

An Act to authorise William Bragg, of Sydney, in the Colony of New South Wales, gentleman, his heirs, executors, administrators, and assigns, or any company duly registered for that purpose by agreement with the said William Bragg, his executors, administrators, or assigns, to construct and maintain a Tramway from a point to be determined on, near the Deepwater Railway Station, and connecting with the Great Northern Railway Line, parish of Deepwater, in the said Colony, to Mount Galena Silver-mines, in the parish of Gordon, county of Gough, *via* Tent Hill and Emmaville, at a point to be determined on in mineral lease application, number two thousand one hundred and seventy-five, in the parish and county last aforesaid, and to use steam or other motive power upon the said Tramway, and to carry passengers, goods, live stock, ore, and other things over the said Tramway, for hire, for the public generally, as well as for persons engaged in mining operations. [1st April, 1892.]

DEEPWATER AND  
MOUNT GALENA  
TRAMWAY.

WHEREAS large quantities of galena ore, minerals, fuel, and other materials exist at Mount Galena, parish of Gordon, county of Gough, as aforesaid; as also along and adjacent to the line of tramway: And whereas there are other mines in and near the said parish and county where there exist large quantities of minerals and

Preamble.

of

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of ore : And whereas the means of travelling between Mount Galena and the Deepwater Railway Station are insufficient for the convenience of the public : And whereas for the purpose of facilitating the carriage of the said galena ore, minerals, and other ores, fuel, and other materials, and for the carriage of passengers, goods, live-stock, and other things over the said tramway for hire for the public generally as well as for persons engaged in mining operations from the said localities to the Deepwater Railway Station, the said William Bragg is desirous of constructing a single or double line of tramway to be worked by steam or other motive power over, across, and along the route described in the Schedule hereto, from a point to be determined on near the Deepwater Railway Station connecting with the Great Northern Railway Line in the said Colony to Mount Galena silver-mines, parish and county aforesaid : And whereas such tramway cannot be made without Legislative authority : And whereas the construction of the said proposed tramway would be largely for the benefit of the mining as well as the general public, by materially assisting to lessen the expense of developing the great silver and other mining industries in the Mount Galena district : And it is therefore advisable to authorise, by Legislative enactment, the construction of the said proposed tramway, subject to the provisions hereinafter contained : 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 :—

Authority to construct tramway.

1. It shall be lawful for the said William Bragg, his heirs, executors, administrators, and assigns, or any company duly registered for that purpose by agreement with the said William Bragg, his heirs, executors, administrators, or assigns, upon the terms and conditions and subject to the provisions hereinafter contained, to make and construct and maintain a tramway for the carrying of the said galena ore, minerals, and other ore, fuel, and other materials, and passengers, goods, live stock, and other things for hire, from a point to be determined near the Deepwater Railway Station as aforesaid, to the said Mount Galena Silver-mine, in the said parish of Gordon as aforesaid, as also along the line of tramway, by the route, and over, across, and along the roads, streets, rivers, watercourses, lands, and reserves, both public and private, described in the Schedule hereto ; and to use so much of the said roads and streets, and to take and use so much of the lands and reserves, both public and private, as may be necessary for the purposes of such tramway, but so that the same shall not occupy in part thereof on public or private lands a greater space in breadth than ninety-nine feet, including the support and foundations thereof : Provided that it shall be lawful to deviate from the line of tramway described in the Schedule to this Act, on either side thereof, at any part thereof to a distance not exceeding one mile and a half, and the said tramway shall be constructed in a proper and workman-like manner to the satisfaction of the Engineer-in-Chief for railway construction.

Levels of line.

2. The gauge of the said tramway shall be four feet eight and a half inches, and where it traverses public thoroughfares shall be laid at about the general level of such thoroughfares and so that the rails shall not project above the surface thereof ; and the said William Bragg, his heirs, executors, administrators, or assigns shall maintain in perfect order and repair the said tramway, and the pavements of the same between the rails of the said tramway, and for the space of one foot six inches on each side of the said rails, and furthermore shall erect and maintain all necessary bridges and causeways in connection with the said tramway.

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3. The tramway and the material thereof shall not cease to be the property of the said William Bragg, his heirs, executors, administrators, and assigns, by reason of the same being laid as aforesaid.

Tramway to remain property of William Bragg, his heirs, executors, administrators, and assigns. Authorised persons to have rights over streets.

4. The said William Bragg, his heirs, executors, administrators, and assigns, and all other persons duly authorised, shall have all necessary rights over the roads, streets, and lands described in the Schedule to this Act as are required for the construction, repair, completion, and use of the said tramway, and for the erection, maintenance, and repair, and all necessary sidings and buildings in connection therewith: Provided that there shall be no interference with ordinary traffic beyond what is reasonable and necessary for such purpose.

5. The tramway shall be for the use of the public and of persons engaged in mining operations, and for the conveyance for hire of such galena ore and other minerals, ore and things as aforesaid from the said Mount Galena Silver-mine and other mines as aforesaid, as also along the line of tramway, and of stores and material for the public, for hire in connection with the said mines and tramway.

Carriage.

6. It shall be lawful for the said William Bragg, his heirs, executors, administrators, and assigns, his agents or servants, to carry passengers, goods, live stock, minerals, material, and other things over and along the said tramway for hire for the public generally, as well as for persons engaged in mining operations. The maximum tolls, rates, fares, and charges to be fixed by any by-laws made as aforesaid shall not exceed the following, that is to say:—

To carry passengers, &c., for hire.

Rates of fares and charges.

- (I) For passengers, a sum not exceeding twopence each per mile.
- (II) For goods, merchandise, chattels, and things other than live stock (in quantities not less than one ton) a sum not exceeding fourpence per ton per mile, and mineral ores not exceeding threepence per ton per mile.
- (III) For live stock (in quantities not less than one truck load) a sum not exceeding fourpence per head per mile for horses or horned cattle, and for sheep a sum not exceeding one half-penny per head per mile.

7. It shall be lawful for the said William Bragg, his executors, administrators, and assigns, to use and employ steam or other motive power, and carriages, waggons, or trucks to be drawn thereby upon the said tramway: Provided that all rolling stock before and during use shall be subject to the approval of the Commissioners for Railways.

To employ steam or other motive power.

8. It shall be lawful for the said William Bragg, his heirs, executors, administrators, and assigns, and his and their workmen and servants to enter upon the Railway Commissioners' property at a point about three hundred and forty-six miles from Newcastle where fence is broken, and run a line parallel with the existing railway, a distance of sixty chains to the railway station at Deepwater, the plans and work to be approved by the Railway Commissioners, and such payment to be made for the use of the land and station as may, in the opinion of the Railway Commissioners, be deemed reasonable. All works necessary in connection with the junction of railway line to be done by the Railway Commissioners at the expense of the company.

Authority to enter upon Railway Commissioners' property and construct line of railway.

9. In case of accidents or slips happening or being apprehended to the cuttings, embankments, or other works of the said tramway, it shall be lawful for the said William Bragg, his heirs, executors, administrators, and assigns, and his or their workmen and servants, to enter upon the lands 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 William Bragg, his heirs, executors, administrators, or assigns shall, within fourteen days after such entry, make a report to the Secretary for Public Works, specifying the nature of such accident or apprehended accident and of the works necessary to be done, and

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

such ;

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such powers shall cease and determine if the said Secretary shall, after considering the said report, certify that their exercise is not necessary for the public safety : Provided also that such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of such lands for the loss or injury or inconvenience sustained by them respectively by reason of such works, the amount of which compensation, in case of any dispute about the same, shall be settled by arbitrators in the manner hereinafter mentioned.

William Bragg,  
his heirs, executors,  
administrators, and  
assigns not entitled  
to minerals.

10. The said William Bragg, his heirs, executors, administrators, and assigns shall not be entitled to any mines of coal, slate, or other minerals under any land whereof the surface only is vested in him or them by virtue of this Act, except only such parts thereof as shall be necessary to be dug or carried away in the construction of the works hereby authorised, and such mines shall not be deemed to vest in the said William Bragg, his heirs, executors, administrators, and assigns : Provided that where such tramway passes over Crown Lands, the said William Bragg, his heirs, executors, administrators, and assigns shall pay to the Crown such annual rent, not exceeding two shillings per acre, for such Crown Lands passed over by such tramway as the Minister for Lands may direct.

Compensation to be  
settled by arbitration.

11. If within sixty days of the passing of this Act the said persons through whose land the tramway shall pass, or any of them, and the said William Bragg, his heirs, executors, administrators, or assigns shall not agree as to the amount of compensation to be paid by him or them for the said lands belonging to the said parties, or any of them, or for any damage that may be sustained by them or him, by reason of the execution of the works, or if any other question as to compensation shall arise under this Act, the amount of such compensation shall be settled by arbitrators in manner hereinafter mentioned (that is to say), unless both parties concur in the appointment of a single arbitrator, each party on the request of the other shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred ; and any appointment of an arbitrator shall be under the hand and seal of such person or persons respectively ; and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made ; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation ; and if for the space of fourteen days after such dispute or other matter shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party shall fail to appoint such arbitrator, then upon such failure it shall be lawful for the Attorney-General for the time being of the said Colony, on the application of the party who has himself appointed an arbitrator, to appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive : Provided that the said William Bragg shall compensate owners for all lands taken at such price as may be agreed upon or awarded by the arbitrators, together with interest at the rate of six pounds per centum per annum from date of resumption.

Proceedings in case  
of disability of  
arbitrator.

12. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable or refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing

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

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

14. If in either of the cases aforesaid the arbitrators shall refuse, or for seven days after request of either party to such arbitrators neglect to appoint an umpire, it shall be lawful for the Attorney-General for the time being, on the application of either party to such arbitration to appoint an umpire, and the decision of such umpire on the matters on which the arbitrators differ or which shall be referred to him under this Act shall be final. Neglect to appoint umpire.

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

16. If, when more than one arbitrator shall have been appointed, and when neither of them shall die, become incapable, refuse, or neglect to act as aforesaid, such arbitrators shall fail to make their award within fourteen days after the day on which the last of such arbitrators shall have been appointed, or within such extended term (if any) as shall have been appointed for that purpose by both of such arbitrators, under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid. Arbitrators failing to make their award, matters referred to umpire.

17. The said arbitrator or arbitrators, or his or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose. Arbitrators may order production of documents, &c.

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

I, A.B., do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability hear and determine the matters referred to me under the provisions of the "Deepwater and Mount Galena Tramway Act."

Made and subscribed in the presence of

C. D.

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

19. All the costs of any such arbitration and incident thereto shall be in the discretion of the arbitrators, and the costs of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth or more less than the amount which Cost of arbitration, how to be borne.

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Costs may be taxed.

which shall have been offered by the said William Bragg, his heirs, executors, administrators, or assigns, in which case the whole costs of the arbitration, and also the costs of and incident to the said arbitration, shall be paid by the claimant: Provided that, if either party shall be dissatisfied with the costs allowed by the said arbitrators as aforesaid, the costs may be taxed by the Prothonotary, or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid.

Arbitrators or umpire to deliver award to William Bragg, his heirs, executors, administrators, and assigns.

20. The arbitrator, arbitrators, or umpire shall deliver their or his award in writing to the said William Bragg, his heirs, executors, administrators, or assigns, who shall retain the same, and shall forthwith, on demand, at his or their own expense, furnish a copy thereof to the other party, and shall at all times, on demand, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose, and the amount awarded shall be paid within sixty days after the publication of the award.

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

Submission may be made a rule of Supreme Court.

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

Award not to be set aside for irregularity.

22. No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Compensation in cases of negligence.

23. The said William Bragg, his heirs, executors, administrators, or assigns shall make compensation and satisfaction, to be ascertained and recovered in case of difference in the manner hereby provided, for temporary, permanent, or recurring injury, and all other damage, loss, costs, charges, and inconvenience which may in anywise be occasioned to the owners and occupiers of the lands through which the said tramway shall pass by the non-performance or negligent performance by the said William Bragg, his heirs, executors, administrators, or assigns of any of the matters or things hereby required or authorised to be performed by them.

Compensation in cases of temporary possession.

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

Proceedings in absence of owner.

25. If the owner of any lands required to be taken for the construction of the said tramway is absent from the Colony, or cannot upon inquiry be found, or is under disability, or if any such lands are vested in persons who have respectively only limited or qualified interests therein, and who cannot enter into binding agreements with the said William Bragg, his heirs, executors, administrators, and assigns, for the purchase of such lands, or join in submitting their claims for compensation to arbitration as hereinbefore provided, the purchase money or compensation payable by the said William Bragg, his heirs, executors, administrators, or assigns, in respect of such lands, shall be determined by the valuation of a surveyor, to be nominated as hereinafter mentioned.

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26. Upon application by the said William Bragg, his heirs, executors, administrators, or assigns to two Justices, and upon such evidence as may be satisfactory to them that there is no person in the Colony or to be found who can enter into a binding contract with the said William Bragg, his heirs, executors, administrators, and assigns, or join with the said William Bragg, his heirs, executors, administrators, or assigns in submitting his claims for compensation to arbitration in respect of any lands required to be taken for the construction of the said tramway, such Justices shall by writing under their hands nominate a licensed surveyor for determining such compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

Justices to appoint surveyor in certain cases.

27. Before such surveyor shall enter upon the duty of making such valuation as aforesaid, he shall, in the presence of such Justices or one of them, make and subscribe the following declaration at the foot of such nomination, that is to say:—

Declaration by surveyor.

I, A.B., do solemnly and sincerely declare 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.

Made and subscribed in the presence of

A.B.

And if any such surveyor shall corruptly make such declaration, or having made such declaration shall wilfully act contrary thereto, he shall be guilty of a misdemeanour.

28. The said nomination and declaration shall be annexed to the valuation to be made by such surveyor, and shall be preserved together therewith by the said William Bragg, his heirs, executors, administrators, or assigns; and they shall at all times produce the said valuation and documents on demand to all parties interested in the lands comprised in such valuation.

Production of valuation, &c.

29. All the expenses of and incident to any such valuation shall be borne by the said William Bragg, his heirs, executors, administrators, or assigns.

Cost of valuation how borne.

30. If the amount of compensation determined by any such surveyor does not exceed the sum of fifty pounds, it shall, except in the cases where the owner is absent from the Colony, or cannot be found, be paid by the said William Bragg, his heirs, executors, administrators, and assigns to the person or persons for the time being entitled to the rents and profits of lands in respect whereof the same shall be payable for their own use and benefit, or in the case of the coverture, infancy, idiotcy, lunacy, or other incapacity of any such persons, then such money shall be paid for their use to their respective husbands, guardians, committees, or trustees of such persons.

Compensation not exceeding £50 how to be dealt with.

31. If the amount of compensation determined by any such surveyor as aforesaid exceeds the sum of fifty pounds, or in the cases where the owner is absent from the Colony, or cannot be found, whether it exceeds the sum of fifty pounds or not, it shall be paid by the said William Bragg, his heirs, executors, administrators, or assigns into the hands of the Master in Equity of the Supreme Court in the matter of this Act, in trust for the parties interested in the lands in respect of which it is paid in; and a certificate from the Master of the fact of the money being so paid in shall be a sufficient discharge to the said William Bragg, his heirs, executors, administrators, and assigns, for the money so paid: Provided that all moneys so paid in shall be dealt with by the Supreme Court in the same manner in all respects as moneys paid in under an Act passed in the twenty-first year of Her present Majesty, and entitled "*An Act for better securing Trust Funds,*"

Compensation how dealt with in absence of owner.

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*Funds, and for the relief of Trustees."* And shall be subject, in all respects, to the provisions of the said Act, and all rules of the said Court made thereunder.

Cases of dispute  
Sheriff may issue  
warrant.

32. If in any case in which, according to the provisions of this Act, the said William Bragg, his heirs, executors, administrators, and assigns is authorised to enter upon and take possession of any lands required for the purposes of the said tramway, the owner or occupier of any such lands, or any other person shall refuse to give up possession thereof, or hinder the said William Bragg, his heirs, executors, administrators, or assigns from entering upon or taking possession of the same, it shall be lawful for the said William Bragg, his heirs, executors, administrators, and assigns, to issue his or their warrant to the Sheriff to deliver possession of the same to the persons appointed by the said William Bragg, his heirs, executors, administrators, or assigns in such warrant to receive the same, and upon receipt of such warrant the Sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant to be settled by the Sheriff shall be paid by the party so refusing to give possession, and the amount of such costs shall be deducted and retained by the said William Bragg, his heirs, executors, administrators, and assigns from the compensation, if any, then payable to such person refusing to give possession, or if no such compensation shall be payable to such person, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond the amount of such compensation, if not paid on demand, shall be levied by distress, and upon application to any Justice of the Peace for that purpose he shall issue his warrant accordingly.

Service of notice on  
owners of lands.

33. All notices required to be served by the said William Bragg, his 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 Colony, or cannot be found after 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 of purchase  
of railway by  
Government.

34. At any time, after two years from the passing of this Act, the Governor, with the advice of the Executive Council, may, if he think fit, purchase such tramway, upon giving to the said William Bragg, his heirs, executors, administrators, and assigns, six months' notice, in writing, of his intention to do so. If the amount tendered for the purchase of the property be considered inadequate by the said William Bragg, his heirs, executors, administrators, and assigns, the amounts shall be ascertained by assessment in terms of the "Public Lands Acquisition Act."

Power to assign.

35. It shall be lawful for the said William Bragg, his heirs, executors, administrators, or assigns at any time, by any deed or instrument in writing, to assign and transfer all the rights, powers, privileges, benefits, and advantages conferred upon him or them by this Act to any person or persons or to any duly registered company, and upon any such transfer or assignment being signed or executed the person or persons or duly registered company in whose favour such transfer or assignment is made shall then stand in the place of the said William Bragg, his heirs, executors, administrators, or assigns, and shall have all the rights, powers, benefits, privileges, and advantages conferred upon the said William Bragg, his heirs, executors, administrators, and assigns by this Act.



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36. The hire and charges to be made under this Act by the said William Bragg, his heirs, executors, administrators, or assigns shall be in such terms and amounts, and shall be paid to such persons upon or near to the tramway, or in such manner and under such regulations as the said William Bragg, his heirs, executors, administrators, or assigns shall by notice appoint.

Hire to be paid as described by the said William Bragg, his heirs, &c.

37. Nothing in this Act contained shall be deemed to authorise the said William Bragg, his heirs, executors, administrators, or assigns to take or enter upon any land belonging to the said Commissioners, or to alter or to interfere with the Great Northern Railway, or any of the works thereof, between the said railway and tramway, without the previous consent, in writing in every instance, of the said Commissioners.

Not to interfere with railway.

38. The said Commissioners shall from time to time, at the expense of the said William Bragg, his heirs, executors, administrators, and assigns erect such signals and conveniences incident to the junction either upon their own lands or on the lands of the said William Bragg, his heirs, executors, administrators, or assigns, and may from time to time appoint and remove such watchmen, switchmen, or other persons as may be necessary for the prevention of danger to, or interference with, the traffic at or near the junction.

Erection of signals, &c.

39. The working and management of such signals and conveniences wherever situate, shall be under the exclusive regulation of the said Commissioners. Such sums shall be charged to the said William Bragg, his heirs, executors, administrators, or assigns, as in the opinion of the Railway Commissioners shall be reasonable for such service.

Management of signals.

40. It shall be lawful for the said William Bragg, his heirs, executors, administrators, or assigns, from time to time, subject to the approval of the Commissioners for Railways, and provisions and restrictions in this Act contained, to make regulations or by-laws for the following purposes, that is to say—

Power to make by-laws.

For regulating the times of the arrival and departure of the waggons and carriages, and the number of persons limited to be carried therein respectively. For regulating the loading or unloading of such waggons and carriages. For preventing the smoking of tobacco and the commission of any nuisance in or upon such waggons or carriages, or any of the tramway stations, waiting rooms, or premises, and generally for regulating the travelling upon, or using, and working the said tramway, and the maintenance of good order, and for regulating the conduct of the tramway officers and servants, and for providing for the due management of the said tramway, and the protection thereof, and the waggons and carriages, and other plant and machinery, and waiting rooms, offices, and premises from trespass and injury. For regulating and enforcing the payment of the hire and charges to be made under the Act by the said William Bragg, his heirs, executors, administrators, or assigns, as aforesaid. For regulating the carriage of minerals, ore, goods, and live stock, and other things on the said tramway.

And for better enforcing the observance of all or any of such regulations it shall be lawful for the said William Bragg, his heirs, executors, administrators, or assigns, to make by-laws for all or any of the aforesaid purposes, and from time to time to repeal or alter such by-laws and make new by-laws: Provided that such by-laws be not repugnant to the laws of the Colony or to the provisions of this Act: And the substance of such by-laws shall be painted on boards, or printed on paper and affixed to boards and places, and maintained in a legible state in some conspicuous part of every station or place of business occupied or used in connection with the tramway, according to the nature and subject matter of such by-laws, so that notice thereof may

Publication of by-laws.

be

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Penalties under  
by-laws

to be approved of by  
the Governor ;

to be binding on all  
parties.

Evidence of by-laws.

Railway Commis-  
sioners may appoint  
inspectors.

Accidents.

be given to all parties affected thereby, and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published and kept published as aforesaid. And such by-laws shall specify penalties, which shall in no case exceed the sum of ten pounds, and may be proceeded for and recoverable under the provisions of the Act eleventh and twelfth Victoria, chapter forty-three: Provided always that such by-laws must be first approved of by the Governor, with the advice of the Executive Council: Provided always that the said William Bragg, his heirs, executors, administrators, and assigns, his or their employees or servants, shall, when using or when upon the premises of the said railway, be liable and subject to the railway by-laws.

41. The production of a copy of the New South Wales *Government Gazette* containing such by-laws shall be sufficient evidence of such by-laws in all proceedings under the same.

42. The said Commissioners may from time to time appoint any person to be inspector, for the purpose of inspecting the tramway and of making any inquiry with respect to the condition of the works, or into the cause of any accident, provided that no person so appointed shall exercise any powers of interference in the affairs of the said William Bragg, his heirs, executors, administrators, or assigns, and every Inspector under this Act shall, for the purpose of any inspection or inquiry which he is directed by the Railway Commissioners to make or conduct, have the following powers, that is to say:—

- (i) He may enter and inspect the tramway and all the stations, works, buildings, offices, stock, plant, and machinery belonging thereto.
- (ii) He may, by summons under his hand, require the attendance of any person who is engaged in the management, service, or employment of the Company, and whom he thinks fit to call before him and examine for the said purpose, and may require answers or returns to such inquiries for the said purpose as he thinks fit to make.
- (iii) He may require and enforce the production of all books, papers, and documents of the Company which he considers important for the said purpose.

Where, in or about the tramway, or any of the works or buildings connected with such tramway, or any building or place, whether open or enclosed, occupied by the Company working such tramway, any of the following accidents take place in the course of working, that is to say:—

- (i) Any accident attended with loss of life or personal injury to any person whomsoever.
- (ii) Any collision where one of the trains is a passenger train.
- (iii) Any passenger train, or any part of a passenger train, accidentally leaving the rails.
- (iv) Any accident of a kind not comprised in the foregoing descriptions, but which is of such a kind as to have caused, or to be likely to cause, loss of life or personal injury, and which may be specified in that behalf by any order to be made from time to time by the Railway Commissioners.

The Company working such tramway shall send notice of such accident, and of the loss of life or personal injury (if any) occasioned thereby, to the Railway Commissioners.

Such notice shall be in such form and shall contain such particulars as the Railway Commissioners may from time to time direct, and shall be sent by the earliest practicable post after the accident takes place.

The Railway Commissioners may from time to time by order direct that notice of any class of accidents shall be sent to them by telegraph, and may revoke any such order. While such order is in force

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force notice of every accident of the class to which the order relates shall be sent to the Railway Commissioners by telegraph immediately after the accident takes place. Failure to comply with the provisions of this section shall render the Company liable for each offence to a penalty not exceeding twenty pounds.

43. The said William Bragg, his heirs, executors, administrators, or assigns shall not be entitled to any of the rights and privileges conferred upon them by this Act unless they shall have commenced the said tramway within the period of six months, and completed the same within the period of two years from the passing of this Act. Commencement and completion of work.

44. This Act may for all purposes be cited as the "Deepwater and Mount Galena Tramway Act of 1892." Short title.

## SCHEDULE.

Commencing on the Great Northern Railway, at about the three hundred and forty-six mile peg, near the Deepwater Station; and thence westerly about two hundred chains, passing through travelling stock reserve, measured portions numbered one hundred and four, one hundred and two, a roadway, measured portion numbered fifty-six, a roadway, and measured portion numbered twenty-five, a roadway, measured portions numbered sixty and sixty-one, in the parish of Deepwater, county of Gough; thence continuing in a westerly direction about four hundred and fifty chains, passing through measured portions numbered fifty-three, sixteen, fifteen, six hundred and five, a roadway, measured portion numbered six hundred and six, a roadway, measured portion numbered seventeen, a roadway, measured portions numbered six hundred and eight, sixty-four, six hundred and twenty-eight, a roadway, measured portion numbered forty-four, a roadway, measured portion numbered forty-five, a roadway, measured portion numbered forty-nine, a roadway, measured portion numbered fifty-one, parish of Wellington Vale, and county aforesaid; thence continuing westerly about two hundred and fifty-three chains, passing through measured portion numbered five hundred and eighty-five, water and forest reserve S33<sup>a</sup>, measured portion numbered twenty-nine, a roadway, measured portions numbered six hundred and eight, six hundred and seven, six hundred and six, seven hundred and two, twenty, nineteen, a roadway, parish of Tent Hill, county aforesaid; thence north-westerly about one hundred and fifty chains, passing through reserves numbered three hundred and sixty-seven, two hundred and fifty-three, one thousand two hundred and sixty-six, water and forest reserve S33<sup>a</sup>, reserve at Tent Hill, unsold allotments in Tent Hill village, measured portions numbered one hundred and four, one hundred and five, a roadway, one hundred and twenty-one, a roadway, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, a roadway, parish of Tent Hill aforesaid; thence in a south-westerly direction about four hundred and ninety chains, passing through measured portions numbered one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, a roadway, water and forest reserve S33<sup>a</sup>, parish of Tent Hill aforesaid, passing through measured portions numbered five hundred and forty, five hundred and forty-one, two hundred and fifty-six, two hundred and fifty-five, a roadway, two hundred and thirty-eight, two hundred and fifty-three, two hundred and twenty-one, two hundred and twenty-five, a roadway, two hundred and twenty-four, two hundred and twenty-seven, two hundred and twenty-eight, parish of Strathbogie, north county aforesaid; and passing through measured portion numbered one hundred and sixteen, a roadway, one hundred and nineteen, a roadway, one hundred and ninety-six, one hundred and eighty-nine, one hundred and eighty-eight, a roadway, five hundred and twenty, five hundred and twenty one, five hundred and twenty-two, five hundred and twenty-three, a roadway, five hundred and twenty-six, five hundred and twenty-seven, parish of Seone, county aforesaid; thence westerly about one hundred and thirty chains, passing through measured portions numbered seven hundred and eight, seven hundred and seven, seven hundred and six, a roadway, seven hundred and five, seven hundred and four, seven hundred and three, a roadway, parish of Strathbogie, county aforesaid; thence south-westerly about two hundred and thirty chains, passing through measured portions numbered six hundred and ninety-nine, six hundred and ninety-eight, six hundred and ninety-five, a roadway, twelve, a roadway, eleven, water and forest reserve S33<sup>a</sup>, mineral lease numbered thirty, measured portion numbered twenty-one, in the parish aforesaid; thence westerly about twenty chains, across the river Severn, passing through mineral leases numbered twenty-two, one thousand and twenty-three, in the parish of Gordon, county of Gough; thence south-westerly about eighty chains, passing through mineral leases numbered one thousand and twenty-two, one thousand and twenty-one, one thousand and twenty, travelling stock reserve six thousand three hundred and thirteen, in the parish aforesaid; thence south-westerly about forty chains, passing through travelling stock reserve numbered six thousand three hundred and thirteen, and into mineral lease application numbered two thousand one hundred and seventy-five, at the Mount Galena silver mines, in the parish aforesaid,—a total distance of about twenty-five miles forty-three chains.