

New South Wales.



ANNO QUADRAGESIMO QUINTO

VICTORIAE REGINÆ.

An Act to authorize the construction and
maintenance of a Tramway along George-
street Parramatta. [9th August, 1881.]

JEANNERET'S
TRAMWAY.

WHEREAS Charles Edward Jeanneret of Hunter's Hill in the Preamble. Colony of New South Wales is the proprietor of a certain line of steamers and of certain wharves or landing places for steamers on the Parramatta River in the vicinity of the termination of George-street Parramatta. And whereas for the purpose of facilitating communication between the said wharves or landing places and the western end of the town of Parramatta the said Charles Edward Jeanneret is desirous of constructing a Tramway from the said river along George-street Parramatta as far as the extreme western termination thereof and whereas the Borough of Parramatta have consented to the construction of such proposed Tramway but such Tramway cannot be made without Legislative authority. And whereas the increased facilities of communication and traffic which would result from the construction of the said proposed Tramway would be for the public convenience and benefit and it is desirable to authorise by Legislative enactment the construction of the said proposed Tramway subject to the provisions herein-after contained. Be it therefore enacted by the Queen's Most Excellent

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Majesty

Jeanneret's Tramway.

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:—

Authority to construct Tramway.

1. It shall be lawful for the said Charles Edward Jeanneret his heirs executors administrators or assigns upon the terms and conditions and subject to the provisions hereinafter contained to make and construct a Tramway for conveying passengers and their luggage and other goods and merchandise from the said wharves or landing-places on the Parramatta River from the said river along George-street Parramatta aforesaid as far as the extreme western termination of the said street and to take and use so much of the said street as may be required for the purposes of such Tramway but so that the same shall not occupy in any part thereof a greater space in breadth than eight feet six inches including the support and foundations thereof. Provided that the said Tramway shall be constructed and brought into use within two years from the passing of this Act and the same shall be constructed in a proper and workmanlike manner.

Entry upon street &c.

2. The said Charles Edward Jeanneret his heirs executors administrators or assigns shall have all necessary rights of ingress and egress to and over the surface of George-street aforesaid as are required for the construction repair completion and use of the said Tramway. Provided that nothing herein contained shall impair or be held to impair the lawful authority of the Borough of Parramatta 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.

Gauge.

3. The gauge of the said Tramway shall be the same gauge as the Government Tramways.

Level.

4. The Tramway shall throughout its course be laid at about the general level of George-street with rails subject to the approval of the Borough Council of Parramatta and the said Charles Edward Jeanneret his heirs executors administrators or assigns may with the consent of the said Council alter and improve the levels of the said street. Provided that all expenses incurred in the re-formation of the said street so altered and improved shall be borne by the said Charles Edward Jeanneret his heirs executors administrators or assigns unless otherwise agreed upon.

Tramway to be open to public.

5. The said Tramway shall be open to public use upon payment of the tolls or charges following that is to say—

For passengers a sum not exceeding threepence per head each way.

For goods a sum not exceeding one shilling per ton.

Maintenance of roads.

6. The said Charles Edward Jeanneret his heirs executors administrators and 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 such rails.

Repair of damage to sewers &c.

7. The said Charles Edward Jeanneret his heirs executors administrators and assigns shall immediately repair any damage which may during or by reason of the construction of the said Tramway be occasioned to any sewer or drain or gas or water main or other property and shall also repair all damages which may be occasioned by the working of the said Tramway.

Locomotives to be employed.

8. It shall be lawful for the said Charles Edward Jeanneret his heirs executors administrators and assigns subject as aforesaid to use and employ locomotive engines or other moving power and carriages and waggons to be drawn or propelled thereby and to carry and convey upon the said Tramway all such passengers and goods as shall be offered for that purpose and to charge the tolls and charges in respect thereof as

Jeanneret's Tramway.

as above specified Provided that all such tolls and charges be at all times charged equally to all persons and after the same rate in respect of all passengers and of all goods of the same description and no reduction or advance in any such tolls shall be made either directly or indirectly in favor of or against any particular company or person travelling upon or using the said Tramway.

9. Nothing in this Act contained shall extend to charge or *Liability of carriers.* make liable the said Charles Edward Jeanneret 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 Charles Edward Jeanneret 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 Charles Edward Jeanneret his heirs executors administrators and assigns shall at all times be entitled to the benefit of every such protection and privilege.

10. The tolls shall be paid to such persons and at such places *Tolls to be paid as* upon or near to the Tramway and in such manner and under such *directed.* regulations as the said Charles Edward Jeanneret his heirs executors administrators or assigns shall appoint.

11. It shall be lawful for the said Charles Edward Jeanneret his *Regulations for use* heirs executors administrators or assigns from time to time subject to *of Tramway.* the approval of the Borough Council of Parramatta and subject to the provisions and restrictions in this Act contained to make regulations for the following purposes that is to say—

For regulating the times of the arrival and departure of the cars and carriages.

For regulating the loading or unloading of such cars and carriages

For preventing the smoking of tobacco and the commission of any nuisance in or upon such cars 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 cars carriages and waiting-rooms offices and premises from trespass and injury.

But no such regulation shall authorize the closing of the said Tramway 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 Tramway or any part thereof.

12. It shall be lawful for the Secretary for Public Works on *Power for the* behalf of the Government and also for the Borough Council of Parramatta at any time by notice in writing to require the said Charles Edward Jeanneret his heirs executors administrators or assigns to sell to the Government or Borough Council of Parramatta as the case may be the said Tramway upon the terms of paying the then value (exclusive of any allowance for past or future profits of the said Tramway or any compensation for compulsory sale or other consideration whatsoever) of the said Tramway and all lands buildings works materials and plant of the said Charles Edward Jeanneret his heirs executors administrators or assigns suitable to and used by him or them for the purposes of the said Tramway such value in case of difference to be ascertained by appraisement in manner directed by the twenty-third section of the "Crown Lands Occupation Act 1861" and subject to the terms and conditions therein contained

Provided

Bates's Estate.

Provided that the word "Minister" in the said Act shall for purpose of appraisement under this Act mean the Secretary for Public Works for the time being in case of a sale to the Government as hereinbefore provided and shall mean the Mayor or the Council Clerk or any Alderman or Officer of the Borough Council of Parramatta appointed by such Council in case of a sale to the said Borough of Parramatta. And when any such sale shall have been made to the said Government the said Tramway lands buildings works materials plant and premises shall vest in the Commissioner of Railways who shall have all the rights powers and authorities of the said Charles Edward Jeanneret his heirs executors administrators and assigns in respect to the said Tramway so sold and shall also have the rights powers and authorities and be subject to the provisions conditions and obligations conferred and imposed by the "Redfern to Hunter-street Tramway Act of 1879" Provided always that the words "Borough of Parramatta" shall for such purposes be read as substituted for the words "Municipal Council of the City of Sydney" whenever the said words occur in the said last-mentioned Act. And when any such sale shall have been made to the said Borough of Parramatta the said Tramway lands buildings works materials plant and premises shall vest in the said Borough of Parramatta and the said Borough shall have all the rights powers and authorities and be subject to the conditions provisions and obligations conferred and imposed by this Act including the liability to sell to the Government if so required by notice under this section.

Short title.

13. This Act may be cited for all purposes as "Jeanneret's Tramway Act."