

No. XVIII.

An Act to amend an Act intituled “*An Act to* BURWOOD TRAMROAD.
“*authorize the continuation of a Tramroad*
“*from Burwood to the Wharf at Newcastle.*”
[22nd December, 1851.]

WHEREAS an Act of the Governor and Legislative Council of Preamble.
New South Wales was passed in the fourteenth year of the
reign of Her present Majesty intituled “*An Act to authorize the*
“*continuation of a Tramroad from Burwood to the Wharf at New-*
“*castle*” whereby James Mitchell of the City of Sydney Esquire the
owner of lands commonly known by the name of Burwood situate near
Newcastle in the County of Northumberland in the Colony of New
South Wales was authorized under certain conditions in the said Act
mentioned to continue and complete a Tramroad from the north bound-
ary of the said Burwood Estate over and through certain portions of
land of the Australian Agricultural Company to the Port of Newcastle
aforesaid And whereas it has been deemed expedient to make more
effectual provision for extending the benefit of the same Tramroad to
the public at large and also for the protection of the property of the
said Australian Agricultural Company from any damage which may
be occasioned by the operations of the said James Mitchell his heirs
or assigns in making the said Tramroad Be it therefore enacted by Tramroad from Bur-
His Excellency the Governor of New South Wales with the advice wood to Wharf at
and consent of the Legislative Council thereof That the said Tramroad Newcastle to be open
shall be at all times open to the public free of all charge in respect of to the public.
foot passengers and horses not drawing any vehicle but upon payment Subject to toll in
of a toll to the said James Mitchell his heirs and assigns in respect of certain cases.
every

Burwood Tramroad.

every truck cart wagon or other vehicle or carriage whether drawn by horses or otherwise of four-pence for every transit of each such truck cart wagon or other vehicle or carriage.

Toll bar or bars may be erected.

2. And be it enacted That it shall be lawful for the said James Mitchell his heirs and assigns to erect at one or more convenient place or places on the said Tramroad a toll bar or gate or toll bars or gates for the collection of such toll and to collect and receive the said toll thereat or to nominate and appoint some fit and proper person or persons to attend the said toll bar or gate or toll bars or gates to collect and receive the tolls thereat.

Disputes or differences between James Mitchell Esq. his heirs &c. and the Australian Agricultural Company to be decided on by Executive Council.

3. And be it enacted That if at any time any dispute or difference shall arise between the said James Mitchell his heirs or assigns and the said Australian Agricultural Company their successors or assigns touching or concerning any damage done or alleged to be done to or touching or concerning any injurious interference with the offices sheds warehouses docks or other works of the said Australian Agricultural Company by the said James Mitchell his heirs or assigns in making or in any way using the said Tramroad or in erecting the buildings or works connected therewith it shall be lawful for the Executive Council of New South Wales upon the application of the Australian Agricultural Company their successors or assigns to decide the questions or matters so in dispute or difference and to order and determine what arrangements shall be adopted by both or either of the said parties to such questions or matters in dispute or difference and whether the whole or what proportion of the expenses attending such arrangements shall be borne by either of the said parties and if either of the said parties shall refuse or wilfully neglect to obey any decision order or determination made upon or against him or them the party so refusing or neglecting shall forfeit to Her Majesty the sum of ten pounds per diem for every day during which such refusal or neglect shall continue and such penalty may be recovered in any of Her Majesty's Courts of Record.

Penalty.

Time limited for the completion of Tramroad extended.

4. Provided lastly and be it hereby enacted That the time limited by the said recited Act for the completion of the said Tramroad shall be extended to the term of two years from the passing of this present Act.