

SIMPSON'S RAILWAY.

An Act to authorise the construction of an extension of the Railway commonly known as the Rosehill Railway, in three sections, from a point about nine chains seventy-five links from the northern end of the Rosehill Station Platform, crossing the Parramatta River, traversing the Districts of Rydalmere, Pennant Hills, Dundas, and Castle Hill, and terminating at Dural. [13th June, 1893.]

Preamble.

WHEREAS Benjamin Crispin Simpson, of Sydney, in the Colony of New South Wales, civil engineer, being the present proprietor of the railway from Clyde Station to the Parramatta River, known as the Rosehill Railway, is desirous of constructing an extension of such railway in three sections from a point about nine chains seventy-five links from the northern end of the Rosehill Station Platform; then crossing the Parramatta River; then traversing the districts of Rydalmere, Pennant Hills to a point north of the Pennant Hills Road, being three miles twenty-eight chains from the starting point, and being the first section of the said extension; thence traversing Dundas and Castle Hill to a point in the district of Castle Hill five miles twenty-four chains from the end of the first section, being the second section of the said extension; thence to a further point in the district of Dural three miles forty-one chains or thereabouts from the termination of the second section, being the third section of the said extension, such railway to run through certain private lands and certain streets described in the Schedule annexed hereto. And whereas it is desired to construct such railway extension for the purpose of making the Rosehill Railway of greater use, and for the further purpose of opening up a most fertile and valuable district now without railway facilities, and of giving better access to the inhabitants thereof

Simpson's Railway.

thereof and the public generally to Sydney and surrounding country : And whereas the increased facilities of communication and traffic which would result from the construction of the said proposed railway extension would be for the public convenience and benefit. And it is desirable to authorise by Legislative enactment the construction and maintenance of the said proposed railway extension 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 :—

1. It shall be lawful for the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, upon the terms and conditions, and subject to the provisions hereinafter contained, to make and construct a railway in extension of the present Rosehill Railway for conveying passengers and their luggage, and other goods and merchandise from a point about nine chains seventy-five links from the north end of the Rosehill Station Platform; thence by the lines described in the first part of the Schedule to this Act to a point north of the Pennant Hills Road, distant three miles twenty-eight chains from the starting point, and being the first section of the said extension. And upon the completion of the said first section to continue the said railway by the lines described in the second part of the Schedule to this Act to a point in the district of Castle Hill, distant five miles twenty-four chains from the termination of the said first section, and being the second section of the said extension. And upon the completion of the said second section to continue the said railway by the lines described in the third part of the Schedule to this Act to a point in the district of Dural, distant three miles forty-one chains or thereabouts from the termination of the second section, and being the third section of the said extension, and to use so much of the streets and take and use so much of the lands referred to in the said Schedule, as may be necessary for the purposes of such railway : Provided that the first section of the said railway shall be completely constructed between the points above indicated and brought into use within three years, and that the whole of the said railway shall be completely constructed and brought into use within five years from the passing of this Act. And the said railway shall be constructed in a proper and workmanlike manner, to the satisfaction of the Engineer-in-Chief for Railway Construction : Provided further that the said Benjamin Crispin Simpson shall within four months from the passing of this Act, lodge the sum of three thousand pounds with the Colonial Treasurer, and within twelve months from the passing of this Act, expend at least ten thousand pounds in the actual work of construction to the satisfaction of the Minister. In the event of the latter sum being expended as provided, then the said sum of three thousand pounds shall be returned, but in default of the expenditure of ten thousand pounds, then the said three thousand pounds shall be forfeited and become part of the Consolidated Revenue, and all rights and privileges granted under this Act shall cease.

2. It shall be lawful for the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, and all persons acting under him, them, or any of them to enter into and upon the streets or lands hereinbefore referred to, or any lands adjoining or contiguous thereto, and to survey, take levels, and stake or set out the same for the purpose of laying out the said railway extension and all other works connected therewith, and shall have all such other rights and privileges as are required or necessary for the construction, repair, completion, maintenance and use of the said railway.

Simpson's Railway.

Gauge.

3. The gauge of the said railway extension shall be same gauge as the Government Railways.

Level.

4. The railway shall throughout its course be laid so as to interfere as little as possible with the general level of the said streets and lands, and throughout the whole extent of the said extension shall be laid with rails subject to the approval of the Railway Commissioners.

Crossings.

5. Where the railway extension shall cross any public highway, parish road on a level, the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns shall erect, and at all times maintain, good and sufficient gates across such road on each side of the railway where the same shall communicate therewith, and shall employ proper persons to open and shut such gates, and such gates shall be kept constantly closed across such roads on both sides of the railway except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway, and such gates shall be of such dimensions and so constructed as, when closed, to fence in the railway and prevent cattle or horses passing along the road from entering upon the railway, and the persons entrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same under a penalty of forty shillings for every default therein: Provided always that it shall be lawful for the Secretary for Public Works or Railway Commissioners in any case in which they shall be satisfied that it will be more conducive to the public safety that the gates on any level crossing over any such road shall be kept closed across the railway to order that such gates shall be kept so closed instead of across the road. And in such case such gates shall be kept constantly closed across the railway except when engines or carriages passing along the railway shall have occasion to cross such road in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road. And further provided that the construction of all road crossings whether on the level, overhead, or subway shall be subject to the provisions of the "Public Works Act of 1888."

Tolls and charges to public.

6. The said railway extension shall be open to public use upon payment of the tolls or charges following, that is to say:—

For passengers, a sum not exceeding twopence per head per mile.

For goods and merchandise, rates and other charges not exceeding those charged on the Government railways:

Provided that the said tolls or charges may be increased with the approval of the Railway Commissioners.

Works for benefit of adjoining owners, &c.

7. The said Benjamin Crispin Simpson, his heirs, executors, and administrators, and assigns shall make, and at all times thereafter maintain for the accommodation of the owners and occupiers of lands adjoining the said railway, such and so many convenient gates, bridges, arches, culverts, and passages over, under, or by the sides of, or leading to or from the railway extension as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway extension shall be made, and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof. Sufficient posts, rails, hedges, ditches, mounds, or other fences for separating the land taken for the use of the railway extension from the adjoining lands not taken and protecting such lands from trespass or the horses or cattle of the owners or occupiers thereof from straying thereout by reason of the railway, together with all necessary gates made to open towards such adjoining lands and not towards the railway, and all necessary stiles, and such posts, rails, and other fences shall be made forthwith after the taking of any such lands,

Gates, &c.

Fences.

if

Simpson's Railway.

if the owners thereof shall so require, and the said other works as soon as conveniently may be. Also all necessary arches, tunnels, culverts, drains, or other passages either over or under or by the sides of the railway of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway or as nearly so as may be, and such works shall be made from time to time as the railway works proceed: Provided always that the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway, nor to make any accommodation works with respect to which the owners or occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of making them.

8. If any person omit to shut and fasten any gate set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands so soon as he and the carriages, cattle, or other animals under his care have passed through the same, he shall forfeit for every such offence any sum not exceeding ten pounds. Penalty on person omitting to fasten gates.

9. When the said railway crosses any road on the level, the said Benjamin Crispin Simpson, his heirs, executors, administrators, and assigns shall maintain in perfect order and repair the said railway and the metalling or roadway between the rails thereof and to the boundary fence on either side. Maintenance of roads.

10. The said Benjamin Crispin Simpson, his heirs, executors, administrators, and assigns shall in the exercise of the powers conferred upon him or them by this Act do as little damage as possible and immediately repair and make good any damage which may during or by reason of the construction of the said railway be occasioned to any sewer or drain, or gas or water-main, or other property, and shall also repair and make good all damages which may be occasioned by the working of the said railway. Repair of damage to sewers, &c.

11. It shall be lawful for the said Benjamin Crispin Simpson, his heirs, executors, administrators, and assigns, subject as aforesaid, to provide, use, and employ locomotive engines or other motive power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the said railway extension all such passengers and goods as shall be offered for that purpose, and to charge the tolls and charges in respect thereof as above specified: Provided that all rolling stock before and during use shall be subject to the approval of the Railway Commissioners. Locomotives, &c., to be employed.

12. The Railway Commissioners shall at all times hereafter, upon forty-eight hours' notice in writing to the said Benjamin Crispin Simpson, his heirs, executors, administrators, and assigns, have the right to run such locomotives, carriages, and trucks, whether loaded or unloaded, on and along the said railway extension, and for such period or periods or at such time or times as the said Railway Commissioners shall in the said notice specify: Provided always that the said Railway Commissioners shall not seriously interfere with the ordinary traffic of the said railway extension, nor deprive the public of the use thereof, and shall pay to the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns such rates or tolls for the exercise of such right as aforesaid as may be agreed upon between the said Railway Commissioners and the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, and in case of disagreement such rates or tolls shall be referred to arbitration in the manner hereinafter provided respecting questions of compensation. Running power to Railway Commissioners.

13. The Railway Commissioners may, from time to time, appoint any person for the purpose of inspecting the condition of the said Railway Commissioners may appoint inspector.

Simpson's Railway.

said railway, and of making any inquiry they shall deem necessary with respect thereto, or into the cause of any accident to any rolling stock of the said Commissioners running upon the said railway, and every such person appointed as aforesaid shall have the power to enter upon and inspect the said railway extension: Provided that no person so appointed shall interfere with the ordinary traffic of the said railway extension, nor deprive the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, or the public of the use thereof.

Liability of carriers.

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

Tolls to be paid as directed.

15. The tolls shall be paid to such persons and at such places upon or near to the railway, and in such manner and under such regulations as the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns shall appoint, subject to approval of the Railway Commissioners.

By-laws for use of railway.

16. It shall be lawful for the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns from time to time, subject to the approval of the Railway Commissioners, and subject to the provisions and restrictions in this Act contained to make by-laws for the following purposes, that is to say:—

For regulating the times of the arrival and departure of the carriages and trains and the number of persons to be carried therein.

For regulating the loading or unloading of carriages.

For preventing the smoking of tobacco and the commission of any nuisance in or upon such carriages or any of the railway stations, waiting-rooms, or premises.

And generally for issuing tickets regulating the travelling upon and working the said railway extension or any section thereof, and for the maintenance of good order, and for regulating the conduct of the railway officers and servants, and for providing for the due management of the said railway extension or any section thereof, and the protection thereof, and the carriages and waiting-rooms, offices, and premises from trespass and injury.

But no such by-law shall authorise the closing of the said railway extension or any section thereof between sunrise and sunset, except at any time when, in consequence of any of the works being out of repair or from any other sufficient cause, it shall be necessary to close the said railway extension or any section thereof: Provided that such by-laws be not repugnant to the laws of the Colony or to the provisions of this Act; and a copy of such by-laws shall be given to every officer and servant of the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns employed on the said railway extension or any section thereof, or affected by such by-laws, and such by-laws shall specify penalties which shall in no case exceed the sum of ten pounds: Provided always that the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, or his or their employees

or

Simpson's Railway.

or servants shall, when using or when upon the premises of the said railway extension or any section thereof, be liable and subject to the Government railway by-laws.

17. 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. Evidence of by-laws.

18. Before proceeding with the construction of the said railway extension or any section thereof, the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns shall give notice of the lands taken or required for the said railway to all the parties interested in the said land, or to such of them as shall be known to the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns. Every such notice shall state the particulars of the lands so taken or required as aforesaid. That the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns is or are willing to treat as to the compensation to be made to all parties for the lands taken or to be taken, and the damage sustained or to be sustained by them by the exercise of the powers conferred by the Act, and shall demand in the said notice from such parties, and the said parties are hereby required to deliver forthwith to the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof, and such other particulars in such form as may be prescribed together with an abstract of their title to such land, and if they claim in respect of damage the nature of the damage which they have sustained or will sustain by reason of the taking of such lands. Compensation for resumptions, &c.

19. All notices required to be served upon or given by the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns for the parties interested in or entitled to sell any such lands shall either be served personally on such parties or affixed in a conspicuous position upon the said land, and a copy of the said notice shall be published once a week for four consecutive weeks in a Sydney newspaper and similarly in the *Government Gazette*. Service of notices.

20. If for twenty-eight days after the service of such notice the persons through whose lands the railway shall pass or any of them omit to state the particulars of their or his claim in respect of such land, or fail to agree as to the amount of compensation to be paid by the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns for the interest in the said lands of such persons 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, but the persons or person claiming compensation shall not be at liberty to institute any proceeding for the recovery of the amount of his claim until after the expiration of fourteen days from the delivery of the particulars required by this Act to be furnished by them or him: Provided that if no claim be made within two years after personal service of such notice as aforesaid or seven years after notice has been affixed upon the land as hereinbefore provided by the party entitled to make such claim the same shall be deemed to have been abandoned. Arbitration clause.

21. When any question of disputed compensation or any other dispute shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to whom such dispute or other matter shall be referred, and every appointment of an arbitrator shall be executed by such party, and such appointment shall be Appointment of arbitrators.

Simpson's Railway.

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 the award of such arbitrator or arbitrators or umpire, if appointed as hereinafter provided, shall be final.

Default of failing to
appoint arbitrator.

22. If after any such dispute or other matter shall have arisen, and after a request in writing setting forth the matter to be referred to arbitration shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail for a period of fourteen days to appoint such arbitrator, then upon such failure it shall be lawful for the party making such request 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 matter which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final and conclusive.

Vacancy in
arbitration to be
supplied.

23. If before the matter so referred shall be determined any arbitrator appointed by either party shall die, or become incapable, or refuse, or for fourteen days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing in that behalf from the other party he fails 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.

Umpire.

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

Supreme Court Judge
to appoint umpire on
refusal, &c.

25. If in either of the cases aforesaid the arbitrator or arbitrators shall refuse, or for seven days after request of either party to such arbitration neglect to appoint an umpire, it shall be lawful for any Judge of the Supreme Court, 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 shall differ, or which shall be referred to him under this Act, shall be final.

Death of single
arbitrator.

26. If where 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.

If either arbitrator
refuse to act other to
proceed *ex parte*.

27. If where more than one arbitrator shall have been appointed, either of the arbitrators shall refuse, or for fourteen days neglect to act, the other arbitrator may proceed alone, and the decision of such other arbitrator shall be as effectual as if he had been a single arbitrator appointed by both parties.

If arbitrators fail to
make award within
twenty-one days
matter to go to
umpire.

28. If where more than one arbitrator shall have been appointed and where neither of them shall refuse or neglect to act as aforesaid such arbitrators shall fail to make their award within twenty-one days after

Simpson's Railway.

after the day on which the last of such arbitrators shall have been appointed for that purpose by both of such arbitrators under their hands the matter referred to them shall be determined by the umpire to be appointed as aforesaid.

29. The said arbitrators 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. Power to arbitrators to call for books, &c.

30. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall in the presence of a Justice of the Peace make and subscribe the following declaration, that is to say:— Arbitrators or umpire to make declaration for faithful discharge of duties.

I, A.B., do solemnly and sincerely declare that I will faithfully and honestly and to the best of my skill and ability herein determine the matters referred to me under the provisions of "Simpson's Railway Act." Made and subscribed in the presence of A.B.

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.

31. For the purpose of ascertaining the amount of compensation to be paid by the said Benjamin Crispin Simpson, his heirs, executors, administrators, and assigns regard shall in every case be had by the arbitrators or their umpire (as the case may be), not only to the value of the land to be taken but also to the damage (if any) to be sustained by the owner of the lands by reason of the severing of the lands taken from other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of any of the powers under this Act by the said Benjamin Crispin Simpson, his heirs, executors, administrators, and assigns, and they shall assess the same according to what they shall find to have been the value of such lands, estate, or interest at the time notice was given of such lands being required or having been taken: Provided always that in ascertaining the amount of such compensation, the arbitrators or their umpire shall take into consideration by way of set off or abatement any enlargement in the value of any land belonging to such owner, and so severed as aforesaid by the construction of the railway extension or any section thereof. Damage and severance to be considered by arbitrators.

32. All costs of any such arbitration and incident thereto to be settled by the arbitrators shall be borne by the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, unless the arbitrators shall award the same or a less sum than shall have been offered by the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, in which case each party shall bear his own costs incident to the arbitration, and the cost of the arbitrators shall be borne by the parties in equal proportions, unless the amount awarded shall be one-fourth less than the amount claimed, in which case the whole costs shall be paid by the claimant, and the arbitrators shall direct the payment thereof accordingly: Provided that if either party shall be dissatisfied with the costs allowed by the arbitrators as aforesaid, the costs may be taxed by the Prothonotary or other proper officer of the Supreme Court, and the amount allowed by such officer shall be the amount of costs to be paid. Costs of arbitration.

33. The arbitrators shall deliver their award in writing to the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, who shall retain the same, and shall forthwith on demand 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 Award to be delivered to Benjamin Crispin Simpson.

Simpson's Railway.

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 such award.

Submission may be made a rule of Court.

34. 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 void through error in form.

35. 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 for temporary, permanent, or recurring injuries.

36. The said Benjamin Crispin Simpson, 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 said owners or occupiers by the non-performance by the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns of any of the matters or things hereby required to be performed by them or otherwise.

Power for the Government to purchase railway.

37. It shall be lawful for the Governor, with the advice of the Executive Council, at any time after the purchase by the Government of the Rosehill Railway, under the powers in that behalf vested in him by "Bennett's Railway Act of 1886," by notice in writing addressed to the said Benjamin Crispin Simpson, or upon publication of a notification in terms of section twenty of the "Public Works Act," to require the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns to sell, and thereupon the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns shall sell to the Government, as the case may be, the said railway extension upon the terms of paying the then value (inclusive of compensation for compulsory sale not exceeding ten per centum) of the said railway extension, and all lands, buildings, works, materials, and plant of the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns suitable to, and used by him or them for the purposes of the said railway, such value in case of difference to be ascertained by arbitration in the manner provided by the forty-second and other sections subsequent thereto of the "Public Works Act of 1888," fifty-first Victoria number thirty-seven, for settling cases of disputed compensation, and subject to the terms and conditions therein contained. And when any such sale shall have been made to the said Government, the said railway, lands, buildings, works, materials, plant, and premises shall forthwith vest in the Railway Commissioners in the said Act mentioned, who shall have all the rights, powers, and authorities of the said Benjamin Crispin Simpson, his heirs, executors, administrators, and assigns in respect of the said railway so sold. If the railway hereby authorised shall cease to be worked as a railway for the conveyance of passengers and goods by the said Benjamin Crispin Simpson, his heirs, executors, administrators, or assigns, for twelve calendar months, the land, site and permanent way there shall, on proclamation by the Governor, with the advice of the Executive Council, vest in and become the absolute property of the Crown, without making any allowance or compensation, or paying any consideration in respect thereof to the Company, its successors or assigns.

Penalties, how recoverable.

38. All penalties imposed under this Act or under any by-laws made in pursuance thereof, shall be recoverable in a summary way before any Stipendiary or Police Magistrate or any two Justices of the Peace.

Short title.

39. This Act may be cited for all purposes as "Simpson's Railway Act of 1893."

Simpson's Railway.

THE SCHEDULE.

FIRST PART.

Commencing on the Rosehill railway at a point about nine chains seventy-five links from the northern end of the Rosehill station platform; thence in a north-easterly direction across the land enclosed for the said railway and belonging to the said Benjamin Crispin Simpson; thence bearing north-easterly through the property believed to belong to the Rosehill Racecourse Company to a road called South Avenue; thence across that road bearing north-easterly to the southern boundary of land believed to belong to Septimus Alfred Stephen, and believed to be leased to Charles Edward Jeanneret for a tramway line; thence across the said leased land bearing north-easterly to a road called North Avenue; thence across the said road bearing north-easterly to lands believed to belong to Robert Hudson bearing northerly to the western boundary of a reserved road; thence curving to a north-easterly direction along such road to the south-western boundary of lands believed to belong to William I. Ferris and I. Ferris; thence in a north-easterly direction across the said lands to the southern bank of the Parramatta River; thence in a north-easterly direction across the said Parramatta River to the southern boundary of lands believed to be dedicated by the Government for an asylum for the insane; thence across the said lands in a north-easterly direction to their eastern boundary; thence in a north-easterly direction through lands believed to belong to the trustees of Subiaco Convent to the southern boundary of a street called Victoria-street; thence in a northerly direction across the said street to its northern boundary; thence in a northerly and north-easterly direction through lands believed to belong to the trustees of Subiaco Convent to the western boundary of land believed to belong to Jonathan Wooster; thence in a north-easterly direction across the said lands to the southern boundary of a road called Kissing Point Road; thence in a north-easterly direction across the said road to its northern boundary; thence in a north-easterly direction across land believed to belong to Robert M'Cann to its eastern boundary; thence in a north-easterly direction through land believed to belong to G. McKillop to the western boundary of a reserved road; thence in a north-easterly direction across the said road to its eastern boundary; thence in a north-easterly (curving to a northerly and north-westerly) direction through lands believed to belong to Neil Harper to the western boundary of a road believed to be called Adderton Road; thence in a northerly direction across the said road to its eastern boundary; thence in a northerly direction through land believed to belong to George Hodge to its eastern boundary; thence in a northerly direction through lands believed to belong to Charles R. Mobbs to the eastern side of a road; thence curving to a north-easterly direction along the said road and through land believed to belong to Neil Harper, and also through land believed to belong to Enoch Smith, to the eastern boundary of the said road; thence curving to northerly and north-westerly directions through land believed to belong to Charles W. Mills to its northern boundary; thence in a northerly and north-westerly direction through lands believed to belong to Frederick C. Cox to its eastern boundary; thence in a north-easterly direction across land believed to belong to William Cox to the southern boundary of a road called Pennant Hills Road; thence in a north-easterly direction across the said road to its northern boundary; thence still in a north-easterly direction across land believed to belong to Frederick C. Cox to the southern boundary of a road; thence across the said road in a north-easterly direction to its northern boundary; thence bearing north-easterly across land believed to belong to Edwin Harris, and terminating at a point in the said land three miles twenty-eight chains distant from the point of commencement of the first section hereinbefore described.

SECOND PART.

Commencing at a point on the land of the said Edwin Harris hereinbefore described as the termination of the first section, traversing the said land in a north-easterly direction, also traversing the south-eastern corner of land believed to belong to Bertram Hope, and continuing in a north-easterly direction across the land of the said Edwin Harris to the northern boundary; thence in a north-easterly direction across the land believed to belong to Bertram Hope to the southern boundary of a lane, and traversing the said lane in a north-easterly direction to its northern boundary; thence bearing north-easterly across land believed to belong to George Mobbs, senior, to its eastern boundary, and traversing the north-west corner of land believed to belong to Captain George Harriett; thence curving to a northerly direction and crossing land believed to belong to Thomas F. Mackenzie to the southern boundary of a lane crossing the said lane in a northerly direction to its northern boundary bearing northerly across land believed to belong to the Carlingford Church of England or the trustees thereof, Frederick C. Cox, C. S. Gow, J. Francis, and W. Spurway to its northern boundary; thence bearing northerly across land believed to belong to Mrs. Sarah Allen to its northern boundary; thence bearing northerly across land believed to belong to the Reverend Frederick Hibberd to its northern boundary; thence bearing northerly through land believed to belong to Phillip Hockley to its northern boundary; thence bearing north-westerly through land believed to belong to James Smith, junior to the southern boundary of a road called the North Rocks Road, crossing the said road in a northerly direction to its northern boundary; thence crossing in a north-easterly direction across land believed to belong to Edward Marr to its northern boundary; thence bearing
northerly

Simpson's Railway.

northerly across land believed to belong to William Moseley, and believed to be leased to Phillip Hockley, to its northern boundary; thence crossing a road in a northerly direction to its northern boundary; thence bearing northerly across land believed to belong to George Marr to its northern boundary; thence bearing northerly across land believed to belong to George Smith to its northern boundary; thence bearing northerly and north-westerly across land believed to belong to Edwin Smith to its northern boundary; thence curving to a northerly direction across land believed to belong to James Smith, junior to the southern boundary of a road; thence crossing the said road in a northerly direction to its northern boundary; thence bearing northerly and north-westerly through land believed to belong to James Smith, senior, to its northern boundary; thence bearing northerly and curving north-westerly and westerly across land believed to belong to Albert Bond to its western boundary; thence bearing westerly through land believed to belong to Robert Shepherd to its western boundary; thence bearing westerly and north-westerly through land believed to belong to James Bellamy to the southern boundary of a road called the Castle Hill Road; thence bearing north-westerly across the said road to its northern boundary; thence bearing north-westerly across land believed to belong to John Hopkins to its western boundary; thence bearing north-westerly across land believed to belong to Edward Ebsworth to its western boundary; thence bearing north-westerly through land believed to belong to J. D. Fraser to its northern boundary; thence bearing north-westerly across land believed to belong to Albert Edward Aneleyark; thence bearing north-westerly across land believed to belong to Robert Gallard to the eastern boundary of a road called David Road; thence in a north-westerly direction across the said road to its western boundary; thence bearing north-westerly across land believed to belong to the Excelsior Land and Investment Company to its western boundary; thence curving westerly across land believed to belong to James E. Black to its western boundary; thence bearing westerly across land believed to belong to John Pratt to its southern boundary; thence bearing westerly across land believed to belong to Edward Moore to its southern boundary, and land believed to belong to Joseph Fuller to its western boundary; thence across the south-western corner of land believed to belong to C. J. Moore, and across the western end of a road believed to belong to John Pratt and Christopher J. Moore; thence bearing north-westerly across a road called the Dural Road to its western boundary; thence bearing northerly across land believed to belong to the Reverend John Bennett to its northern boundary; thence bearing northerly across glebe land believed to belong to the Lord Bishop of Sydney, and terminating at a point two chains from its southern boundary and five miles twenty-four chains from the commencement of the second section hereinbefore described.

THIRD PART.

Commencing at a point in the said land believed to belong to the Lord Bishop of Sydney, hereinbefore described as the termination of the second section, and traversing the said land in a northerly direction to its northern boundary; thence bearing northerly across land believed to belong to Thomas Williams to the southern boundary of a road called the Dural Road; thence bearing northerly across the said road to its northern boundary; thence bearing north-westerly across land believed to belong to Thomas Williams to its western boundary; thence bearing north-westerly across land believed to belong to George Newlands to its western boundary; thence bearing north-westerly across land believed to belong to Alfred Fuller to the eastern boundary of a road called the Dural Road; thence bearing north-westerly across the said road to its western boundary; thence by a curved line bearing north-westerly across land believed to belong to Thomas Fuller to its northern boundary; thence by a curved line bearing north-westerly and northerly across land believed to belong to the City and County Investment Building Company to the southern boundary of a road; thence bearing northerly across the said road to its northern boundary; thence by a curved line bearing north-easterly across land believed to belong to Edward Swannell to its northern boundary; thence bearing north-easterly across land believed to belong to Alfred Fuller to its northern boundary; thence bearing north-easterly and curving across land believed to belong to W. E. Williams to the western boundary of a road called the Dural Road; thence bearing northerly across the said road to its eastern boundary; thence by a curved line bearing north-easterly, northerly, and easterly across land believed to belong to W. E. Williams to the southern boundary of a road called the Dural Road; thence in an easterly direction across the said road to its northern boundary; thence bearing easterly across land believed to belong to W. E. Williams to its northern boundary; thence bearing easterly across land believed to belong to Henry Cusbert to its northern boundary; thence by a curved line bearing easterly to northerly and north-westerly across land believed to belong to George Mowels to its northern boundary; thence by a curved line bearing north-westerly to northerly across land believed to belong to S. J. Moore to its northern boundary; thence bearing northerly across land believed to belong to Edwin Fuller to the south-western boundary of a road called the Dural Road; thence bearing northerly across the said road to its north-eastern boundary; thence bearing northerly and curving north-westerly across lands believed to belong to S. J. Moore to its western and northern boundaries; thence bearing north-westerly across lands believed to belong to J. E. Jenstilius and to the Lord Bishop of Sydney to the terminus at the eastern boundary of the Dural Road.