

Woolloomooloo Bay Land Reclamation.

No. III.

An Act to authorize the reclaiming and improving of Land in Woolloomooloo Bay. [7th October, 1862.]

WOOLLOOMOOLOO
BAY LAND
RECLAMATION.

WHEREAS it is expedient to reclaim and improve certain land lying beyond high-water mark in Woolloomooloo Bay Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. It shall be lawful for the Governor with the advice of the Executive Council to cause to be reclaimed from the waters of Port Jackson the land lying beyond high-water mark in Woolloomooloo Bay which is described in the Schedule hereto and either to let or sell the same or any part thereof by public auction in one lot or in separate allotments subject to such conditions reservations and restrictions as shall be deemed fit and to lay down construct or erect thereon or on any part thereof any streets roads jetties sewers or other public works or public buildings or any dwelling-houses shops stores or warehouses and either to apply the same to any public purposes or to let or sell as aforesaid any such dwelling-houses shops stores or warehouses from time to time subject to any conditions reservations or restrictions as aforesaid Provided that one month's previous notice of such reclamation and of any and every such work as aforesaid and of any and every such letting or sale shall be published in the *Gazette* And the whole net proceeds arising from any rent sale or letting as aforesaid shall be paid to the Colonial Treasurer and be by him carried to the Consolidated Revenue Fund of the Colony.

2. The owner of any land severed from immediate contact with the water in consequence of any such reclamation as aforesaid shall be entitled to compensation for the damage if any so sustained to his property and such damage shall in every case be determined by appraisement in manner hereinafter provided regard being had in such appraisement to any increased value conferred upon such land by any public work or other improvements now in course of construction or which may hereafter be constructed or erected under the provisions of this Act Provided that in such appraisement regard shall be had to the value of any reclamation or improvements made by the owners of such land and which may not have been or be alienated under the Crown Lands Alienation Act of 1861.

3. Every appraisement under this Act shall be conducted as follows :—

- (1.) The Minister for Lands or some person authorized in that behalf by him and the owner of the land may concur in the appointment of a single appraiser or in default of such concurrence each such party shall appoint an appraiser And every such appointment shall be made by the respective parties under their hands in writing and delivered to the appraiser or the appraisers as the case may be and shall be attached to the appraisement when made and shall be deemed a submission to appraisement by the parties making the same.
- (2.) After the making of any such appointment the same shall not be revoked without the consent of both parties nor shall the death of either party operate as a revocation.
- (3.) If for sixty days after a request in writing shall have been served by one party who has himself duly appointed an appraiser

Preamble.

Reclamation and improvement of land.

Proviso.

Compensation for damage sustained by reclamation.

Proviso

Appraisement.

Appointment of appraisers.

Once made not to be revoked.

Second not appointed first appraiser to act alone.

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Supplying accidental
vacancy of either
appraiser.

New appointment
instead of single
appraiser.

Appointment of
umpire.

When umpire to act.

Appraisement to be
final.

Appraiser may
require documents.

Costs.

Submission may be
made a Rule of
Court.
Declaration.

appraiser upon the other party accompanied by a copy of such appointment such other party fail to appoint an appraiser the one so first appointed shall act on behalf of both parties.

- (4.) If before the determination of any matter so referred either of two appraisers die or become incapable to act the party by whom he was appointed may appoint in writing in his stead another person who shall have the same powers and authorities and if such new appointment be not made within sixty days after a request in writing from the other party in that behalf the remaining appraiser may act alone.
- (5.) In case a single appraiser die or become incapable to act before the making of his appraisement or fail to make his appraisement within sixty days after his appointment or within such extended time if any not exceeding thirty days as shall have been duly fixed by him for that purpose by indorsement on the appointment the matter referred to him shall be again referred to appraisement as if no former appointment had been made.
- (6.) Where two appraisers shall have been appointed they shall before entering upon the appraisement appoint by writing under their hands an umpire and if such umpire die or become incapable to act another umpire in his stead and in case the appraisers neglect or refuse to appoint an umpire within thirty days after being requested so to do by any party to the reference the Minister for Lands or such authorized person as aforesaid may appoint an umpire.
- (7.) In case appraisers fail to make their appraisement within sixty days after the day on which the last of them was appointed or within such extended time if any not exceeding thirty days as shall have been duly appointed by them for that purpose the matter referred shall be determined by the umpire.
- (8.) Every appraisement in pursuance of this Act whether made by one appraiser two appraisers or by an umpire shall be final and conclusive upon all persons and to all intents and purposes.

4. Any appraiser or umpire appointed under this Act may require the production of such documents in the possession or power of any party to the reference as he may think necessary for determining the matter referred and may examine the parties as witnesses and any other witnesses on oath.

5. All costs of and consequent upon every reference to appraisement under this Act shall be in the discretion of the appraiser appraisers or umpire by whom the matter is determined.

6. Any submission to appraisement under this Act may be made a Rule of the Supreme Court on the application of either party thereto.

7. Before any appraiser or umpire shall enter upon the consideration of any matter referred to him under this Act he shall subscribe a declaration in the form following before a Justice of the Peace:—

I A. B. do solemnly and sincerely declare that I am not directly or indirectly interested in the matter referred to me and that I will faithfully honestly and to the best of my skill and ability hear and determine the matters referred to me under the "Woolloomooloo Bay Land Reclamation Act of 1862."

And such declaration shall be annexed to the appraisement when made.

Gunpowder Export Restriction.

8. Every appraisement under this Act shall be in writing and shall be transmitted to the Minister for Lands and deposited in his Office. ^{Requisites of appraisement.}

9. This Act shall be styled and may be cited as the "Woolloomooloo Bay Land Reclamation Act of 1862." ^{Short title.}

SCHEDULE.

That part of Woolloomooloo Bay commencing at the completed portion of the Circular Wharf in that Bay lying north-west from the north-west corner of Messrs. Elliott and Company's Coal Wharf and bounded on the north by that Circular Wharf now in course of erection to a point about two hundred and sixty feet south-easterly from the boat jetty on the west side of the Bay and thence by a line west to the original high water mark and on the west south and east by that original high water mark to its intersection with a line east from the point of commencement and by that line to the point of commencement.
