

WILLOUGHBY AND
GORDON TRAMWAY

An Act to authorize the construction and maintenance of a Tramway from the terminal point of the Saint Leonards Cable Tramway Saint Leonards to Forest Reserve No. 97 parish of Gordon. [13th July, 1887.]

WHEREAS Andrew Armstrong and James Alexander Brown both of Sydney and Saint Leonards in the Colony of New South Wales are desirous of constructing a Tramway from the terminal point of construction of the Saint Leonards cable tramway along Miller-street Palmer-street and Bellevue-street in the Town and Municipality of Saint Leonards and through certain private land referred to in the Schedule to this Act and across French's Road Mowbray Road M'Lellan-street Victoria Avenue and along Warrane Road in the Municipality of North Willoughby And whereas the route of the proposed tramway is within the Municipalities of Saint Leonards and North Willoughby and the Municipal Councils thereof and the owners of such private lands have consented to the construction and maintenance of such tramway but such tramway cannot be constructed without Legislative authority And whereas the increased facilities of communication and traffic which would result from the construction of said tramway through the Boroughs of Saint Leonards and North Willoughby would be for the public use 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 the authority of the same as follows :—

1. It shall be lawful for the said Andrew Armstrong and James Alexander Brown their 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 terminal point of the Saint Leonards cable tramway Saint Leonards along Miller-street Palmer-street and Bellevue-street Town and Municipality of Saint Leonards and through private land town of Saint Leonards across Long Bay dividing the Municipality of Saint Leonards from that of North Willoughby but so that the same shall not occupy in any part of a road or street a greater space in breadth than twenty-two feet including the support and foundations thereof Provided that the said tramway shall be constructed and brought into use within three years from the passing of this Act and the same shall be constructed in a workmanlike manner.
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Entry on streets &c.

2. The said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns shall have all necessary rights of ingress and egress over the surface of the roads streets and land aforesaid and all such other rights as are required for the construction repair completion or alteration and use of the said tramway Provided that nothing herein contained shall impair or be held to impair the lawful authority of the Municipal Council of Saint Leonards or North Willoughby 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 gasworks waterworks sewerage works and other works lawfully constructed underground.

Gauge.

3. The gauge of the said tramway shall be four feet eight inches and a half.

Level.

4. The tramway shall throughout its course over all Municipal streets or roads be laid at or about the general level of such roads or streets and throughout the whole extent of the said tramway shall be laid with rails subject to the approval of the Commissioner for Railways and the said Andrew Armstrong and James Alexander Brown their heirs executors administrators and assigns may with the consent of the Municipal Councils of Saint Leonards and North Willoughby alter and improve the levels of all roads or streets along the route of the said tramway Provided that all expenses incurred in the reformation of such roads or streets so altered and improved shall be borne by the said Andrew Armstrong and James Alexander Brown their heirs executors administrators and assigns unless otherwise agreed upon.

Tramway to be open to the public.

5. The said tramway shall be open to public use upon payment of such tolls and charges as shall be fixed by the said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns by and with the sanction of the Commissioner for Railways.

Maintenance of roads.

6. The said Andrew Armstrong and James Alexander Brown their heirs executors administrators and assigns shall maintain in perfect order and repair the said tramway and the pavements of the street 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 sewer &c.

7. The said Andrew Armstrong and James Alexander Brown their heirs executors administrators and assigns shall immediately repair any damage which may by reason of the construction of the said tramway be occasioned to any sewer or gas or water main or other property and shall also repair all damages which may be occasioned to the same by the working of the said tramway.

Electricity locomotives or cables to be used.

8. It shall be lawful for the said Andrew Armstrong and James Alexander Brown their heirs executors administrators and assigns subject as aforesaid to use and employ electricity locomotive engines stationary engines with cable connection horses 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 on or using the said tramway.

Liability of carriers.

9. The said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns shall be responsible for all injuries caused by the negligent or improper construction maintenance or working of the said tramway and all claims in respect of such

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such negligence and improper conduct may be enforced against the said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns Provided that the damages which may be recovered against the said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns in respect of any such claim shall in addition to all other remedies for their recovery be a first charge upon the tolls fares or charges charged for the carriage of passengers on the said tramway and upon all property used in and upon and necessary for the working of the said tramway.

10. The tolls shall be paid to such persons at or near to the tramway in such manner and under such regulations as the said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns shall appoint. Tolls to be paid as directed.

11. It shall be lawful for the said Andrew Armstrong and James Alexander Brown their heirs executors administrators and assigns from time to time subject to the approval of the Governor with the advice of the Executive Council and subject to the provisions and restrictions in this Act contained to make regulations for the following purposes that is to say— Regulations for use of tramways.

For regulating the times of the arrival and departure of the cars and carriages and the number of the persons limited to be carried therein respectively

For regulating the loading and unloading of such cars and carriages

For preventing the smoking of tobacco and the commission of any nuisance in or upon such cars and 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 and proper management of the said tramway and the protection thereof and the cars and carriages machinery 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 other sufficient cause it shall be necessary to close the said tramway or any part thereof Provided that such by-laws shall not be 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 Andrew Armstrong and James Alexander Brown their heirs executors administrators and 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 ten pounds to be proceeded for and recovered under the provisions of the Act eleventh and twelfth Victoria chapter forty-three.

12. The production of a copy of the New South Wales *Government Gazette* containing such by-laws shall be evidence of such by-laws. Evidence of by-laws.

13. It shall be lawful for the Governor with the advice of the Executive Council at any time by notice in writing to require the said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns to sell and thereupon the said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns shall sell to the Government 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 works buildings material and plant of the said Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns used Power of the Government to purchase.

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used by them for the purposes of the said tramway such value in case of difference to be ascertained by two arbitrators one to be appointed by either of the parties but if either party shall make default in appointing an arbitrator within twenty-eight days after being requested by the other party so to do then the arbitrator already named may act alone and the award of such arbitrator or arbitrators or of any umpire appointed by them shall be conclusive upon the parties and the said arbitration shall be subject to and be conducted in all respects in accordance with the Act thirty-first Victoria number fifteen intituled "*An Act to make Arbitration more effectual*" and when any such sale shall have been made to the Government the said tramways lands buildings works material plant and premises shall vest in the Commissioner of Railways who shall have all the rights powers privileges and authorities vested by this Act in Andrew Armstrong and James Alexander Brown their heirs executors administrators or assigns.

Short title.

14. This Act may be cited for all purposes as the "Willoughby and Gordon Tramway Act of 1887."

SCHEDULE.

All that proposed tramway situated in the Municipalities of Saint Leonards and North Willoughby in the parish of Willoughby 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 the terminal point of the Saint Leonards cable tramway Miller-street Saint Leonards to Forest Reserve number ninety-seven parish of Gordon Commencing in Miller-street in the town and Municipality of Saint Leonards at the terminal point of the Saint Leonards cable tramway and trending along Miller-street to Palmer-street thence easterly to Bellevue-street and along Bellevue-street to its northern extremity thence through A. Parks' eight-acre grant to the head of Long Bay north eight chains thence crossing the head of Long Bay by a high level bridge north about two chains entering the Borough of North Willoughby thence along the western boundary of S. H. Terry's thirteen acres two roods twenty perches grant to French's Road north thirty-three chains thence across that road to the southern boundary of J. W. Bligh's thirteen acres three roods eighteen perches grant north one chain thence to Mowbray Creek which forms the northern boundary of J. W. Bligh's grant of thirteen acres three roods eighteen perches grant through that grant north thirty chains thence through J. W. Bligh's grant of thirteen acres one rood eleven perches to the western boundary thereof north-westerly eleven and half chains thence through Josiah M. Illidge's grant of twelve acres to Mowbray Road east north-westerly nine chains thence across that road to the south-east corner of J. W. Bligh's grant of fourteen acres three roods about one and a-quarter chain thence through that grant to its western boundary north-westerly ten and a-half chains thence through J. W. Bligh's grant of thirteen acres two roods ten perches to a creek forming its northern boundary north-westerly nine chains thence through E. H. Herring's grant of twenty acres one rood to its western boundary north-westerly eleven chains thence through E. H. Herring's fifteen-acre grant to a road known as M'Clelland-street north-westerly twelve chains thence across that street and along Warrane Road to the northern side of Albert-street crossing Victoria Avenue north-westerly eighty-four chains thence through G. P. Serocold's (now New South Wales Property Investment Company Limited) grant of fifty-eight acres two roods to its northern boundary north-westerly thirty chains.