

An Act to authorize the construction and maintenance of a Tramway from the proposed Bay-street Station on the Illawarra Railway to and along Lady Robinson's Beach. [6th March, 1884.]

SAYWELL'S
TRAMWAY.

WHEREAS it is proposed by the Government of New South Wales to make and construct on the line of railway now in

course of construction between Sydney and Illawarra a platform or station at or near Bay-street such street being within the Municipality of West Botany. And whereas Sandridge Park consisting of about one hundred acres of land and adjoining Lady Robinson's Beach is situated near to the said proposed platform or station and Thomas Saywell of Sydney merchant is the proprietor of the said park. And whereas it is desirable that a better mode of access from and to the said platform or station and Sandridge Park and Lady Robinson's Beach should be provided for excursionists and others. And whereas the said Thomas Saywell is desirous of constructing a tramway from the said platform or station and connecting with the said Illawarra Railway through certain private lands referred to in the Schedule to this Act thence across the Rocky Point Road along Bay-street to Sandridge Park thence by a line parallel to Lady Robinson's Beach through Sandridge Park to M'Crae-street. And whereas the whole of the said proposed tramway route is within the Municipality of West Botany and the Municipal Council thereof and the owners of such private lands have consented to the construction and maintenance 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 to Sandridge Park and Lady Robinson's Beach would be for the public convenience and benefit and it is desirable to authorize by Legislative enactment the construction and maintenance of the said proposed tramway 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 authority of the same as follows:—

1. It shall be lawful for the said Thomas Saywell his heirs and 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 a point on the line of railway from Sydney to Illawarra at or near the platform or station to be constructed at or near Bay-street within the Municipality of West Botany and thence by the lines described in the Schedule to this Act and to effect if necessary a junction between the said line of tramway and the said line of railway from Sydney to Illawarra in accordance with section ninety-nine of the "Government Railways Act of 1858" and to take and use so much of the said Rocky Point Road Bay-street or lands referred to in the said Schedule as may be required for the purposes of such tramway but so that the same shall not occupy in any part of the said road or street a greater space in breadth than eight feet six inches or in the said private lands a greater space in breadth than fifteen feet including the support and foundations thereof. Provided that the said tramway

Authority to construct tramway.

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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 Provided further that this authority shall not extend beyond thirty years from the passing of this Act.

Entry upon street
&c.

2. The said Thomas Saywell his heirs executors administrators or assigns shall have all necessary rights of ingress and egress to and over the surface of the road street and land aforesaid and all such other rights 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 municipal district of West Botany 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 over or along the Rocky Point Road and Bay-street aforesaid be laid at or about the general level of the said road and street and throughout the whole extent of the said tramway shall be laid with rails subject to the approval of the Municipal Council of West Botany and the said Thomas Saywell his heirs executors administrators or assigns may with the consent of the said Council alter and improve the levels of the said road or street Provided that all expenses incurred in the reformation of the said road or street so altered and improved shall be borne by the said Thomas Saywell 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 and threepence per ton (exclusive of the expense of loading or discharging).

Maintenance of
roads.

6. The said Thomas Saywell 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 and furthermore shall erect and maintain all necessary causeways in connection with the said tramway.

Repair of damage to
sewers, &c.

7. The said Thomas Saywell 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 Thomas Saywell 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 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 favour of or against any particular Company or person travelling upon or using the said tramway.

Liability of carriers.

9. Nothing in this Act contained shall extend to charge or make liable the said Thomas Saywell his heirs executors administrators and assigns further or in any other case than were according to the laws

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laws of this Colony stage-coach proprietors and common carriers would be liable nor shall extend in any degree to deprive the said Thomas Saywell 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 Thomas Saywell 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 directed. upon or near to the tramway and in such manner and under such regulations as the said Thomas Saywell his heirs executors administrators or assigns shall appoint.

11. It shall be lawful for the said Thomas Saywell his heirs Regulations for use of tramway. executors administrators or assigns from time to time subject to the approval of the Municipal Council of West Botany 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 and the number of persons limited to be carried therein respectively.

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.

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 Thomas Saywell his heirs executors administrators or assigns employed on the said tramway or affected by such by-laws and such by-laws shall specify penalties which shall in no case exceed the sum of ten pounds to be proceeded for and recovered under the provisions of the Act eleven and twelve Victoria chapter forty-three. Provided always that such by-laws must be first approved of by the Attorney-General of the Colony for the time being. Provided always that the said Thomas Saywell his heirs executors administrators or assigns or his or their employees or servants shall when using or when upon the premises of the said railway be liable and subject to the Railway by-laws.

12. 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.

13. It shall be lawful for the Secretary of Public Works on behalf of the Government and also for the Municipal Council of West Botany at any time by notice in writing to require the said Thomas Saywell his heirs executors administrators or assigns to sell and thereupon the said Thomas Saywell shall sell to the Government or Municipal Council of West Botany as the case may be the said tramway Power for the Government or Municipal Council of West Botany to purchase tramway.

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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 Thomas Saywell 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 of 1861" and subject to the terms and conditions therein contained Provided that the "Minister" in the said Act shall for the 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 Municipal Council of West Botany appointed by such Council in case of a sale to the said Municipality of West Botany And when any such sale shall have been made to the said Government the said tramway lands buildings works plant materials and premises shall vest in the Commissioner of Railways who shall have all the rights powers and authorities of the said Thomas Saywell his heirs executors administrators and assigns in respect of 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 "Municipality of West Botany" 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 Municipality of West Botany the said tramway lands buildings works materials plant and premises shall vest in the said Municipality of West Botany and the said Municipality 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.

14. This Act may be cited for all purposes as "Saywell's Tramway Act of 1884."

THE SCHEDULE HEREINBEFORE REFERRED TO.

ALL that proposed Tramway situated at West Botany in the parish of Saint George county of Cumberland and Colony of New South Wales be the hereinafter mentioned several dimensions a little more or less.

Description of proposed Tramway from Bay-street Station Illawarra Railway along Bay-street to Sandridge Park Lady Robinson's Beach Botany Bay.

Commencing at Bay-street Station Illawarra Railway thence by a curved line (about six chains radius) south-easterly seven chains eighty links to centre of Rocky Point Road (passing partly through the land of Mr. Waltz's) thence across that road to Bay-street and along that street to a point south-easterly ninety-two chains eighteen links thence by a curved line through Sandridge Park north-easterly to McCrae-street Provided that no part of such line shall be less than one hundred feet distant from high-water-mark