained of is alleged to have arisen.

13. Every assessor appointed in pursuance of this Act and every member of a board appointed under the last preceding section shall for every day during which he is engaged upon any case or in attendance waiting to perform his duties on any case be paid the sum of five pounds five shillings out of moneys to be voted by Parliament for that purpose.

Fees for assessors and members of board.

11. Notwithstanding any provision in any Act to the contrary, it shall not be necessary for the Constructing Authority to give any notice of his intention to blast any rock, nor shall he be liable to have an injunction issued to restrain him from causing or continuing to cause any nuisance by such blasting or by any other operation necessary or proper in connection with the construction of the said work.

Notice of intention to blast not necessary.

12. (1) Notwithstanding anything in the Public Works Act, 1912, to the contrary, any action for damage or injury caused by the carrying out of any work or the doing of anything under the authority of this Act (not being an action for compensation in respect of any land taken under the said authority) shall be heard and determined, when the amount claimed in such action exceeds one thousand pounds, by a Judge of the Supreme Court without

Certain actions may be determined by judge without jury.

without a jury, and when such amount does not exceed one thousand pounds by a Judge of the said Court or a District Court Judge without a jury.

(2) No such action may be brought unless a claim in writing setting out the nature of the damage or injury complained of has been served upon the Constructing Authority within twelve months after the carrying out of the work or the doing of the thing by reason of which the damage or injury complained of is alleged to have arisen.

If the Constructing Authority does not admit such claim or is unable to agree with the claimant as to the amount of compensation to be paid, he may by notice in writing require the claimant to bring an action for the prosecution of such claim, and such action shall be commenced within twelve months from the date of such notice.

13. The Constructing Authority or any person authorised by him in writing may at any reasonable hour in the day time enter any land or building along or near to the line of the said work and inspect the same and make measurements and drawings and take photographs thereof and take such other measures as he may think necessary to ascertain the construction and condition of any such building: Constructing Authority may enter land, building, &c.

Provided that notice shall be given to the person in occupation of such land or building at least twenty-four hours before such entry.

14. The Governor may, by notice in the Gazette, declare that this section shall apply to any purchases made before the commencement of this Act by or on behalf of the Minister for Public Works of any lands therein mentioned, and thereupon as from the respective dates of such purchases such purchases shall be deemed to have been and to be valid and to have been made by the said Minister as Constructing Authority for a work authorised by this Act, and the provisions of this Act shall be deemed to have applied in respect of such purchases and of such lands as if such provisions were in force on the said dates respectively. Validation certain purchases.

SCHEDULE.

SCHEDULE.

The City Railway.

THE railway, comprising two up and two down tracks, bifurcated at stations, junctions with the existing railway system near the northern end of the Redfern Railway Station, adjacent to the Wells-street overbridge, and proceeds thence along the surface of the ground to Central Station. From Central Station to the southern building line of Goulburn-street the railway will be above ground. From Goulburn-street the four tracks diverge, two continuing along the western side of the city underground to the eastern building line of Harrington-street, and thence above ground to Circular Quay, and two continuing along the eastern side of the city underground to the western building line of Macquarie-street, and thence above ground to Circular Quay, forming a complete two track loop railway around the city. A double-line loop connects the western and eastern tracks between Liverpool-street and the Town Hall Stations. Open

Open air stations to be constructed at Central Station, and above the wharves at Circular Quay, and underground stations in front of the Town Hall, under George-street, under Wynyard Square, and under Hyde Park, near St. James' road and Liverpool-street.

The total length, inclusive of sidings, surburban connections and connecting loop, is 16 miles 52 chains of single track, of which 7 miles 66 chains are above ground and 8 miles 66 chains are below ground, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Eastern Suburbs Railway to Bondi.

This railway, double track throughout, connects with the city railway between Circular Quay and St. James' stations by means of two junctions and proceeds underground through the Outer Domain to Sir John Young Crescent, where it emerges from the ground and passes on viaduct over Woolloomooloo to King's Cross; thence underground to Womerah-avenue. The railway then proceeds on viaduct to Glenmore-road, Paddington; thence in tunnel and cut and cover to Wallis-street; thence on viaduct parallel to Grafton-street, which it crosses between Grosvenor and Junction streets; and thence under Oxford-street to the station near Bondi Junction.

Stations to be provided at King's Cross, Glenmore-road, Paddington, Edgecliffe, and Bondi, all of which are open-air stations except King's Cross, which will be partly open-air and partly underground.

The total length, inclusive of sidings and junctions, is 7 miles 60 chains of single track, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Western Suburbs Railway to Weston road.

This railway, double track throughout, junctions with the main suburban railway between Stanmore and Petersham stations, proceeds along railway property, and thence by tunnel and cut and cover to

Parramatta-road

Parramatta-road, under which it passes near Norton-street; thence by open cut to the Glebe Island goods railway, over which it passes near Balmain-road; the railway then proceeds in open cut to Ryan-street; thence by viaduct and open cut to a station near Weston-road, Balmain.

Open-air stations to be provided at Annandale, Leichhardt, Rozelle, and Weston-road.

The total length, inclusive of sidings and junctions, will be 5 miles 44 chains of single track, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Power.

Electric power for operating the above railways, and cables for the transmission of power.

Sydney: William Applegate Gullick, Government Printer.—1915.

[1s.]

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

W. S. MOWLE,
Acting Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 12 *August,* 1915.

New South Wales.

ANNO SEXTO

GEORGII V REGIS.

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Act No. , 1915.

An Act to sanction and provide for the construction of electric railways in the City of Sydney, and certain suburbs thereof: to provide for the use of such works by the Constructing Authority and other persons; to validate certain purchases; for purposes consequent thereon or incidental thereto; and for such purposes to amend the Public Works Act, 1912, and certain other Acts.

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1. This Act may be cited as the "City and Suburban Electric Railways Act, 1915." Short title.

2. The work described in the Schedule to this Act is hereby sanctioned and shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, but the provisions of sections thirty-four, thirty-five, thirty-six, and thirty-seven of that Act shall not apply to the said work, and the provisions of section thirty-eight shall apply to any contracts for carrying out such work. Work sanctioned

3. The Minister for Public Works, or the member of the Executive Council for the time being performing the duties of the said Minister, is hereby authorised to undertake and carry out the said work, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers and duties of a Constructing Authority within the meaning of the Public Works Act, 1912. Constructing Authority.

4. The plan of the said work is the plan marked "The City and Suburban Electric Railways," signed by the Constructing Authority, and countersigned by the Director-General of Public Works and the Chief Engineer for Metropolitan Railway Construction, and deposited in the public office of the Constructing Authority. Plan of work.

5. The cost of carrying out the work described in the Schedule to this Act, estimated at six million four hundred thousand pounds (exclusive of land resumptions), shall be defrayed from such Loan Votes as are now, or may hereafter be, applicable to that purpose, or from appropriations of the Public Works Fund, or partly from such votes and partly from the said appropriations, and shall not under any circumstances exceed such estimate by more than ten per centum. Cost, how to be defrayed.

6. The said lines of railway and cables for the transmission of power may be constructed under, over, along, or by the side of any public road or highway, or any public place. Railways constructed over roads, &c.

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7. The Constructing Authority and any persons authorised by him may use the said work, or any part thereof, before it is transferred to the Chief Commissioner for Railways and Tramways, and run thereon carriages or waggons propelled or drawn by any motive power, and the net receipts therefrom shall be paid into the Treasury. Constructing Authority may use work.

8. For the purposes of this Act, but not otherwise, the following amendments and additions shall be made in the Public Works Act, 1912, that is to say:— Amendments of Public Works Act, 1912.

(1) Section thirty-nine is amended by adding thereto the following:— Sec. 39

"In the application of this section and in any matters or proceedings provided for in this Act, and consequent on such application, the word 'land' shall include an easement or right of using the subsoil or under-surface of any land for the purpose of carrying out the authorised work."

(2) Section forty-seven is amended by adding thereto the following subsection:— Sec. 47.

(3) The Constructing Authority shall cause a a valuation of the land or of the estate or interest of any claimant therein to be made in accordance with the provisions of this Act, and shall inform the claimants of the amount of such valuation by notice in the form of the Seventh Schedule to this Act: Provided that any such valuation may within ninety days after service of the notice thereof as aforesaid be varied by notification to the claimant of such variation.

(3) Section ninety-eight is amended as follows:— Sec. 98.

(a) at the end of subsection one insert the following:—

Land may be superfluous within the meaning of this section although the subsoil or under-surface of the land is used or required for the purposes of the work.

In any sale of superfluous land the Constructing Authority may reserve an easement or a right of using any part of the land.

(b)

(b) In subsection three, before "public works" insert "authorised works or", and omit the words "not exceeding fifty years".

(4) The following is added to section one hundred and three :— Sec. 103.

"Provided that any such valuation may within ninety days after service of the said notice of valuation, be varied by notification to the claimant of such variation."

(5) Subsection two of section one hundred and four is repealed and the following inserted in its place :— Sec. 104.

(2) Any such action shall be tried by a judge of the said court in Sydney, without a jury. Such judge shall be assisted by two assessors, one of whom shall be appointed by the Constructing Authority, and the other by the Lord Mayor of the city of Sydney. Such assessors shall have power to advise, but not to adjudicate.

(6) Subsection one of section one hundred and five is amended by omitting the words "four hundred pounds," and inserting in lieu thereof the words "one thousand pounds." Sec. 105.

(7) The following proviso is added to subsection two of section one hundred and five :— Sec. 105.

Provided that no action under this section shall be tried before a jury, but the District Court Judge shall be assisted by two assessors, one of whom shall be appointed by the Constructing Authority and the other by the Lord Mayor of Sydney; such assessors shall have power to advise, but not to adjudicate.

(8) The following section is inserted next after section one hundred and five :—

105A. If it appears to the Judge of the Supreme Court or to the District Court judge before whom any action for compensation under this Act is tried that any question has arisen upon which the assessors appointed under this Act and summoned to attend upon the New s. 105A.

the trial of such action are not skilled to advise him, he may admit expert evidence upon such question, any rule of law to the contrary notwithstanding.

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If the amount of the verdict in such action is equal to or less than the amount of such valuation the claimant shall pay the costs of the action.

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(2) Upon the trial of the said action, both the costs thereof and the costs of and 25 incidental to the arbitration shall be determined and allocated by a comparison of the respective amounts of the claim, the valuation, and the verdict, in the manner directed by section one hundred and six of this Act as amended by the 30 said Act.

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The third paragraph (second proviso) of the 40 same section is amended by striking out the words " by notification in the Gazette ".

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(13) Section one hundred and twenty-five is amended by adding thereto the following subsection :— Sec. 125.

(2) Notwithstanding anything in the last preceding section the compensation to be paid for and in respect of the acquiring or taking under this Act of the interest of a lessee or licensee from the Crown or from the Sydney Harbour Trust Commissioners, shall not exexceed twice the annual rental payable to the Crown or the said Commissioners at the time of such acquisition or taking, or where part only of the land leased is acquired or taken, twice the amount which may be fairly apportioned as the annual rental payable as aforesaid, in respect of such part, together with the value of any improvements the property of such lessee or licensee then being upon the land, and compensation (if any) for severance.

(14) Section one hundred and twenty-six is amended by inserting at the end of subsection two the following :— Sec. 126.

" Provided that such interest shall not be paid for any period during which delay in fixing the amount of compensation or in completing title has been caused by the act or default of the person to whom such compensation is payable."

(15) Section one hundred and thirty-eight is amended by adding thereto the following :— Sec. 138.

" Provided that where an easement beneath the surface or a right of using the subsoil or under-surface of any land is taken, such easement or right shall not be deemed part of a house, or other building, or manufactory ".

(16) Section one hundred and fifty-one is repealed and the following is substituted for it :— Sec. 151.

151. The Constructing Authority shall, by advertisement in the Gazette and in one or more of the Sydney newspapers published at least thirty days before commencing the said railways,

railways, or any part thereof, give notice that it is intended to make the said railways between the places therein specified according to a map or plan to be seen in the office of the Constructing Authority at Sydney and at the offices of the clerks of petty sessions of the districts through which such railways are intended to be made; and in case any material deviation from the said line indicated in such map or plan is at any time afterwards deemed by the Governor to be desirable, the like notices shall be given by the Constructing Authority relative to the proposed deviation.

(17) Paragraphs (b) and (c), and subsection three of section eighty-two, sections eighty-six, eighty-seven, eighty-eight, subsection two of section eighty-nine, sections ninety, ninety-one, ninety-two, ninety-five, ninety-seven, subsection three of section one hundred and twenty-six, and section one hundred and fifty-two are repealed. Repeal secs. 82, 86, 87, 88, 89, 90, 91, 92, 95, 97, 126, and 152.

9. All private rights of way over any lands which may under the powers of this Act be acquired compulsorily shall from the date of such acquisition be extinguished: Provided that the Constructing Authority shall make full compensation to all parties interested in respect of any such rights, and such compensation shall be settled in manner provided by the Public Works Act, 1912 (as amended by this Act), with reference to the taking of lands otherwise than by agreement. Right of way, s. 18, London Electric Railway Act.

10. The Constructing Authority shall not be required to make any accommodation works for the convenience of persons of whose lands he may have taken possession, nor for the convenience of persons using any road, street, or lane under or over which the said railways may be carried, or which may be closed or partly closed for the purpose of constructing the said railway or any works to be carried out in connection therewith. But the Constructing Authority may carry out such accommodation works as he may think reasonable or desirable under the circumstances, and shall Accommodation works not required.

shall in constructing the said railways cause as little inconvenience as may reasonably be, having regard to the circumstances.

11. Notwithstanding any provision in any Act to the contrary, it shall not be necessary for the Constructing Authority to give any notice of his intention to blast any rock, nor shall he be liable to pay damages for any nuisance arising out of such blasting, or for any nuisance arising out of any other operation necessary or proper in connection with the construction of the said work, nor have an injunction issued to restrain him from causing any such nuisance.

Notices not required. No liability for nuisances in carrying out work.

12. (1) Notwithstanding anything in the Public Works Act, 1912, to the contrary, any claim under section ninety-six of the said Act for compensation for damage caused by the carrying out of any work or other matter done under the authority of this Act (not being a claim for compensation in respect of any land or any estate or interest, easement or right therein taken under the said authority) shall be heard and determined by a board of three persons, namely, two appointed by the Governor, one of whom shall be chairman, and one appointed by the Lord Mayor of Sydney. Such board may make such orders for carrying out such determination and such order as to the costs of the parties in any proceedings before it as it considers just. Such costs may be taxed by the Prothonotary of the Supreme Court.

Compensation for damage caused by carrying out provisions of Act.

(2) The determination of a majority of the members of such board shall be final and conclusive.

Where any order of such board directs the payment of any money, such board may issue a certificate under the hand of its chairman of the making of such order. On the filing of such certificate in the Supreme Court, execution may, without further or other process, be issued out of such court as upon a judgment or order of such court for the sum mentioned in such certificate, together with the fees for filing the certificate and the fees and costs of issuing execution.

When such certificate has been filed as aforesaid, all proceedings consequent on a judgment or order given or

made in the Supreme Court shall apply as if the order of the board were a judgment or order of the Supreme Court.

(3) Every such claim shall be made within two years of the carrying out of that portion of the work through which the damage complained of is alleged to have arisen.

13. Every assessor appointed in pursuance of this Act and every member of a board appointed under the last preceding section shall for every day during which he is engaged upon any case or in attendance waiting to perform his duties on any case be paid the sum of five pounds five shillings out of moneys to be voted by Parliament for that purpose.

Fees for assessors and members of board.

14. The Governor may, by notice in the Gazette, declare that this section shall apply to any purchases made before the commencement of this Act by or on behalf of the Minister for Public Works of any lands therein mentioned, and thereupon as from the respective dates of such purchases such purchases shall be deemed to have been and to be valid and to have been made by the said Minister as Constructing Authority for a work authorised by this Act, and the provisions of this Act shall be deemed to have applied in respect of such purchases and of such lands as if such provisions were in force on the said dates respectively.

Validation of certain purchases.

SCHEDULE.

The City Railway.

THE railway, comprising two up and two down tracks, bifurcated at stations, junctions with the existing railway system near the northern end of the Redfern Railway Station, adjacent to the Wells-street overbridge, and proceeds thence along the surface of the ground to Central Station. From Central Station to the southern building line of Goulburn-street the railway will be above ground. From Goulburn-street the four tracks diverge, two continuing along the western side of the city underground to the eastern building line of Harrington-street, and thence above ground to Circular Quay, and two continuing along the eastern side of the city underground to the western building line of Macquarie-street, and thence above ground to Circular Quay, forming a complete two track loop railway around the city. A double-line loop connects the western and eastern tracks between Liverpool-street and the Town Hall Stations. Open

Open air stations to be constructed at Central Station, and above the wharves at Circular Quay, and underground stations in front of the Town Hall, under George-street, under Wynyard Square, and under Hyde Park, near St. James' road and Liverpool-street.

5 The total length, inclusive of sidings, surburban connections and connecting loop, is 16 miles 52 chains of single track, of which 7 miles 66 chains are above ground and 8 miles 66 chains are below ground, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

10 *Eastern Suburbs Railway to Bondi.*

This railway, double track throughout, connects with the city railway between Circular Quay and St. James' stations by means of two junctions and proceeds underground through the Outer Domain to Sir John Young Crescent, where it emerges from the ground and passes on 15 viaduct over Woolloomooloo to King's Cross; thence underground to Womerah-avenue. The railway then proceeds on viaduct to Glenmore-road, Paddington; thence in tunnel and cut and cover to Wallis-street; thence on viaduct parallel to Grafton-street, which it crosses between Grosvenor and Junction streets; and thence under Oxford-street to the 20 station near Bondi Junction.

Stations to be provided at King's Cross, Glenmore-road, Paddington, Edgecliffe, and Bondi, all of which are open-air stations except King's Cross, which will be partly open-air and partly underground.

The total length, inclusive of sidings and junctions, is 7 miles 60 25 chains of single track, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Western Suburbs Railway to Weston-road.

This railway, double track throughout, junctions with the main suburban railway between Stanmore and Petersham stations, proceeds 30 along railway property, and thence by tunnel and cut and cover to Parramatta-road, under which it passes near Norton-street; thence by open cut to the Glebe Island goods railway, over which it passes near Balmain-road; the railway then proceeds in open cut to Ryan-street; thence by viaduct and open cut to a station near Weston-road, 35 Balmain.

Open-air stations to be provided at Annandale, Leichhardt, Rozelle, and Weston-road.

The total length, inclusive of sidings and junctions, will be 5 miles 44 chains of single track, and is subject to such diversions and 40 modifications as may be considered desirable by the Constructing Authority.

Power.

Electric power for operating the above railways, and cables for the transmission of power.

Sydney: William Applegate Gullick, Government Printer.—1915.

New South Wales.

ANNO SEXTO

GEORGII V REGIS.

* *

Act No. 29, 1915.

An Act to sanction and provide for the construction of electric railways in the City of Sydney, and certain suburbs thereof: to provide for the use of such works by the Constructing Authority and other persons; to validate certain purchases; for purposes consequent thereon or incidental thereto; and for such purposes to amend the Public Works Act, 1912, and certain other Acts. [Assented to, 13th October, 1915.]

City and Suburban Electric Railways.

BE it 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 :—

Short title.

1. This Act may be cited as the "City and Suburban Electric Railways Act, 1915."

Work sanctioned.

2. The work described in the Schedule to this Act is hereby sanctioned and shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, but the provisions of sections thirty-four, thirty-five, thirty-six, and thirty-seven of that Act shall not apply to the said work, and the provisions of section thirty-eight shall apply to any contracts for carrying out such work.

Constructing Authority.

3. The Minister for Public Works, or the member of the Executive Council for the time being performing the duties of the said Minister, is hereby authorised to undertake and carry out the said work, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers and duties of a Constructing Authority within the meaning of the Public Works Act, 1912.

Plan of work.

4. The plan of the said work is the plan marked "The City and Suburban Electric Railways," signed by the Constructing Authority, and countersigned by the Director-General of Public Works and the Chief Engineer for Metropolitan Railway Construction, and deposited in the public office of the Constructing Authority.

Cost, how to be defrayed.

5. The cost of carrying out the work described in the Schedule to this Act, estimated at six million four hundred thousand pounds (exclusive of land resumptions), shall be defrayed from such Loan Votes as are now, or may hereafter be, applicable to that purpose, or from appropriations of the Public Works Fund, or partly from such votes and partly from the said appropriations, and shall not under any circumstances exceed such estimate by more than ten per centum.

Railways constructed over roads, &c.

6. The said lines of railway and cables for the transmission of power may be constructed under, over, along, or by the side of any public road or highway, or any public place.

7.

7. The Constructing Authority and any persons authorised by him may use the said work, or any part thereof, before it is transferred to the Chief Commissioner for Railways and Tramways, and run thereon carriages or waggons propelled or drawn by any motive power, and the net receipts therefrom shall be paid into the Treasury. Constructing Authority may use work.

8. For the purposes of this Act, but not otherwise, the following amendments and additions shall be made in the Public Works Act, 1912, that is to say:— Amendments of Public Works Act, 1912.

(1) The following section is inserted next after section four of the Principal Act:—

4A. The provisions of this Act relating to the acquisition of land shall also apply to the acquisition of an easement or right to use the subsoil or the under-surface of land, whether such easement or right is acquired separately from or together with any land.

(2) Section forty-seven is amended by adding thereto the following subsection:— Sec. 47.

(3) The Constructing Authority shall cause a a valuation of the land or of the estate or interest of any claimant therein to be made in accordance with the provisions of this Act, and shall inform the claimants of the amount of such valuation by notice in the form of the Seventh Schedule to this Act: Provided that any such valuation may within ninety days after service of the notice thereof as aforesaid be varied by notification to the claimant of such variation.

(3) Section ninety-eight is amended as follows:— Sec. 98.

(a) at the end of subsection one insert the following:—

Land may be superfluous within the meaning of this section although the subsoil or under-surface of the land is used or required for the purposes of the work.

In any sale of superfluous land the Constructing Authority may reserve an easement or a right of using any part of the land.

(b)

(b) In subsection three, before "public works" insert "authorised works or", and omit the words "not exceeding fifty years".

Sec. 103. (4) The following is added to section one hundred and three :—

"Provided that any such valuation may within one hundred and twenty days after service of the said notice of valuation be varied by notification to the claimant of such variation."

Sec. 104. (5) Subsection two of section one hundred and four is repealed and the following inserted in its place :—

(2) Any such action shall be tried by a judge of the said court in Sydney, without a jury.

Sec. 105. (6) Subsection one of section one hundred and five is amended by omitting the words "four hundred pounds," and inserting in lieu thereof the words "one thousand pounds."

Sec. 105. (7) The following proviso is added to subsection two of section one hundred and five :—

Provided that no action under this section shall be tried before a jury.

Sec. 106. (8) Subsection one of section one hundred and six is repealed, and the following inserted in its place :—

106. (1) If the verdict in any action of compensation under the provisions of this Division of this Act is for an amount exceeding the amount of the valuation last notified to the claimant, and less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the proportion of his costs which the excess of the amount of the verdict over such valuation bears to the excess of the claim over such valuation.

If the amount of the verdict in such action is equal to or greater than the amount of such claim the Constructing Authority shall pay the costs of the action.

If

If the amount of the verdict in such action is equal to or less than the amount of such valuation the claimant shall pay the costs of the action.

(9) Subsections one and two of section one hundred and eighteen are repealed, and the following subsection is inserted in their place :— Sec. 118.

(1) If the amount awarded exceeds the amount of the valuation last notified to the claimant, and is less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the proportion of his costs of and incidental to the arbitration, as settled by the arbitrators, which the excess of the amount awarded over such valuation bears to the excess of the claim over such valuation.

If the amount awarded is equal to or greater than the amount of such claim, the Constructing Authority shall pay the costs of and incidental to the arbitration, as settled by the arbitrators.

If the amount awarded is equal to or less than the amount of such valuation, the claimant shall pay the costs of and incident to the arbitration, so settled as aforesaid.

(10) Section one hundred and twenty-three is repealed, and the following inserted in its place :— Sec. 123.

123. (1) If the compensation awarded by the arbitrators exceeds three hundred pounds, and either party is dissatisfied with the award, and desires to have the compensation settled by the Supreme Court or a district court, and within fourteen days after the making of the award and notice thereof signifies such desire by notice in writing to the other party, then no steps shall be taken to enforce performance of the award, but the claimant shall proceed by action in the Supreme Court or in a district court in the manner directed by sections one hundred and four and one hundred and five of this Act as amended by the City and Suburban Electric Railway Act, 1915.

(2)

(2) Upon the trial of the said action, both the costs thereof and the costs of and incidental to the arbitration shall be determined and allocated by a comparison of the respective amounts of the claim, the valuation, and the verdict, in the manner directed by section one hundred and six of this Act as amended by the said Act.

Sec. 124. (11) Section one hundred and twenty-four is amended by substituting the word "judges" for the word "jury" and by omitting "at the time notice was given or notification published, as the case may be" and substituting the words "immediately before the passing of the City and Suburban Electric Railways Act, 1915."

The third paragraph (second proviso) of the same section is amended by striking out the words "by notification in the Gazette".

Sec. 126. (12) Section one hundred and twenty-six is amended by inserting at the end of subsection two the following:—

"Provided that such interest shall not be paid for any period during which delay in fixing the amount of compensation or in completing title has been caused by the act or default of the person to whom such compensation is payable."

Sec. 138. (13) Section one hundred and thirty-eight is amended by adding thereto the following:—

"Provided that where an easement beneath the surface or a right of using the subsoil or under-surface of any land is taken, such easement or right shall not be deemed part of a house, or other building, or manufactory".

Sec. 151. (14) Section one hundred and fifty-one is repealed and the following is substituted for it:—

151. The Constructing Authority shall, by advertisement in the Gazette and in one or more of the Sydney newspapers published at least thirty days before commencing the said railways,

railways, or any part thereof, give notice that it is intended to make the said railways between the places therein specified according to a map or plan to be seen in the office of the Constructing Authority at Sydney and at the offices of the clerks of petty sessions of the districts through which such railways are intended to be made; and in case any material deviation from the said line indicated in such map or plan is at any time afterwards deemed by the Governor to be desirable, the like notices shall be given by the Constructing Authority relative to the proposed deviation.

(15) Paragraphs (b) and (c), and subsection three of section eighty-two, sections eighty-six, eighty-seven, eighty-eight, subsection two of section eighty-nine, sections ninety, ninety-one, ninety-two, ninety-five, ninety-seven, subsection three of section one hundred and twenty-six, and section one hundred and fifty-two are repealed. Repeal secs. 82, 86, 87, 88, 89, 90, 91, 92, 95, 97, 126, and 152.

9. All private rights of way over any lands which may under the powers of this Act be acquired compulsorily shall from the date of such acquisition be extinguished: Provided that the Constructing Authority shall make full compensation to all parties interested in respect of any such rights, and such compensation shall be settled in manner provided by the Public Works Act, 1912 (as amended by this Act), with reference to the taking of lands otherwise than by agreement. Right of way, s. 18, London Electric Railway Act.

10. The Constructing Authority shall not be required to make any accommodation works for the convenience of persons of whose lands he may have taken possession, nor for the convenience of persons using any road, street, or lane under or over which the said railways may be carried, or which may be closed or partly closed for the purpose of constructing the said railway or any works to be carried out in connection therewith. But the Constructing Authority may carry out such accommodation works as he may think reasonable or desirable under the circumstances, and shall Accommodation works not required.

shall in constructing the said railways cause as little inconvenience as may reasonably be, having regard to the circumstances.

Notice of intention to blast not necessary.

11. Notwithstanding any provision in any Act to the contrary, it shall not be necessary for the Constructing Authority to give any notice of his intention to blast any rock, nor shall he be liable to have an injunction issued to restrain him from causing or continuing to cause any nuisance by such blasting or by any other operation necessary or proper in connection with the construction of the said work.

Certain actions may be determined by judge without jury.

12. (1) Notwithstanding anything in the Public Works Act, 1912, to the contrary, any action for damage or injury caused by the carrying out of any work or the doing of anything under the authority of this Act (not being an action for compensation in respect of any land taken under the said authority) shall be heard and determined, when the amount claimed in such action exceeds one thousand pounds, by a Judge of the Supreme Court without a jury, and when such amount does not exceed one thousand pounds by a Judge of the said Court or a District Court Judge without a jury.

(2) No such action may be brought unless a claim in writing setting out the nature of the damage or injury complained of has been served upon the Constructing Authority within twelve months after the carrying out of the work or the doing of the thing by reason of which the damage or injury complained of is alleged to have arisen.

If the Constructing Authority does not admit such claim or is unable to agree with the claimant as to the amount of compensation to be paid, he may by notice in writing require the claimant to bring an action for the prosecution of such claim, and such action shall be commenced within twelve months from the date of such notice.

Constructing Authority may enter land, building, &c.

13. The Constructing Authority or any person authorised by him in writing may at any reasonable hour in the day time enter any land or building along or near to the line of the said work and inspect the same and make measurements and drawings and take photographs

photographs thereof and take such other measures as he may think necessary to ascertain the construction and condition of any such building :

Provided that notice shall be given to the person in occupation of such land or building at least twenty-four hours before such entry.

14. The Governor may, by notice in the Gazette, declare that this section shall apply to any purchases made before the commencement of this Act by or on behalf of the Minister for Public Works of any lands therein mentioned, and thereupon as from the respective dates of such purchases such purchases shall be deemed to have been and to be valid and to have been made by the said Minister as Constructing Authority for a work authorised by this Act, and the provisions of this Act shall be deemed to have applied in respect of such purchases and of such lands as if such provisions were in force on the said dates respectively. Validation of certain purchases.

SCHEDULE.

The City Railway.

The railway, comprising two up and two down tracks, bifurcated at stations, junctions with the existing railway system near the northern end of the Redfern Railway Station, adjacent to the Wells-street overbridge, and proceeds thence along the surface of the ground to Central Station. From Central Station to the southern building line of Goulburn-street the railway will be above ground. From Goulburn-street the four tracks diverge, two continuing along the western side of the city underground to the eastern building line of Harrington-street, and thence above ground to Circular Quay, and two continuing along the eastern side of the city underground to the western building line of Macquarie-street, and thence above ground to Circular Quay, forming a complete two track loop railway around the city. A double-line loop connects the western and eastern tracks between Liverpool-street and the Town Hall Stations.

Open air stations to be constructed at Central Station, and above the wharves at Circular Quay, and underground stations in front of the Town Hall, under George-street, under Wynyard Square, and under Hyde Park, near St. James' road and Liverpool-street.

City and Suburban Electric Railways.

The total length, inclusive of sidings, surburban connections and connecting loop, is 16 miles 52 chains of single track, of which 7 miles 66 chains are above ground and 8 miles 66 chains are below ground, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Eastern Suburbs Railway to Bondi.

This railway, double track throughout, connects with the city railway between Circular Quay and St. James' stations by means of two junctions and proceeds underground through the Outer Domain to Sir John Young Crescent, where it emerges from the ground and passes on viaduct over Woolloomooloo to King's Cross; thence underground to Womerah-avenue. The railway then proceeds on viaduct to Glenmore-road, Paddington; thence in tunnel and cut and cover to Wallis-street; thence on viaduct parallel to Grafton-street, which it crosses between Grosvenor and Junction streets; and thence under Oxford-street to the station near Bondi Junction.

Stations to be provided at King's Cross, Glenmore-road, Paddington, Edgecliffe, and Bondi, all of which are open-air stations except King's Cross, which will be partly open-air and partly underground.

The total length, inclusive of sidings and junctions, is 7 miles 60 chains of single track, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Western Suburbs Railway to Weston-road.

This railway, double track throughout, junctions with the main suburban railway between Stanmore and Petersham stations, proceeds along railway property, and thence by tunnel and cut and cover to Parramatta-road, under which it passes near Norton-street; thence by open cut to the Glebe Island goods railway, over which it passes near Balmain-road; the railway then proceeds in open cut to Ryan-street; thence by viaduct and open cut to a station near Weston-road, Balmain.

Open-air stations to be provided at Annandale, Leichhardt, Rozelle, and Weston-road.

The total length, inclusive of sidings and junctions, will be 5 miles 44 chains of single track, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Power.

Electric power for operating the above railways, and cables for the transmission of power.

By Authority:
WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1915.
[9*d*.]

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

W. S. MOWLE,
Acting Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 5 *October,* 1915.

New South Wales.

ANNO SEXTO

GEORGII V REGIS.

* *

Act No. 29, 1915.

An Act to sanction and provide for the construction of electric railways in the City of Sydney, and certain suburbs thereof; to provide for the use of such works by the Constructing Authority and other persons; to validate certain purchases; for purposes consequent thereon or incidental thereto; and for such purposes to amend the Public Works Act, 1912, and certain other Acts. [Assented to, 13th October, 1915.] BE

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

THOS. H. THROWER,
Chairman of Committees of the Legislative Assembly.

City and Suburban Electric Railways.

BE it 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 :—

Short title.

1. This Act may be cited as the "City and Suburban Electric Railways Act, 1915."

Work sanctioned.

2. The work described in the Schedule to this Act is hereby sanctioned and shall be deemed to be an authorised work within the meaning of the Public Works Act, 1912, but the provisions of sections thirty-four, thirty-five, thirty-six, and thirty-seven of that Act shall not apply to the said work, and the provisions of section thirty-eight shall apply to any contracts for carrying out such work.

Constructing Authority.

3. The Minister for Public Works, or the member of the Executive Council for the time being performing the duties of the said Minister, is hereby authorised to undertake and carry out the said work, subject to the provisions of this Act, and for that purpose shall be, and shall have the powers and duties of a Constructing Authority within the meaning of the Public Works Act, 1912.

Plan of work.

4. The plan of the said work is the plan marked "The City and Suburban Electric Railways," signed by the Constructing Authority, and countersigned by the Director-General of Public Works and the Chief Engineer for Metropolitan Railway Construction, and deposited in the public office of the Constructing Authority.

Cost, how to be defrayed.

5. The cost of carrying out the work described in the Schedule to this Act, estimated at six million four hundred thousand pounds (exclusive of land resumptions), shall be defrayed from such Loan Votes as are now, or may hereafter be, applicable to that purpose, or from appropriations of the Public Works Fund, or partly from such votes and partly from the said appropriations, and shall not under any circumstances exceed such estimate by more than ten per centum.

Railways constructed over roads, &c.

6. The said lines of railway and cables for the transmission of power may be constructed under, over, along, or by the side of any public road or highway, or any public place.

7.

7. The Constructing Authority and any persons authorised by him may use the said work, or any part thereof, before it is transferred to the Chief Commissioner for Railways and Tramways, and run thereon carriages or waggons propelled or drawn by any motive power, and the net receipts therefrom shall be paid into the Treasury. Constructing Authority may use work.

8. For the purposes of this Act, but not otherwise, the following amendments and additions shall be made in the Public Works Act, 1912, that is to say:— Amendments of Public Works Act, 1912.

(1) The following section is inserted next after section four of the Principal Act:—

4A. The provisions of this Act relating to the acquisition of land shall also apply to the acquisition of an easement or right to use the subsoil or the under-surface of land, whether such easement or right is acquired separately from or together with any land.

(2) Section forty-seven is amended by adding thereto the following subsection:— Sec. 47.

(3) The Constructing Authority shall cause a a valuation of the land or of the estate or interest of any claimant therein to be made in accordance with the provisions of this Act, and shall inform the claimants of the amount of such valuation by notice in the form of the Seventh Schedule to this Act: Provided that any such valuation may within ninety days after service of the notice thereof as aforesaid be varied by notification to the claimant of such variation.

(3) Section ninety-eight is amended as follows:— Sec. 98.

(a) at the end of subsection one insert the following:—

Land may be superfluous within the meaning of this section although the subsoil or under-surface of the land is used or required for the purposes of the work.

In any sale of superfluous land the Constructing Authority may reserve an easement or a right of using any part of the land.

(b)

(b) In subsection three, before "public works" insert "authorised works or", and omit the words "not exceeding fifty years".

Sec. 103. (4) The following is added to section one hundred and three :—

"Provided that any such valuation may within one hundred and twenty days after service of the said notice of valuation be varied by notification to the claimant of such variation."

Sec. 104. (5) Subsection two of section one hundred and four is repealed and the following inserted in its place :—

(2) Any such action shall be tried by a judge of the said court in Sydney, without a jury.

Sec. 105. (6) Subsection one of section one hundred and five is amended by omitting the words "four hundred pounds," and inserting in lieu thereof the words "one thousand pounds."

Sec. 105. (7) The following proviso is added to subsection two of section one hundred and five :—

Provided that no action under this section shall be tried before a jury.

Sec. 106. (8) Subsection one of section one hundred and six is repealed, and the following inserted in its place :—

106. (1) If the verdict in any action of compensation under the provisions of this Division of this Act is for an amount exceeding the amount of the valuation last notified to the claimant, and less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the proportion of his costs which the excess of the amount of the verdict over such valuation bears to the excess of the claim over such valuation.

If the amount of the verdict in such action is equal to or greater than the amount of such claim the Constructing Authority shall pay the costs of the action.

If

If the amount of the verdict in such action is equal to or less than the amount of such valuation the claimant shall pay the costs of the action.

(9) Subsections one and two of section one hundred and eighteen are repealed, and the following subsection is inserted in their place :— Sec. 118.

(1) If the amount awarded exceeds the amount of the valuation last notified to the claimant, and is less than the amount of the claim of the claimant, the Constructing Authority shall pay to the claimant the proportion of his costs of and incidental to the arbitration, as settled by the arbitrators, which the excess of the amount awarded over such valuation bears to the excess of the claim over such valuation.

If the amount awarded is equal to or greater than the amount of such claim, the Constructing Authority shall pay the costs of and incidental to the arbitration, as settled by the arbitrators.

If the amount awarded is equal to or less than the amount of such valuation, the claimant shall pay the costs of and incident to the arbitration, so settled as aforesaid.

(10) Section one hundred and twenty-three is repealed, and the following inserted in its place :— Sec. 123.

123. (1) If the compensation awarded by the arbitrators exceeds three hundred pounds, and either party is dissatisfied with the award, and desires to have the compensation settled by the Supreme Court or a district court, and within fourteen days after the making of the award and notice thereof signifies such desire by notice in writing to the other party, then no steps shall be taken to enforce performance of the award, but the claimant shall proceed by action in the Supreme Court or in a district court in the manner directed by sections one hundred and four and one hundred and five of this Act as amended by the City and Suburban Electric Railway Act, 1915. (2)

(2) Upon the trial of the said action, both the costs thereof and the costs of and incidental to the arbitration shall be determined and allocated by a comparison of the respective amounts of the claim, the valuation, and the verdict, in the manner directed by section one hundred and six of this Act as amended by the said Act.

Sec. 124. (11) Section one hundred and twenty-four is amended by substituting the word "judges" for the word "jury" and by omitting "at the time notice was given or notification published, as the case may be" and substituting the words "immediately before the passing of the City and Suburban Electric Railways Act, 1915."

The third paragraph (second proviso) of the same section is amended by striking out the words "by notification in the Gazette".

Sec. 126. (12) Section one hundred and twenty-six is amended by inserting at the end of subsection two the following:—

"Provided that such interest shall not be paid for any period during which delay in fixing the amount of compensation or in completing title has been caused by the act or default of the person to whom such compensation is payable."

Sec. 138. (13) Section one hundred and thirty-eight is amended by adding thereto the following:—

"Provided that where an easement beneath the surface or a right of using the subsoil or under-surface of any land is taken, such easement or right shall not be deemed part of a house, or other building, or manufactory".

Sec. 151. (14) Section one hundred and fifty-one is repealed and the following is substituted for it:—

151. The Constructing Authority shall, by advertisement in the Gazette and in one or more of the Sydney newspapers published at least thirty days before commencing the said railways,

railways, or any part thereof, give notice that it is intended to make the said railways between the places therein specified according to a map or plan to be seen in the office of the Constructing Authority at Sydney and at the offices of the clerks of petty sessions of the districts through which such railways are intended to be made; and in case any material deviation from the said line indicated in such map or plan is at any time afterwards deemed by the Governor to be desirable, the like notices shall be given by the Constructing Authority relative to the proposed deviation.

(15) Paragraphs (b) and (c), and subsection three of section eighty-two, sections eighty-six, eighty-seven, eighty-eight, subsection two of section eighty-nine, sections ninety, ninety-one, ninety-two, ninety-five, ninety-seven, subsection three of section one hundred and twenty-six, and section one hundred and fifty-two are repealed. Repeal secs. 82, 86, 87, 88, 89, 90, 91, 92, 95, 97, 126, and 152.

9. All private rights of way over any lands which may under the powers of this Act be acquired compulsorily shall from the date of such acquisition be extinguished: Provided that the Constructing Authority shall make full compensation to all parties interested in respect of any such rights, and such compensation shall be settled in manner provided by the Public Works Act, 1912 (as amended by this Act), with reference to the taking of lands otherwise than by agreement. Right of way, s. 18, London Electric Railway Act.

10. The Constructing Authority shall not be required to make any accommodation works for the convenience of persons of whose lands he may have taken possession, nor for the convenience of persons using any road, street, or lane under or over which the said railways may be carried, or which may be closed or partly closed for the purpose of constructing the said railway or any works to be carried out in connection therewith. But the Constructing Authority may carry out such accommodation works as he may think reasonable or desirable under the circumstances, and shall Accommodation works not required.

shall in constructing the said railways cause as little inconvenience as may reasonably be, having regard to the circumstances.

Notice of intention to blast not necessary.

11. Notwithstanding any provision in any Act to the contrary, it shall not be necessary for the Constructing Authority to give any notice of his intention to blast any rock, nor shall he be liable to have an injunction issued to restrain him from causing or continuing to cause any nuisance by such blasting or by any other operation necessary or proper in connection with the construction of the said work.

Certain actions may be determined by judge without jury.

12. (1) Notwithstanding anything in the Public Works Act, 1912, to the contrary, any action for damage or injury caused by the carrying out of any work or the doing of anything under the authority of this Act (not being an action for compensation in respect of any land taken under the said authority) shall be heard and determined, when the amount claimed in such action exceeds one thousand pounds, by a Judge of the Supreme Court without a jury, and when such amount does not exceed one thousand pounds by a Judge of the said Court or a District Court Judge without a jury.

(2) No such action may be brought unless a claim in writing setting out the nature of the damage or injury complained of has been served upon the Constructing Authority within twelve months after the carrying out of the work or the doing of the thing by reason of which the damage or injury complained of is alleged to have arisen.

If the Constructing Authority does not admit such claim or is unable to agree with the claimant as to the amount of compensation to be paid, he may by notice in writing require the claimant to bring an action for the prosecution of such claim, and such action shall be commenced within twelve months from the date of such notice.

Constructing Authority may enter land, building, &c.

13. The Constructing Authority or any person authorised by him in writing may at any reasonable hour in the day time enter any land or building along or near to the line of the said work and inspect the same and make measurements and drawings and take photographs

photographs thereof and take such other measures as he may think necessary to ascertain the construction and condition of any such building :

Provided that notice shall be given to the person in occupation of such land or building at least twenty-four hours before such entry.

14. The Governor may, by notice in the Gazette, declare that this section shall apply to any purchases made before the commencement of this Act by or on behalf of the Minister for Public Works of any lands therein mentioned, and thereupon as from the respective dates of such purchases such purchases shall be deemed to have been and to be valid and to have been made by the said Minister as Constructing Authority for a work authorised by this Act, and the provisions of this Act shall be deemed to have applied in respect of such purchases and of such lands as if such provisions were in force on the said dates respectively. Validation of certain purchases.

SCHEDULE.

The City Railway.

THE railway, comprising two up and two down tracks, bifurcated at stations, junctions with the existing railway system near the northern end of the Redfern Railway Station, adjacent to the Wells-street overbridge, and proceeds thence along the surface of the ground to Central Station. From Central Station to the southern building line of Goulburn-street the railway will be above ground. From Goulburn-street the four tracks diverge, two continuing along the western side of the city underground to the eastern building line of Harrington-street, and thence above ground to Circular Quay, and two continuing along the eastern side of the city underground to the western building line of Macquarie-street, and thence above ground to Circular Quay, forming a complete two track loop railway around the city. A double-line loop connects the western and eastern tracks between Liverpool-street and the Town Hall Stations.

Open air stations to be constructed at Central Station, and above the wharves at Circular Quay, and underground stations in front of the Town Hall, under George-street, under Wynyard Square, and under Hyde Park, near St. James' road and Liverpool-street.

The

The total length, inclusive of sidings, surburban connections and connecting loop, is 16 miles 52 chains of single track, of which 7 miles 66 chains are above ground and 8 miles 66 chains are below ground, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Eastern Suburbs Railway to Bondi.

This railway, double track throughout, connects with the city railway between Circular Quay and St. James' stations by means of two junctions and proceeds underground through the Outer Domain to Sir John Young Crescent, where it emerges from the ground and passes on viaduct over Woolloomooloo to King's Cross; thence underground to Womerah-avenue. The railway then proceeds on viaduct to Glenmore-road, Paddington; thence in tunnel and cut and cover to Wallis-street; thence on viaduct parallel to Grafton-street, which it crosses between Grosvenor and Junction streets; and thence under Oxford-street to the station near Bondi Junction.

Stations to be provided at King's Cross, Glenmore-road, Paddington, Edgecliffe, and Bondi, all of which are open-air stations except King's Cross, which will be partly open-air and partly underground.

The total length, inclusive of sidings and junctions, is 7 miles 60 chains of single track, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Western Suburbs Railway to Weston-road.

This railway, double track throughout, junctions with the main suburban railway between Stanmore and Petersham stations, proceeds along railway property, and thence by tunnel and cut and cover to Parramatta-road, under which it passes near Norton-street; thence by open cut to the Glebe Island goods railway, over which it passes near Balmain-road; the railway then proceeds in open cut to Ryan-street; thence by viaduct and open cut to a station near Weston-road, Balmain.

Open-air stations to be provided at Annandale, Leichhardt, Rozelle, and Weston-road.

The total length, inclusive of sidings and junctions, will be 5 miles 44 chains of single track, and is subject to such diversions and modifications as may be considered desirable by the Constructing Authority.

Power.

Electric power for operating the above railways, and cables for the transmission of power.

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

G. STRICKLAND,
Governor.

State Government House,
Sydney, 13th October, 1915.