

WILLOUGHBY AND
GORDON
TRAMWAY ACTS
AMENDING.

An Act to amend the “Willoughby and Gordon Tramway Act of 1887,” and “Willoughby and Gordon Tramway Act Amending Act.” [14th February, 1893.]

Preamble.

WHEREAS by the “Willoughby and Gordon Tramway Act of 1887,” and “Willoughby and Gordon Tramway Act Amending Act,” hereafter referred to as the “said Acts,” the “North Sydney Investment and Tramway Company (Limited),” hereinafter called the “said Company,” was authorised upon the conditions and terms contained in the said Acts to construct, subject to the liabilities therein imposed, a tramway for the conveying of passengers and their baggage and other goods and merchandise, on the lines in the said Acts more particularly described; and the said Company was, by virtue of the amending Act, authorised to take and use certain lands mentioned in the Schedule thereto, upon the terms and conditions in the said last-mentioned Act provided: And whereas it is considered necessary for the proper carrying out of the work in connection with the formation of the said tramway to increase the maximum width of the private lands to be taken for such tramway purposes from twenty-two feet as mentioned in said amending Act to one hundred and thirty-two feet: And it is also considered expedient to authorise the said Company to deviate from the line of tramway mentioned in the said Acts, and to construct and maintain a tramway along the route hereafter described and set forth passing through certain lands, the property of the Company, and also along and crossing certain streets in the town and municipality of North Sydney and in the municipality of Willoughby, and through certain private lands, streets, and roadways which are more particularly hereafter described, and such resumption, taking, using, deviation, and construction

Willoughby and Gordon Tramway Acts Amending.

construction cannot be made without Legislative authority: 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. The second section of the Schedules of the amending Act is hereby repealed, excepting as to the lines between the terminal points of the Saint Leonards Cable Tram and Amhurst-street, and in lieu of the said second section and the said Schedules the second section of this Act and the Schedules hereto shall be in substitution thereof: Provided that such repeal is made without prejudice to any preceding contract or matter commenced or instituted under the authorities of the said Acts or either of them before the passing of this Act shall be completed and accompanied by the same consequences, rights, and remedies, as if this Act had not passed.

Repeal of the second section and Schedules of the amending Act except as to certain particulars.

2. It shall be lawful for the said Company, on the terms and conditions and subject to the provisions and other enactments in the said Acts and hereinafter contained, to deviate from the route of the said tramway as described in the said Acts, and in lieu thereof to make and construct such tramway with such loop lines, branch lines, and sidings as may be required for the safe and convenient working and use of the said tramway, and from time to time to alter and repair the same for conveying passengers and their luggage, merchandise, goods, coal, timber, and other material to and from the said terminal point of the North Sydney Cable Tramway, or from a point in Amhurst-street, and thence by the lines described in Schedule A to this Act to the termination at a point in the Cammaray Estate, near the junction of the Teralba Road and the Warrane Road, in the municipality of Willoughby, and along the branch lines described in Schedules B, C, and D to this Act, and to such portions of the Company's Estate as may hereafter be determined, and to use so much of the streets or roadways, and to take and use so much of the lands of private persons, which are mentioned in the said Schedules, as the said Company may require, but so that the same shall not occupy in any part of the said street or roadway a greater space in width than twenty-two feet of the surface thereof at formation level, or in the said private lands a greater space in width than one hundred and thirty-two feet, including the support and foundations thereof: Provided further that the same shall be constructed and brought into use within the times mentioned in the said amending Act.

Authority to deviate from route and to construct Tramway.

3. Provided that nothing in the said Acts or herein contained shall be deemed to have vested or shall vest any Crown lands or any part of the public estate, or the property of any Municipality, or any public road or highway in the said Company for any greater estate or interest than a right of user thereof for tramway purposes.

Crown Lands not to vest in Company in fee.

4. The said Acts shall read and be construed as if the maximum width of private lands mentioned therein to be taken for tramway purposes had been one hundred and thirty-two feet instead of twenty-two feet. And all the sections and provisions of the said Acts shall apply to the land taken and used under and by authority of this Act in the same manner and way as if the amending Act had authorised the taking of the space in width of one hundred and thirty-two feet.

Maximum width of land to be taken.

5. In the construction of the said tramway it shall be lawful to make such deviations and modifications of routes as may be considered desirable by the said Company, such deviations and modifications not to extend to a greater distance than five chains on either side of the lines described in the Schedules hereto. And upon such deviations or modifications

Power to make deviations.

Willoughby and Gordon Tramway Acts Amending.

Map or plan and
book of reference to
be made in certain
cases.

Notice and objection.

Deposit with Clerk
of Petty Sessions.

Amendment of
section 13 of
Principal Act.

modifications being made this Act shall be construed as if the same were included in and formed part of the Schedules hereunder written :
 Provided always that before any deviation or modification of route of the said tramway or any part thereof may be made, the said Company shall cause to be made and taken levels and surveys of the country and land through which such deviations and modifications of such tramway is to be carried, together with a map or plan of the deviations or modifications, and of the lands which it is to affect, and also a book of reference in which shall be set forth a description of the said several lands affected by such deviations or modifications, and the names of the owners and proprietors thereof, so far as the same shall be known, or can with reasonable diligence be ascertained, with a description of the said land setting forth the bearings of such tramway as the case may require, and the nature and quality and state of cultivation, the enclosures, if any, and the quantity of such land which may be required for the purpose of making such deviations or modifications of the said tramway. Notice of such map or plan and book of reference shall be given by the Company by advertisement in the *Gazette* and the Sydney daily papers, which notice shall set forth generally the extent and direction of the intended deviations or modifications, and shall refer to such map or plan and book of reference to be seen at the registered office of the said Company at Sydney, and shall call upon all persons interested in the said deviations or modifications to set forth in writing to the said Company within one month from the first publication of such notice any well-grounded objection which may appear to them to exist to the adoption of the said deviations or modifications, or any part thereof, or of any work proposed in connection therewith; and if any such objection shall be made the same shall be considered by the Governor, with the advice of the Executive Council, who shall, after due consideration thereof, confirm or alter the said map or plan and book of reference as to the said Governor, with such advice as aforesaid, shall seem meet; and thereupon notice shall be given by the said Company in the *Gazette* and the Sydney daily papers of such confirmation, with or without alteration, as the case may be. The said map or plan and book of reference as altered or confirmed shall be kept in the registered office of the Company in Sydney, and true copies thereof, signed by the secretary of the said Company, shall be deposited with the Clerk of Petty Sessions of the district in which such deviations or modifications of the said tramway shall be intended to be made, and which map or plan and book of reference, and such copies thereof respectively, shall be exhibited at all convenient times for public examination from the day of the date on which notice of intention to make such deviations or modifications shall be first published; and all persons shall have free liberty and permission at all proper and convenient times to view and examine the said map or plan and book of reference or copies as aforesaid.

6. If at any time hereafter the right of purchase conferred by section thirteen of the Principal Act on the Governor, with the advice of the Executive Council, shall be exercised, the said company or its assigns shall not be entitled to any compensation in respect of any Crown land or public property which may be traversed or touched by the said tramway, or in respect of any road, street, or highway along or over which the said tramway may be laid, but shall be entitled to claim such compensation for the rails and other works and effects upon or attached to such Crown lands, public property, road, street, or highway—and the costs of and in connection with the making, construction, and laying of such rails, works, and effects upon any such Crown lands, public property, road, street, or highway.

Willoughby and Gordon Tramway Acts Amending.

7. The said Company shall at all times hereafter maintain in perfect order and repair to the satisfaction of any Municipal Council through the area of which such line passes, such portions of the said tramway as may traverse any public highway or portion of the public estate for the space between the rails of such tramway, and for a space of one foot six inches on each side of such tramway, and in case of any dispute as to such repairs or non-repairs the question in dispute shall be submitted to the Engineer-in-Chief for Railway Construction, whose decision shall be final and binding upon either party.

Maintenance of
roads, &c.

8. Whenever the expression "Commissioner for Railways" occurs in the said Acts it shall read and be construed as the "Commissioners for Railways for New South Wales" as appointed by the Act fifty-first Victoria number thirty-five or any Act or Acts amending the same.

Commissioners for
Railways.

9. This Act may for all purposes be cited as the "Willoughby and Gordon Tramway Acts Amending Act of 1893," and shall be deemed to be incorporated with and construed as part of the "Willoughby and Gordon Tramway Act of 1887," and the "Willoughby and Gordon Tramway Act Amending Act."

Short title.

SCHEDULES.

SCHEDULE A.

All that proposed tramway situated in the Municipalities of North Sydney and Willoughby, county of Cumberland and Colony of New South Wales, be the hereinafter mentioned several dimensions a little more or less.

Description of the proposed tramway from its junction with the Government Cable Tramway, Miller-street, North Sydney, to the termination at a point in the Cammeray Estate, near the junction of the Teralba Road and the Warrane Road, in the Municipality of Willoughby.

Municipality of North Sydney.

Commencing in Miller-street, in the town and Municipality of North Sydney, at its intersection with Falcon-street, and trending in a northerly direction along Miller-street to its intersection with Amherst-street; thence by a curved, a straight, and a curved line in a north-westerly direction through allotments eight, nine, ten, eleven, thirteen, fourteen, and fifteen, section thirty-two, the property of the "North Sydney Investment and Tramway Company (Limited)," allotment seven, section thirty-two, the property of Barron, Moxham, and Co., allotments sixteen and seventeen, held by the executors of the late T. J. Cook; thence by a curved line in a north-westerly direction across Palmer-street at its intersection with Rose-street; thence in a northerly direction along Rose-street to its intersection with Glen-street, and extending on the western side of the said Rose-street into allotments two, three, and four, section thirty-three, the property of Captain T. A. Reddall, and allotment five, section thirty-three, the property of William Waterhouse, and extending on the eastern side of the said Rose-street into allotments one, two, and three, section thirty-four, the property of George Crispo, subdivided portions of allotment four, the properties of Frank Headford and C. Dutch, portion of allotment five, the property of the "North Sydney Land, Building, and Investment Company (Limited)," allotment six, the property of D. M. Menzies, all being portions of the said section thirty-four; thence in a north-easterly direction by a curved line through allotment seven, section thirty-four, the property of Messrs. Keary Brothers, allotment eight, section thirty-four, the property of the "North Sydney Investment and Tramway Company (Limited)," and extending in a westerly direction into Glen-street into allotment five, original section three, the property of S. Cunningham; thence in a north-westerly direction in a straight line across Flat-street; thence in a north-easterly direction in a straight line across original section four, the property of John Thompson; thence in a north-easterly direction in a straight line across Miller-street; thence in a north-easterly direction in a straight line across allotment twelve section thirty-five, the property of A. Armstrong; thence in a north-easterly direction in a straight line across Pine-street, and extending in a south-easterly direction into allotment eleven, section thirty-five, the property of John Ritchie, and allotment ten, section thirty-five, the property of William Meek; thence in a north-easterly, northerly, and north-westerly direction through original section five, the property of the "North Sydney Investment and Tramway Company (Limited)," and extending in an easterly direction into section originally granted to Alexander M'Arthur, now the property of Caird, Maxwell, and Co.; thence in a north-westerly direction in a straight line by a high-level viaduct now in

course

Willoughby and Gordon Tramway Acts Amending.

course of construction by the "North Sydney Investment and Tramway Company, (Limited)," into the Municipality of Willoughby, which is entered at a point on the southern extremity of the dividing line between two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited)."

Municipality of Willoughby.

Thence from the before-mentioned point of entrance in a north-westerly direction through two sections originally granted to S. H. Terry, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-westerly direction through two sections originally granted to Edward Cohen, now held by the trustees of the said Edward Cohen; thence in a north-westerly direction through two sections originally granted to John Weston, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-westerly direction through a section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-westerly direction through section originally granted to Thomas Glover, and now held by the trustees of the said Thomas Glover; thence in a north-westerly direction across Sailor's Bay Road; thence in a northerly direction through section originally granted to M. E. Josephson, now the property of the "North Shore and Middle Harbour Land Company (Limited)," and extending in a westerly direction into section originally granted to J. H. French, and now held by him; thence in a northerly direction through section originally granted to E. H. Osborne, now the property of John Clarke, and extending in a westerly direction into section originally granted to J. H. French, and now held by him; thence in a northerly direction across Mowbray Road East; thence in a north-westerly direction through section originally granted to James W. Bligh, now the property of the "North Shore and Middle Harbour Land Company (Limited);" thence in a north-westerly direction through a section originally granted to J. H. French, now the property of the "North Shore and Middle Harbour Land Company (Limited);" thence in a northerly and north-easterly direction through two sections originally granted to E. H. Herring, now the property of the "North Shore and Middle Harbour Land Company (Limited)," to Lyle-street; thence in a north-westerly direction along the said Lyle-street to its intersection with Victoria-avenue, and extending westerly on the south-western side of the said Lyle-street into sections originally granted to E. H. Herring, F. Mooney, J. W. Bligh, and G. Woodcock, which sections are now the property of the "North Shore and Middle Harbour Land Company (Limited)," and into McClelland-street, and extending on the north-eastern side of the said Lyle-street into a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," section originally granted to J. W. Bligh, now the property of Chen Ateak, to the southernmost corner of section originally granted to S. Mallarkey, now the property of the "North Shore Investment and Tramway Company (Limited)," and extending on the said north-eastern side of the said Lyle-street into Tumblumbi Road and Cawarra Road; thence in a northerly and north-westerly direction through section originally granted to S. Mallarkey, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-westerly direction through section originally granted to George Woodcock, now the property of Mrs. M. Owen; thence in a north-westerly direction across Warrane Road; thence in a north-westerly direction through section originally granted to F. Stack, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-westerly direction through allotments one hundred and nineteen, now or formerly the property of J. Baker, one hundred and twenty and one hundred and twenty-one, now or formerly the property of Charles Lyons, being portions of subdivision of original section sixteen, granted to H. G. Alleyne; thence in a northerly direction across Smith-street; thence in a north-westerly, northerly, and north-easterly direction through allotments one hundred and twenty-two, now or formerly the property of W. Cunningham, one hundred and twenty-three and one hundred and twenty-four, now or formerly the property of G. C. Watson, being portion of subdivision of original section sixteen granted to H. G. Alleyne; thence in a north-easterly direction across stream forming the south-western boundary of original section thirty, granted to H. G. Alleyne, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-easterly direction across Warrane Road to the termination in the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)."

SCHEDULE B.

This first branch line of tramway commences at a point on the main line of tramway, heretofore described in Schedule A, near the intersection of the said main line of tramway with Sailor's Bay Road, in section originally granted to T. Strickland, now the property of the "North Sydney Investment and Tramway Company (Limited);" thence in a north-easterly direction through the said section to Sailor's Bay Road; thence in an easterly and north-easterly direction along the said road to the termination at the western boundary of section containing eleven acres and three roods, originally granted to James William Bligh, now the property of the "North Sydney Investment and Tramway Company (Limited)," and extending southerly into Reserve for Nautical Training School.

Goulburn Water Supply Charges.

SCHEDULE C.

This second branch line of tramway commences at a point on the main line of tramway, hereinbefore described in Schedule A, near the intersection of the said main line of tramway with the Mowbery Road, in section originally granted to E. H. Osborne, now the property of John Clarke; thence proceeding in a north-easterly direction through the said section to the Mowbery Road; thence in a north-easterly direction along the said road to the termination at the western boundary of section originally granted to E. M. Stephen, now the property of the "North Shore and Middle Harbour Land Company (Limited)."

SCHEDULE D.

The third branch line of tramway commences at the termination of the main line of tramway, hereinbefore described in Schedule A, and proceeds in a north-easterly, easterly, and south-easterly direction through a portion of the Cammeray Estate, the property of the "North Sydney Investment and Tramway Company (Limited)," and enters upon and crosses Teralba Road, Kendall Road, Pokolbin Road, Munmorah Road, and Corrobare Road, within the limits of the said estate, to the north-western corner of section originally granted to H. G. Alleyne, now the property of R. Cousens; thence in an easterly direction along Corrobare Road and entering upon the sections abutting on the said road, to wit, on the southern side, section originally granted to H. G. Alleyne, now the property of R. Cousens, section originally granted to H. G. Alleyne, now the property of the "North Shore and Middle Harbour Land Company (Limited)," and section originally granted to H. G. Alleyne, now the property of James Francis Cullen and Robert Newton Morris; and on the northern side of the said Corrobare Road, that portion of the Cammeray Estate including Mount Ranken, the property of the "North Sydney Investment and Tramway Company (Limited)," to termination in reserve number twenty-eight, a Crown reserve for public purposes.
