ANNO QUARTO

EDWARDI VII REGIS.

A.D. 1904.

Private Act.

An Act to authorise the Northern Territories Mining and Smelting Company, Limited, to construct, maintain, and work, by steam traction or other mechanical means, a Tramway through, over, and along a certain strip or parcel of Crown Lands from the east side of the Iron Blow, on the land comprised in Gold Mining Lease No. 558, in the Northern Territory of South Australia, to the south-west corner of the land comprised in Mineral Lease, section No. 213, near Mount Ellison, in the said Northern Territory; and a Branch Tramway through, over, and along another strip or parcel of Crown Lands from the said Tramway to a Siding to the Grove Hill Station Yard of the Palmerston-Pine Creek Railway, and for that purpose to acquire from the Crown a Perpetual Lease (free from all existing encumbrances and leases) of portions of the said strips or parcels of Crown Lands situated along and being the route of the said proposed Tramways; and to validate all acts and works already done by the said Northern Territories Mining and Smelting Company, Limited, in and about the construction of the said proposed Tramways, and for other purposes.

[Assented to, November 24th, 1904.]

WHEREAS the Northern Territories Mining and Smelting Company, Limited, a Company duly incorporated under the laws of the United Kingdom of Great Britain and Ireland known as “The Companies
Companies Acts, 1862 to 1900," carries on near Grove Hill, in the Northern Territory, a large and extensive business in smelting, reducing, and refining mineral ores. And whereas the said Company has acquired certain mineral leases from the Crown of land near Mount Ellison, in the said Northern Territory, for the purpose of seeking for, winning, and obtaining gold and other metals and minerals therefrom: And whereas the ores, metals, and minerals obtainable from such leases require in their treatment at the smelters of the said Company, at near Grove Hill aforesaid, large quantities of ironstone for flux: And whereas the said Company has acquired certain other mineral leases from the Crown of certain mineral sections situate at the Iron Blow, in the county of Rosebery, in the said Northern Territory, for the purpose of obtaining therefrom ironstone flux and other metals and minerals: And whereas it is desirable that the said Company shall be at liberty to construct, maintain, and use tramways for traction by steam or other mechanical means for the conveyance of ores, metals, flux, supplies, materials, and other things between the said smelters and the lands comprised in the aforesaid mineral leases and a siding in the Grove Hill Station Yard of the Palmerston and Pine Creek Railway, and between each and every of them: And the said Company is willing at its own expense to construct, maintain, and work such tramways in accordance with certain plans deposited at the office of the Surveyor-General on the twenty-first day of September, one thousand nine hundred and four, but the authority of Parliament is requisite to enable the said Company so to do: And whereas great local and public advantage would arise from the construction, maintenance, and working of such tramways: And whereas it is desirable to confer upon the said Company all rights, powers, privileges, and immunities necessary or convenient for the construction, maintenance, and working of such tramways, and for that purpose to entitle the said Company to a lease in perpetuity from the Crown of certain strips or parcels of Crown lands along the route of the said proposed tramways, and which strips or parcels of Crown lands are more particularly delineated and shown in the said deposited plans—Be it therefore Enacted by the Governor of South Australia, with the advice and consent of the Parliament of the said State, as follows:

1. This Act may be cited as "The Northern Territories Mining and Smelting Company, Limited's, Iron Blow to Mount Ellison Tramway Act."

2. The clauses and provisions of "The General Tramways Act, 1884" (save so far as they are hereinafter varied or excepted, or are inconsistent with the provisions of this Act), shall be incorporated with this Act, and apply, so far as they may be applicable, to the tramways, works, and undertakings hereby authorised.

3. The Railways Clauses Consolidation Act shall not, nor shall any Acts amending the same, apply to the tramways, works, and undertakings hereby authorised.

4. In
4° EDWARDI VII, PRIVATE ACT.

The Northern Territories Mining and Smelting Company, Limited's,
Iron Blow to Mount Ellison Tramway Act.—1904.

4. In this Act, unless the contrary intention appears—

"The Company" means the Northern Territories Mining and
Smelting Company, Limited, its successors and assigns:

"The tramways" means the tramways by this Act authorised,
or any part thereof:

"The deposited plans" means the plan of the tramways and of
the Crown lands of which the Company are entitled by this
Act to acquire from the Crown a perpetual lease, which
plans were deposited in the office of the Surveyor-General,
at the Government Offices, Adelaide, on the twenty-first
day of September, one thousand nine hundred and four.

5. Subject to the provisions of this Act, the Company may make,
form, lay down, construct, maintain, and work on the lines and
levels shown in the deposited plans the tramways described in
section 6 of this Act, or such portion or portions thereof as the
Company may think expedient, with all proper rails, plates, works,
sidings, junctions, stations, locomotive sheds, houses, buildings,
approaches, and conveniences connected therewith, and all acts and
works already done by the Company, in and about the construction
thereof, are hereby validated.

6. The tramways authorised by this Act are as follows:—

A single line of tramway 12 miles 3 furlongs 5·73 chains in length,
as shown on the deposited plans.

The centre line of the said tramway commences at a point
marked " 00 " on the deposited plans situated on the east side of the
Iron Blow in gold mining lease No. 558, at a distance of 3 furlongs
9·94 chains on a magnetic bearing of 242° 48½' to Whyte's Hill, and
runs thence in a north-north-westerly direction on a magnetic bearing
of 355° 37½' for 1 furlong 0·10 chains to a point on the southern
boundary of gold mining lease, section No. 470, marked " A " on the
deposited plans.

The centre line of the said tramway then continues through the
said gold mining lease, section No. 470, on the said magnetic bear-
ing of 355° 37½' for a distance of 2·24 chains; thence on a curve to
the right of 2 furlongs radius for a distance of 7·10 chains; thence
on a magnetic bearing of 15° 06½' for a distance of 1 furlong
1·13 chains to the northern boundary of gold mining lease, section
No 470, marked " B " on the deposited plans.

The centre line of the said tramway then continues through
pastoral lease No. 1968 on the said magnetic bearing of 15° 06½'
for a distance of 1·66 chains; thence on a curve to the left of 2 fu-
longs radius for a distance of 8·18 chains; thence on a magnetic
bearing of 351° 41½' for a distance of 3 furlongs 5·28 chains;
thence on a curve to the left of 4 furlongs radius for a distance
of 7·58 chains; thence on a magnetic bearing of 340° 49½' for a
distance
distance of 1 furlong 5·41 chains to a point on the eastern boundary of gold mining lease No. 629, marked “C” on the deposited plans.

The centre line of the said tramway then continues through gold mining lease No. 629 on the said magnetic bearing of 340° 49½' for a distance of 4·92 chains; thence on a curve to the right of 6 chains radius through gold mining leases Nos. 629 and 628 for a distance of 6·47 chains; thence on a magnetic bearing of 45° 19' for a distance of 0·11 chains to a point on the eastern boundary of gold mining lease No. 628, marked “E” on the deposited plans.

The centre line of the said tramway then continues through pastoral lease No. 1968 on the said magnetic bearing of 45° 19' for a distance of 1 furlong 0·72 chains; thence on a curve to the left of 6 chains radius for a distance of 6 chains; thence on a magnetic bearing of 348° 02' for a distance of 3 furlongs 2·53 chains; thence on a curve to the right of 2 furlongs radius for a distance of 7·79 chains; thence on a magnetic bearing of 10° 19' for a distance of 1 furlong 4·96 chains; thence on a curve to the left of 8 furlongs radius for a distance of 6·09 chains; thence on a magnetic bearing of 5° 57' for a distance of 1·60 chains to the northern boundary of pastoral lease No. 1968, marked “I” on the deposited plans.

The centre line of the said tramway then continues through Crown lands on the said magnetic bearing of 5° 57' for a distance of 3·48 chains to the southern boundary of the Palmerston-Pine Creek railway reserve, marked “J1” on the deposited plans.

The centre line of the said tramway then continues through the said Palmerston-Pine Creek Railway Reserve on the said magnetic bearing of 5° 57' for a distance of 2·90 chains; thence on a curve to the left of two furlongs radius for a distance of 0·10 chains to the northern boundary of the said Palmerston-Pine Creek Railway Reserve, marked “J2” on the deposited plans.

The centre line of the said tramway then continues through Crown lands on the said curve to the left of 2 furlongs radius for a distance of 9·49 chains; thence on a magnetic bearing of 338° 28' for a distance of 1 mile 1 furlong 3·20 chains; thence on a curve to the left of 4 furlongs radius for a distance of 1 furlong 4·40 chains; thence on a magnetic bearing of 317° 51' for a distance of 3 furlongs 7·88 chains; thence on a curve to the right of 4 furlongs radius for a distance of 2 furlongs 0·36 chains; thence on a magnetic bearing of 347° 01' for a distance of 1 mile 7 furlongs 1·27 chains; thence on a curve to the left of 6 furlongs radius for a distance of 9·74 chains; thence on a magnetic bearing of 337° 43' for a distance of 1 mile 4 furlongs 6·54 chains; thence on a curve to the left of 1 furlong 6 chains radius for a distance of 9·26 chains; thence on a magnetic bearing of 304° 33' for a distance of 1 mile 2 furlongs 0·75 chains; thence on a curve to the left of 1 furlong 6 chains radius for a distance of 8·91 chains; thence on a magnetic bearing of 272° 57' for a distance of 6·84 chains; thence on a curve to the right of 6 furlongs radius for a distance of 7·19 chains;
thence on a magnetic bearing of 279° 49' for a distance of 1 furlong
3·30 chains; thence on a curve to the right of 2 furlongs radius for
a distance of 8·74 chains; thence on a magnetic bearing of 304° 52'
for a distance of 1 furlong 5·72 chains; thence on a curve to the
right of 1 furlong 6 chains radius for a distance of 9·52 chains;
thence on a magnetic bearing of 338° 57' for a distance of 2 furlongs
8·97 chains; thence on a curve to the right of 1 furlong 6 chains
radius for a distance of 8·24 chains; thence on a magnetic bearing
of 8° 26' for a distance of 2 furlongs 2·59 chains; thence on a curve
to the right of 1 furlong 2 chains radius for a distance of 8·94
chains; thence on a magnetic bearing of 51° 07' for a distance of
0·09 chains; thence on a curve to the left of 2 furlongs radius for
a distance of 6·42 chains; thence on a magnetic bearing of 32° 44'
for a distance of 1 furlong 6·80 chains; thence on a curve to the left
of 1 furlong 6 chains radius for a distance of 9·00 chains; thence on
a magnetic bearing of 00° 29' for a distance of 5 furlongs 5·22 chains
to the south-west corner of mineral lease, section No. 213, marked
"R" on the deposited plans, situated 4 furlongs 0·77 chains on a
magnetic bearing of 270° 12' from Mount Ellison (trigonometrical
station).

Branch Line to Grove Hill Station.

Also a single line of tramway 4 furlongs 2·13 chains in length,
as shown on the deposited plans.

The centre line of the said branch line starts at a point on the
Iron Blow-Mount Ellison Tramway distant 2 miles 8·25 chains from
starting point "OC" and marked "F" on the deposited plans, and
runs through pastoral lease No. 1968 on a curve to the right of 1
furlong 2 chains radius for a distance of 1 furlong 0·28 chains;
thence on a magnetic bearing of 59° 25' for a distance of 2 furlongs
4·93 chains to the southern boundary of the Palmerston-Pine Creek
Railway Grove Hill Station Yard, marked "G" on the deposited
plans.

The centre line of the said tramway then continues through the
said Grove Hill station yard on the said magnetic bearing of
59° 25' for a distance of 1·82 chains; thence on a curve to the right
of 8 chains radius for a distance of 5·10 chains to a point on the
centre line of a siding in the said Grove Hill Station Yard, distant
113 miles 2 furlongs 3·43 chains from Palmerston, marked "H" on
the deposited plans.

7. Immediately after the coming into operation of this Act the
Company shall be entitled to a grant from the Governor, in the
name and on behalf of the Crown, of a lease in perpetuity (free from
all existing Crown leases and encumbrances) of all those Crown
lands being that portion of the Crown lands included in pastoral
lease No. 1968, containing 6½ acres or thereabouts, being a strip of
land of the width of 50 links from and on each side of the centre
line of the said Iron Blow-Mount Ellison Tramway, as shown on
the deposited plans, and commencing at a point on the northern
boundary
boundary of gold mining lease, section No. 470, marked "B" on the deposited plans, and thence on a magnetic bearing of 15° 06½' for a distance of 1·66 chains; thence on a curve to the left of 2 furlongs radius for a distance of 8·18 chains; thence on a magnetic bearing of 351° 41½' for a distance of 3 furlongs 5·28 chains; thence on a curve to the left of 4 furlongs radius for a distance of 7·58 chains; thence on a magnetic bearing of 340° 49½' for a distance of 1 furlong 5·41 chains to a point on the eastern boundary of gold mining lease No. 629, marked "C" on the deposited plans: All those Crown lands being that portion of the Crown lands included in pastoral lease No. 1968, containing 8 acres or thereabouts, being a strip of land of the width of 50 links from and on each side of the centre line of the said Iron Blow-Mount Ellison Tramway, as shown on the deposited plans, and commencing at a point on the eastern boundary of gold mining lease No. 628, marked "E" on the deposited plans; thence on a magnetic bearing of 45° 19' for a distance of 1 furlong 0·72 chains; thence on a curve to the left of 6 chains radius for a distance of 6 chains; thence on a magnetic bearing of 348° 02' for a distance of 3 furlongs 2·53 chains; thence on a curve to the right of 2 furlongs radius for a distance of 7·79 chains; thence on a magnetic bearing of 10° 19' for a distance of 1 furlong 4·96 chains; thence on a curve to the left of 8 furlongs radius for a distance of 6·09 chains; thence on a magnetic bearing of 5° 57' for a distance of 1·60 chains to the northern boundary of pastoral lease No. 1968, marked "I" on the deposited plans: All those Crown lands being that portion of the Crown lands included in pastoral lease No. 1968, containing 3½ acres or thereabouts, being a strip of land of the width of 50 links from and on each side of the centre line of the branch line of the said Iron Blow-Mount Ellison Tramway, as shown on the deposited plans, and commencing at a point 2 miles 8·25 chains on the said Iron Blow-Mount Ellison Tramway marked "F" on the deposited plans; thence on a curve to the right of 1 furlong 2 chains radius for a distance of 1 furlong 0·28 chains; thence on a magnetic bearing of 59° 25' for a distance of 2 furlongs 4·93 chains, to the southern boundary of the Palmerston-Pine Creek Railway, Grove Hill station yard, marked "G" on the deposited plans: All those Crown lands, containing 80 acres or thereabouts, being a strip of land of the width of 50 links, from and on each side of the centre line of the said Iron Blow-Mount Ellison Tramway, as shown on the deposited plans, and commencing at a point on the northern boundary of pastoral lease No. 1968, marked "I" on the deposited plans; thence on the said magnetic bearing of 5° 57' for a distance of 3·48 chains, to the southern boundary of the Palmerston-Pine Creek Railway Reserve, marked "J1" on the deposited plans, and also being a strip of land of the width of 50 links from and on each side of the centre line of the said Iron Blow-Mount Ellison Tramway, as shown on the deposited plans, and commencing at a point on the northern boundary of the said Palmerston-Pine Creek Railway Reserve, marked "J2" on the deposited plans; thence on a curve to the left of 2 furlongs radius for a distance of 9·49 chains; thence on a magnetic
magnetic bearing of 338° 28' for a distance of 1 mile 1 furlong 3.20 chains; thence on a curve to the left of 4 furlongs radius, for a distance of 1 furlong 4.40 chains; thence on a magnetic bearing of 317° 51' for a distance of 3 furlongs 7.88 chains; thence on a curve to the right of 4 furlongs radius for a distance of 2 furlongs 0.36 chains; thence on a magnetic bearing of 347° 01' for a distance of 1 mile 7 furlongs 1.27 chains; thence on a curve to the left of 6 furlongs radius for a distance of 9.74 chains; thence on a magnetic bearing of 337° 43' for a distance of 1 mile 4 furlongs 6.54 chains; thence on a curve to the left of 1 furlong 6 chains radius for a distance of 9.26 chains; thence on a magnetic bearing of 304° 33' for a distance of 1 mile 2 furlongs 0.75 chains; thence on a curve to the left of 1 furlong 6 chains radius for a distance of 8.91 chains; thence on a magnetic bearing of 273° 57' for a distance of 6.84 chains; thence on a curve to the right of 6 furlongs radius for a distance of 7.19 chains; thence on a magnetic bearing of 279° 49' for a distance of 1 furlong 3.30 chains; thence on a curve to the right of 2 furlongs radius for a distance of 8.74 chains; thence on a magnetic bearing of 304° 52' for a distance of 1 furlong 5.72 chains; thence on a curve to the right of 1 furlong 6 chains radius for a distance of 9.52 chains; thence on a magnetic bearing of 388° 57' for a distance of 2 furlongs 8.97 chains; thence on a curve to the right of 1 furlong 6 chains radius for a distance of 8.24 chains; thence on a magnetic bearing of 8° 26' for a distance of 2 furlongs 2.59 chains; thence on a curve to the right of 1 furlong 2 chains radius for a distance of 8.94 chains; thence on a magnetic bearing of 51° 07' for a distance of 0.09 chains; thence on a curve to the left of 2 furlongs radius for a distance of 6.42 chains; thence on a magnetic bearing of 32° 44' for a distance of 1 furlong 6.80 chains; thence on a curve to the left of 1 furlong 6 chains radius for a distance of 9 chains; thence on a magnetic bearing of 00° 29' for a distance of 5 furlongs 5.22 chains, to the south-west corner of mineral lease section No. 213, marked "R" on the deposited plan, situated 4 furlongs 0.77 chains on a magnetic bearing of 270° 12' from Mount Ellison (trigonometrical station)—which lease shall be in the form or to the effect set forth in the Schedule hereto, to hold the same for the purposes of this Act, and subject to the annual rent and upon the terms, provisions, and conditions set forth in the said lease so to be granted.

8. Immediately after the coming into operation of this Act all leases from the Crown heretofore granted and all covenants therein contained shall cease, determine, and be void so far as they respectively relate to or comprise any part of the lands so included in such lease so to be granted in perpetuity to the Company as aforesaid, anything in such respective leases to the contrary notwithstanding; and thenceforth such leases shall be read as leases only of or relating to all other lands which they respectively comprise or to which they respectively relate. The respective lessees of such respective leases shall thereupon be entitled to a rebate of the rent payable under such respective leases, proportionately to the respective areas of leased
Compensation.

Arbitration.

leased lands which are respectively included in the said pieces of land hereinbefore directed to be leased in perpetuity to the Company; and the Company shall pay to the respective lessees compensation for the loss of their respective interests in any such areas and for any damage that may be sustained by such respective lessees by reason of the execution of the works which by this Act the Company are authorised to carry out, the amount of such compensation to be determined in the event of dispute by arbitration by two arbitrators, one to be appointed by the Company and the other by the person claiming compensation, or an umpire to be appointed by such arbitrators before entering upon the consideration of the matters referred to them; and the provisions of the "Arbitration Act, 1891," shall apply to such arbitration as if this provision were a submission within the meaning of the said Act.

9. Section 6 of "The General Tramways Act, 1884," shall not apply to the tramways and undertaking authorised by this Act.

10. The tramway line from Iron Blow to Mount Ellison shall be constructed and maintained with two rails, to be laid at a distance of two feet from each other, and the line from the said smelters to the siding in the Grove Hill Railway Yard with three rails, to be laid at a distance of two feet and three feet six inches respectively from each other, as shown in the deposited plans; and the rails used in the construction of such tramways shall be of iron or steel, and of the weight of twenty-two pounds to the yard.

11. The third paragraph of section 24 of "The General Tramways Act, 1884," commencing with the words "No carriage used on any tramway" and ending with the words "seven feet and a half," at the end of such paragraph, shall not apply to the tramways and undertaking hereby authorised.

No cars used on the tramways of the gauge of three feet six inches shall extend beyond the outer edge of the wheels of such cars more than two feet on each side, nor measure in width more than eight feet, and no cars used on the tramways of the gauge of two feet shall extend beyond the outer edge of the wheels of such cars more than one foot on each side, nor measure in width more than four feet.

12. The cars of the Company shall be drawn or propelled by steam traction or other mechanical means, but no engine or car shall travel at a greater speed than twenty-five miles an hour.

13. Section 18 of "The General Tramways Act, 1884," shall not apply to the promoters of or to the tramways and undertaking authorised by this Act.

The Company shall at all times keep the tramways in good repair and working order, to the satisfaction of the South Australian Railways Commissioner, or of any officer appointed by him to inspect.
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14. The tramways shall be completed within one year from the passing of this Act.

15. The Company shall, if required so to do, carry minerals, metals, flux, and goods for the public on the said tramways in the cars and trucks to be provided as aforesaid, and may charge for the carriage thereof tolls and charges not exceeding those at present charged to the public on the Government railways in the said Northern Territory for similar distances in respect of the carriage of similar freight.

16. The owners, consignors, or consignees of minerals, metals, flux, and goods carried on the tramways for the public shall remove the same from their place of destination within a reasonable time after their arrival, to be fixed by the Company by by-law, and in default of such removal such owners, consignors, or consignees shall be liable to pay to the Company such reasonable charge until such removal as shall be fixed by the Company by by-law.

17. The sum of Two Hundred Pounds, being two per centum on the amount of the estimate of the expense of the undertaking, tramways, and works authorised by this Act, which sum has been deposited by the Company with the Treasurer of the State in pursuance of the Joint Standing Rules and Orders of the Houses of Parliament of the State and in respect of the application for this Act, shall not be paid or transferred to or on the application of the Company unless the Company shall, previously to the expiration of the period of one year limited by this Act for the completion of the tramways hereby authorised to be made, complete the said tramway and open the same for the carriage of minerals, metals, flux, and goods.

18. If the tramways shall be so completed within the time so limited as aforesaid the moneys so deposited shall be returned to the Company, or its attorney or attorneys in the State, or as it or they shall direct.

19. All the powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers contained in "The General Tramways Act, 1884," save so far as any of such powers may be expressly varied or taken away or may be inconsistent with the provisions of this Act.

20. If
20. If the tramways shall not be used by the Company for any continuous period of three years, or if the Company shall make default in observing the terms and conditions of the second paragraph of section 13 of this Act, or the terms, covenants, and conditions of the said lease, it shall be lawful for the Minister Controlling the Northern Territory by notice to the Company to cancel the lease to be granted to the Company pursuant to this Act, and thereupon such lease shall wholly cease and determine, and the lands comprised therein and the tramways and all buildings belonging to the Company then on such lands shall by force of this Act from the time of such notice be and become vested in the Crown.

21. The Company shall pay to the owners thereof the value of any sheep, cattle, horses, or stock killed or injured by the working of the tramways.

22. The Governor and the South Australian Railways Commissioner, or either of them, may at any time purchase the lease granted to the Company pursuant to this Act, and the tramways and undertaking, together with all buildings on the land comprised in the lease, and the rolling-stock and plant used in the working of the said tramways, and all other works, buildings, tramways, and conveniences constructed by the Company under the powers conferred by this Act, upon giving to the Company twelve calendar months' previous notice, in writing, of intention to purchase the same.

23. The price to be paid on any such purchase shall not include any consideration for the said lease, and shall not exceed the cost of such tramways and undertaking, buildings, rolling stock, plant, and such other works, buildings, tramways, and conveniences, less a fair deduction for wear, tear, and depreciation, and shall be determined, in default of agreement, by arbitration by two arbitrators, one to be appointed by the Governor or the said Railways Commissioner, as the case may be, and the other by the Company, or an umpire to be appointed by such arbitrators before entering upon the consideration of the matters referred to them; and the provisions of the "Arbitration Act, 1891," shall apply to such arbitration as if this provision were a submission within the meaning of the said Act.

24. In the event of the tramways being purchased by the Governor or the South Australian Railways Commissioner, the Governor or the said Commissioner, as the case may be, shall thereafter carry minerals, metals, flux, and goods for the Company on the said tramways at rates not in excess of those in force at the time of the passing of this Act for the carriage of similar goods on the Government railways in the said Northern Territory for similar distances.

25. This
The Northern Territories Mining and Smelting Company, Limited's, Iron Blow to Mount Ellison Tramway Act.—1904.

25. This Act shall be deemed and taken to be a public Act, and shall be judicially noticed as such without being specially pleaded.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

GEORGE R. LE HUNTE, Governor.