

An Act to authorise the construction and continuance of a tramway-line from the North Sydney Brick and Tile Company's Works in the borough of Willoughby, across Herbert-street in the said borough, and connecting with the Milson's Point to Hornsby Railway.
[24th December, 1902.]

NORTH SYDNEY
BRICK AND TILE
COMPANY'S
TRAMWAY.
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WHEREAS John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley, carrying on business under the style of the North Sydney Brick and Tile Company, have established works for the manufacture of bricks and tiles on certain lands belonging to the said company, and having a frontage to Herbert-street in the borough of Willoughby: And in order to facilitate communication between the said brick and tile works and the Milson's Point to Hornsby Railway, the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley are desirous of constructing a tramway from their said brick and tile works to the said railway: And whereas part of such proposed tramway is intended to be made upon and across Herbert-street aforesaid, being a public street

Preamble.

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street within the said borough: And the municipal council of the said borough has consented to the construction of such proposed tramway across the said street; but the same cannot be made without legislative authority: And whereas other part of the said tramway is to be made on land vested in the Railway Commissioners, who have consented thereto: And whereas the development and extension of the said brick and tile works are likely to prove beneficial to the general public, and the traffic on the Milson's Point to Hornsby Railway would be increased thereby: Be it therefore enacted by the King'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:—

Authority to
construct tramway.

1. It shall be lawful for the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley to make, construct, and continue a tramway across Herbert-street aforesaid, from and connecting with a tramway to be constructed by the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley upon their said lands fronting Herbert-street aforesaid, and to continue the said tramway from Herbert-street aforesaid into and upon the lands vested in the Commissioners for Railways, at a point on the Milson's Point to Hornsby Railway shown in the Schedule hereunder written, and to effect a junction between the said tram-line and the said railway such tramway to be as nearly as possible in the line described in the said Schedule, but so that the same shall not occupy at any part thereof upon the said Herbert-street a greater space in breadth than eight feet or upon the said lands of the said Commissioners except the junction of the said railway a greater space in breadth than eight feet. And all plans, tracings, and specifications of the said tramway shall first be submitted to and approved by the said Commissioners so far as any part thereof shall affect or concern the property of the said Commissioners. All works necessary in connection with the junction of railway line to be done by the Railway Commissioners at the expense of the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley.

Authority to connect
with railway.

2. It shall be lawful for the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley, and their respective workmen and servants to enter upon the Railway Commissioners' property at a point on the Milson's Point to Hornsby Railway shown in the Schedule hereunder written; and the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley shall have all rights of ingress and egress to and over the surface of the said street and the said lands of the said Railway Commissioners as required for the construction, completion, repair, maintenance, and use of the said tramway: Provided that nothing herein contained shall impair or be

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be held to impair the lawful authority of the borough of Willoughby, or of any 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.

3. The tramway shall be laid across the said street at the Level of line. general level of such street.

4. The said John Bede Magney, Herbert Oswin Weynton, and Maintenance. Edward Robert Lanceley shall maintain in perfect order and repair the said tramway and the space between the rails of the said tramway, and for the space of one foot six inches on each side of such rails where the said tramway crosses the said street.

5. The said John Bede Magney, Herbert Oswin Weynton, and Repairs. Edward Robert Lanceley shall immediately repair any damage which may during or by reason of the construction or repair of the said tramway be occasioned to any sewer, 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 in the said street.

6. It shall be lawful for the said John Bede Magney, Herbert To employ horse- Oswin Weynton, and Edward Robert Lanceley, subject as aforesaid, power. to use upon the said tramway horse-power, and carriages, trucks, waggons, or other vehicles to be drawn thereby, and to carry and convey upon the said tramway bricks, tiles, and other products, goods, and merchandise produced, used, or required by the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley, in or in connection with or arising out of their said business.

7. Nothing in this Act shall be deemed to authorise the said No authority to enter John Bede Magney, Herbert Oswin Weynton, and Edward Robert upon Railway Lanceley to take or enter upon any land belonging to the Commissioners Commissioners' for Railways, or to alter or interfere with the railway from Milson's property without Point to Hornsby, or any of the works thereof, without the previous consent. consent in writing in every instance of the said Commissioners for Railways.

8. The said Commissioners shall, from time to time, at the Railway expense of the said John Bede Magney, Herbert Oswin Weynton, and Commissioners to Edward Robert Lanceley, erect such signals and fences incident to the erect signals and junction, either upon their own lands, or upon the lands of the said John appoint watchmen, Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley, &c. and may from time to time appoint and remove any such watchmen or other persons as may be necessary for the prevention of danger to, or interference with, the traffic at or near the junction.

9. In the event of the said John Bede Magney, Herbert Oswin In case of neglect to use Weynton, and Edward Robert Lanceley neglecting to work the said tramway, certain tramway for a continuous period of two years, then all material and material to become the plant belonging thereto which shall be or lie within the boundaries of property of the Railway Commissioners.

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the land owned by the Railway Commissioners shall, at the expiration of the said term of two years, be and become the absolute property of the said Commissioners, who shall have the power to take up, remove, and dispose of the same as they may think fit.

Right of Crown
to acquire tramway.

10. At any time after ten years from the passing of this Act the Governor, with the advice of the Executive Council, may, if he think fit, purchase such tramway upon giving to the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley six months' notice in writing of his intention so to do. If the amount tendered for the purchase of the property be considered inadequate by the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley, the amount shall be ascertained by assessment in terms of the Public Lands Acquisition Act.

Rights to lapse
if works not
carried out.

11. The said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley shall not be entitled to any of the rights and privileges conferred upon them by this Act unless they shall have commenced the said tramway within the period of six months and completed the same within the period of two years from the passing of this Act.

Government Railways
Act, 1901, not affected.

12. Nothing herein contained shall alter, repeal, or otherwise affect the Government Railways Act, 1901.

Interpretation.

13. The words "John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley," shall, wherever used in this Act, be taken and held to include not only the said John Bede Magney, Herbert Oswin Weynton, and Edward Robert Lanceley, but also their heirs, executors, administrators, and assigns, and all the rights, powers, privileges, benefits, and advantages conferred by this Act shall be transferable by any instrument in writing.

Short title.

14. The Act may for all purposes be cited as the "North Sydney Brick and Tile Company's Tramway Act of 1902."

SCHEDULE.

The railway will commence at a point on the western boundary of Herbert-street, about forty-five links northerly from its intersection with the north-western boundary of Westbourne-street, and will proceed thence in a north-easterly direction for about one chain and twenty-five links along a curved line, having a radius of about seven chains across Herbert-street, to its eastern boundary, which is also a portion of the western boundary of the land occupied by the railway from Milson's Point to Hornsby; it will continue thence in a north-easterly direction along a continuation of the same curved line for a distance of about two chains across a portion of the said land occupied by the said railway from Milson's Point to Hornsby; and thence in a northerly direction along a curved line, having a radius of about eight chains for a distance of about four chains, to a junction with the down line of rails of the said railway from Milson's Point to Hornsby, at a point near the home signal about twenty chains northerly from Saint Leonards Station.