

# An Act to amend the “Toronto Tramway Act of 1889.” [12th August, 1890.]

TORONTO TRAMWAY  
ACT AMENDMENT.

**W**HEREAS by an Act passed in the fifty-third year of Her present Majesty's reign, intituled “*An Act to authorize the construction and maintenance of a Tramway from the Platform or Station known as Fassifern, on the Government Line of Railway from Sydney to Newcastle, and the Toronto Estate at Lake Macquarie,*” the Excelsior Land Investment and Building Company and Bank (Limited), its successors and assigns, was authorized to make and construct a tramway upon a certain route mentioned and described in a Schedule to the said Act. And whereas the gauge of the said tramway was originally intended to be three feet, but by the said Act it was enacted that the said gauge should be four feet eight and a half inches, consequently the radii of the curves and the width of land authorized to be taken by the said Act are now considered insufficient for the safe and convenient working of the said tramway. And whereas it is proposed to deviate from the route authorized by the said Act and to substitute therefor the route mentioned in the Schedule hereinafter appearing, and also to obtain authority to take and use a greater width of land as may be required for the construction of the said tramway. And whereas it has been deemed necessary to obtain power to allow the public to use their own trucks, waggons, and locomotive power for the carriage of goods over the said tramway. 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:—

Preamble.

1. It shall be lawful for the said Company to take and use so much of the Crown Lands or streets or roadways, and so much of the lands of private persons which are mentioned in the said Schedule as the said Company may require, but so that the same shall not occupy in any part of the said road or street a greater space in width than twenty feet, or in the said private or Crown Lands a greater space in breadth than sixty-six feet, including the support and foundations thereof.

Entry upon street,  
&c.

Maximum width  
of lands taken for  
tramway.

*Toronto Tramway Act Amendment.*

Tramway open to the public.

2. The said tramway shall be open to the public use upon payment of a toll to the said Company of a sum not exceeding two-pence per ton per mile or portion of a mile in respect of every ton of goods for every transit; the party seeking transit supplying, loading, and unloading his own trucks or waggons, and the said Company supplying locomotive power; and all trucks when emptied shall be conveyed on their return free of charge. Provided always that it shall not be compulsory on the said Company to supply locomotive power unless the party seeking transit guarantee and bring fifty tons at least during the twelve working hours, and give notice of the same at least twenty-four hours previously. The said tramway shall at all times be open to the public upon payment of a toll to the said Company of a sum not exceeding one penny per ton per mile or portion of a mile in respect of every ton of goods for every transit, if the party seeking transit supply the locomotive power as well as the trucks and waggons. Provided that so long as the Company shall be willing to supply locomotive power no other person, with the exception of the Railway Commissioners of New South Wales, shall use locomotive power on the line. Provided that if the said tramway shall be damaged by parties who shall themselves use the said tramway for transit and supply locomotive power, the said Company shall be entitled to compensation for such damage, to be recovered by action in a Court of competent jurisdiction, or if such damage do not exceed the sum of twenty pounds, summarily before two Justices; and in estimating such damage, the said Company shall be entitled not only to compensation for the cost of repairing and restoring the said tramway, but to the consequential damage (if any) sustained by reason of the suspension of transit or otherwise. Provided also that all persons using the said tramway under the foregoing conditions shall be subject to the by-laws or regulations of the said Company which may be in force at the time.

Short title.

3. This Act shall be styled and may be cited as the "Toronto Tramway Act Amendment Act."

#### SCHEDULE.

Schedule.

All those several portions of land described hereafter, situate in the parish of Awaba, county of Northumberland, Colony of New South Wales: Commencing at a point on the Great Northern Railway, at eighty-seven miles fifty-two and a half chains, being about one chain to the north of Fassifern Railway Station; and passing thence south-easterly through the Railway reserve about four chains twenty links, across a private road about one chain eighty links, through lots two, three, four, five, six, nine, ten, eleven, twelve, thirteen, fourteen, fifteen of a private subdivision by the Northumberland Land and Coal Company (Limited) about six chains; thence across a Government road one chain; thence still south-easterly through Government reserve one hundred and five about fifteen chains fifty links across Wangi Road one chain, through lots one and two, section C, of Lorne Township (private township, the property of the said Excelsior Company), through lot thirty, section C, of the said Lorne Township, through lots twenty-nine and twenty-eight, section C, of the said Lorne Township (the property of the said Excelsior Company), and through lots twenty-seven, ten, eleven, twelve and thirteen, section C, private township of Lorne, in all seven chains seventy links; thence southerly across Teralba-street about one chain twenty links, through lot nineteen, section B, of the said Lorne Township, forty links, along Mellie-street about eleven chains twenty links, across Narara-street one chain; thence southerly, south-westerly, and southerly through Government reserve forty-eight about thirty-eight chains thirty links; thence southerly along a Government road about three chains fifty links; thence south-easterly through part of portion fifteen, parish of Awaba (the property of the said Excelsior Company), about twenty-two chains eighty links; thence southerly across a Government road one chain wide; thence south-easterly through portion four, parish of Awaba (the property of the said Excelsior Company), about thirty-eight chains twenty links; thence south-easterly across Stony Creek about two chains eighty links through part of the Toronto Estate (the property of the said Excelsior Company) eighteen chains eighty links, across Cary-street about one chain twenty links, and again through Toronto Estate twenty-eight chains eighty links; and thence still south-easterly across Toronto Boulevard about two chains ten links, and again through Toronto Estate still south-easterly about sixty-eight chains; and thence south-westerly still through Toronto Estate about sixty-seven chains.