

TRAMWAYS
EXTENSION.

No. XXV.

An Act to authorise the construction and maintenance of Tramways along certain Streets and Highways in the City and Suburbs of Sydney and elsewhere. [28th April, 1880.]

Preamble.

WHEREAS it would be for the public convenience to establish a system of Tramways along certain routes in Sydney and the Suburbs thereof and from points on any Government Railway to places within moderate distances therefrom as well as for other purposes 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 authority of the same as follows:—

1. The Act forty-second Victoria number eighteen known as the Repeal of Redfern to Hunter-street Tram- "Redfern to Hunter-street Tramway Act of 1879" is hereby repealed way Act. Such repeal shall not prejudice or affect anything done or commenced or

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or contracted to be done under the authority of the said Act but the same may be carried out and continued under the provisions of this Act.

2. Tramways for conveying passengers and their luggage and other goods and merchandise shall be constructed as soon as conveniently may be along the several routes set forth in the First and Third Schedules hereto as well as along any other route or routes within the city of Sydney and the Suburbs thereof which may be approved by the Governor with the advice of the Executive Council notwithstanding anything to the contrary contained in or implied by the "Sydney Corporation Act of 1879" the "Municipalities Act of 1867" or any other Act whatsoever.

3. The tramway described in the Second Schedule hereto and all buildings offices and works connected therewith constructed under the authority of the Act hereby repealed shall be maintained and worked by the Commissioner under the authority of this Act who for that purpose shall and may exercise all the powers and authorities and incur all the obligations respectively conferred and imposed upon him by this Act and the Act incorporated herewith with reference to tramways to be constructed thereunder. And the present tolls or tariff of charges appointed by the said Commissioner as approved by the Governor with the advice of the Executive Council shall be and continue to be in full force and effect for and upon such tramway until the same shall be duly altered or amended by the like authority.

4. Tramways for the purposes mentioned in the second section hereof may be constructed as hereinafter provided from points along the line of any Government Railway to places distant not more than fifty miles therefrom or from any other point or place whatsoever to any quarry or other workings for the purpose of procuring materials for the construction or maintenance of any tramway authorized by this Act or the Act forty-second Victoria number eighteen or for any other purpose whatsoever whenever the Governor with the advice of the Executive Council shall determine to construct the same. And in every such case copies of the plans and books of reference of the route which such tramway is intended to follow shall be from time to time prepared and laid before Parliament and whenever such plans and books of reference shall have been approved of by a resolution of both Houses it shall be lawful for the Governor with the advice of the Executive Council to commence and complete such tramway or lines of tramway with all proper works and conveniences connected therewith in accordance with such resolutions.

5. The Commissioner for Railways shall be charged with the construction completion and maintenance of all tramways constructed or maintained under this Act and shall have power to impose and enforce tolls or charges for the carriage of passengers luggage and goods by or along any such tramway and shall have and may exercise all such powers and authorities created by the Act twenty-second Victoria number nineteen as are necessary for fully carrying into effect the purposes of this Act and shall be subject to all the like rules regulations liabilities and obligations in relation thereto as he is subject to in respect of railways by the said Act so far as the same are applicable to such purposes. And except as herein expressly enacted all other the provisions of the said Act applicable to the construction completion management maintenance conduct and working of and to the imposing of tolls or charges for the conveyance of passengers goods or chattels and generally to the regulation of the lines of railway to be constructed thereunder shall so far as applicable as aforesaid apply to the construction completion management maintenance conduct working imposition of charges for and regulation of the tramways to be constructed under this Act.

Certain lines of tramway to be constructed.

Maintenance of Redfern to Hunter-street tramway.

Other tramways in connection with Railways and for procuring material.

Commissioner of Railways to make and manage tramways.

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Entry upon highways &c.

Proviso.

Land required may be resumed by Railway Commissioner.

Power to deviate and extend tramways.

Gauge.

Levels.

Proviso.

Maintenance of road by Railway Commissioner.

Commissioner of Railways to repair damage done to sewers mains &c.

Commissioner of Railways to erect buildings.

Short title.

Construction &c.

6. The Commissioner for the purposes of this Act shall have all necessary rights of ingress and egress in to and over the surface of any street road highway or thoroughfare proclaimed reserved or dedicated for the use of the public or subject to any public easement over which any such tramway shall pass as are required for the construction repair completion and use thereof. Provided that nothing herein contained shall impair or be held to impair the lawful authority of the Municipal Council of the City of Sydney or of the Council of any Municipality or of any other Corporation company or person to make all entries and exercise all other powers necessary for the construction maintenance and preservation of gas-works water-works sewerage-works and other works lawfully constructed underground in such streets roads highways or thoroughfares along which any such tramway shall pass.

7. Subject to the provisions of the next following section the Commissioner for the purposes of this Act shall have all necessary rights to enter upon and resume the lands and grounds of any person whomsoever subject to the same conditions in respect of compensation and to all other provisions and regulations as under the provisions of the Act twenty-second Victoria number nineteen are applicable to the resumption of land for railway purposes.

8. In the construction and for the purposes of any tramway authorized under this Act any necessary deviation may be made and any such tramway may be carried along and over any portion of land intervening between or adjoining any streets roads or lines mentioned in the First or Third Schedules hereto subject however in the case of deviations or extensions passing over any lands not being portions of lands which have been granted reserved or dedicated for the purposes of a park race-course or place of public recreation or other public purpose or which are held by any municipal or other corporation for any such purpose to compensation in respect thereof pursuant to the provisions of the Government Railway Act incorporated herewith.

9. The gauge of any tramway constructed under this Act shall not exceed four feet eight and one half inches.

10. The tramways shall in every case and throughout their course be laid at or about the general level of the streets and highways along which they are to be constructed but the Commissioner may with the consent of or by mutual agreement with the Municipal Council in which is vested the control and management of any street or highway alter and improve the levels thereof. Provided that all reasonable expenses incurred in the re-formation of the said streets or roads so altered and improved shall be borne by the Commissioner for Railways unless otherwise agreed upon.

11. The Commissioner shall maintain in perfect order and repair the said tramways and the pavements of the same between the rails of the said tramways and for the space of one foot and six inches on either side of such rails.

12. The Commissioner shall immediately repair any damage which may during or by reason of the construction of the said tramways be occasioned to any sewer or drain or gas or water main and shall also repair all damages which may be occasioned by the working of the said tramways.

13. It shall be lawful for the Commissioner to erect buildings or other structures for the purposes of the said tramways and to construct lines of approach thereto.

14. This Act may be cited as the "Tramways Extension Act 1880" and in order to give full effect to the meaning and intent thereof the provisions contained in the Act twenty-second Victoria number nineteen generally known and cited as "The Government Railways

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Railways Act" shall for the purpose of resuming or taking lands ascertaining the compensation to be paid therefor or in respect of any injury or damage caused by such resumption or taking or by the construction or working of any tramway under this Act and for the purpose of taking any proceedings or exercising any power or authority whatsoever or ascertaining any liability in connection therewith be deemed to be incorporated with this Act as if the same had been enacted herein and in lieu of the word "Railway" wheresoever occurring in the Act so declared to be incorporated herewith the word "Tramway" shall for the purposes aforesaid be deemed to be substituted.

SCHEDULES.

FIRST SCHEDULE.

No. 1. A line to commence in Elizabeth-street at Hunter-street then passing along Elizabeth-street Liverpool-street Oxford-street and Old South Head Road and terminating in this road at or about Moncur-street.

No. 2. A line to branch off the line in Oxford-street thence passing along Crown-street and Cleveland-street and terminating at Randwick Road.

No. 3. A line branching off the line at Darlinghurst then passing along Botany-street Randwick Road and Avoca-street and terminating in this street in Randwick.

No. 4. A line to branch off the line at Darlinghurst then passing along Darlinghurst Road and terminating opposite William-street.

No. 5. A line to branch off the line at Paddington thence passing along Piper-street and Upper Ocean-street and terminating at Woollahra.

No. 6. A line to be a continuation of line No. 1 to commence at Paddington then passing along Old South Head Road Brisbane-street and Cowper-street and terminating at Charring Cross Waverley.

No. 7. A line to commence in York-street at Charlotte Place then passing along York-street through Druitt-street and along George-street across the Railway Bridge and along Parramatta-street and terminating at the Glebe.

No. 8. A line to branch off the line in Parramatta-street then passing along Regent-street Botany-street and Botany Road and terminating at the Toll-bar Waterloo.

No. 9. A line to commence at the Glebe branching off the line No. 7 then passing along Newtown New Road Newtown Road across Railway Bridge Newtown along the Enmore Road towards Marrickville and terminating in that Municipality.

No. 10. A line to commence at the Glebe at the termination of line No. 7 then passing along the Glebe Point Road and terminating in this road at the Glebe Point.

No. 11. A line to commence at the Railway Station Campbelltown passing along the Camden Road through the township of Narellan across the Camden Bridge and terminating in the town of Camden.

SECOND SCHEDULE.

The line commencing from the Redfern Terminus of the Southern Railway and passing along Pitt-street to Belmore Gardens thence across those Gardens to Elizabeth-street and thence along Elizabeth-street to Hunter-street.

THIRD SCHEDULE.

No. 1. A line to branch off line No. 7 in Parramatta-street then passing along Harris-street and terminating at the intersection of this street with John-street at Pyrmont.

No. 2. A line branching off line No. 9 at the Railway Bridge Newtown and then passing along Cook's River Road and terminating at Cook's River parish of St. Peters.

No. 3. A line to commence at the termination of line No. 8 in Waterloo then passing along the Botany Road and terminating at a place called Banks Meadows at Botany Bay.

No. 4. A line to branch off the Glebe Point line No. 10 and then passing through the suburb of Forest Lodge and terminating at Camperdown.
