
A BILL

To authorise the construction and maintenance of a Tramway from a point near the Oddfellows' Hall, Castle Hill, to a point on the present Tramway in George Street, Parramatta, near the intersection of that Street with O'Connell Street; and also a Tramway from a point on the said Tramway in George Street aforesaid, at or near the intersection of that Street with Smith Street, to the Parramatta Railway Station, and connecting with the Great Western Railway.

WHEREAS the Central Cumberland Co-operative Tramway Preamble.
and Fruit Packing Company, Limited, hereinafter called the
said Company, is desirous of constructing a Tramway from Castle
Hill to the present Tramway in George Street, Parramatta, and also a
5 Tramway from the said Tramway in George Street aforesaid to the
Parramatta Railway Station, from and to the points and by the direc-
tions mentioned and described in the Schedule to this Act, and to effect
a junction with a Goods Siding at the Parramatta Railway Station,
which Tramways are hereinafter termed the said Tramway. And
10 whereas it is desired to construct the said Tramways for the purpose of
opening

opening up a fertile and valuable district, and of giving greater facilities to the inhabitants for getting goods and produce to and from Sydney or elsewhere, and to the said inhabitants and the general public for travelling to and from the said district. And whereas the increased facilities for communication and traffic which would result from the construction of the said Tramway would be for the public benefit and convenience. And it is desirable to authorise by Legislative enactment the construction and maintenance of the said Tramway, subject to the provisions in this Act 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 :—

Authority to construct Tramway.

1. It shall be lawful for the said Company, or its assigns, upon the terms and conditions, and subject to the provisions in this Act contained, to make, construct, maintain, and control for carrying passengers and their luggage and goods and merchandise, a Tramway from Castle Hill to the present Tramway in George Street, Parramatta ; and also a Tramway from the said Tramway in George Street to the Parramatta Railway Station, from and to the points and by the route and in the directions respectively mentioned and described in the Schedule to this Act, and to effect a junction or connection with a Goods Siding opposite Taylor Street, at the Parramatta Railway Station, in the same manner as if such siding was a Railway made under the provisions of the Public Works Act of 1888, and subject to the terms, conditions, and restrictions enacted in that Act, with power to make such points and loops at the terminus at Castle Hill, and along the line of Tramway, as shall be considered necessary for the working of the said Tramway ; and to take and use so much of the streets, roads, and land referred to in the said Schedule as shall be required for the purposes of the said Tramway, but so that the same shall not occupy in any part thereof, except where there shall be a loop, a greater space in breadth than nine feet, including the support and foundations thereof. Provided that the said Tramway shall be completely constructed and brought into use within two years from the passing of this Act.

Tramway to remain property of the Company and its assigns.

2. The Tramway and the material thereof shall not cease to be the property of the said Company or its assigns by reason of the same being laid as in this Act mentioned.

Entry upon street, &c.

3. The said Company and its assigns, and all persons acting under its or their authority, shall have all necessary rights of ingress and egress to and over the surface of the said streets, roads, and lands referred to in the said Schedule as are required for the construction, repair, completion and use of the said Tramway. Provided that there shall be no interference with ordinary traffic beyond what is reasonable and necessary for such purposes. And provided further that nothing herein contained shall impair or be held to impair the lawful authority of the Borough of Parramatta, 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 under-ground.

Gauge.

4. The gauge of the said Tramway shall be the same gauge as that of the Government Railways.

Levels of line within Borough of Parramatta.

5. The said Tramway shall throughout so much of its course as lies within the Borough of Parramatta, be laid at about the general level of the streets traversed by it, and so that the rails shall not project above the surface thereof ; and the said Company and its assigns shall maintain in perfect order and repair the said Tramway, and where the said Tramway traverses public thoroughfares within the said

said Borough of Parramatta, shall maintain perfect and keep in order and repair 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 the said rails.

5 6. Throughout such part of the said Tramway as traverses the North Road and Windsor Road mentioned in the said Schedule, and lies outside the Borough of Parramatta, the said Company, or its assigns, shall not be bound to lay the said Tramway at the general level of the said roads, or either of them, or so that the rails shall not project above the level of the said roads, or either of them. Provided that the said Company and its assigns shall depart from such level as little as may be, and shall make and at all times maintain for the accommodation and safety of the public, and the owners and occupiers of lands fronting the said roads, or either of them, such and so many convenient level crossings, bridges, arches, culverts and passages across, over, under, or by the side of the said Tramway, as shall be necessary for the purpose of making good any interruption or hindrance caused by the said Tramway to the use of any lands fronting the said North Road or Windsor Road, or any roads which shall for the time being cross or run into the said North Road or Windsor Road. Also such posts, rails, hedges, mounds, or other fences and works wherever the said Tramway shall not be laid at the level of the said North Road and Windsor Road, or either of them, as shall be reasonably necessary for protecting persons, animals, and vehicles of all kinds passing along the said roads, or either of them, from accident in consequence of such difference in the levels of the said Tramway and the said roads, or either of them. But so that this provision shall not bind the said Company or its assigns to make and maintain any such posts, rails, hedges, mounds, fences, or works as aforesaid at any place beyond the distance for which such difference in levels shall extend; also all necessary arches, tunnels, culverts, drains, or other passages, either over, under, or by the sides of the said Tramway, of such dimensions as shall be sufficient at all times to convey the water as clearly from the said Roads as before the making of the said Tramway, or as nearly as may be; and such works shall be made from time to time as the Tramway works proceed. Provided always that the said Company or its assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the said Tramway, nor to make any accommodation works with respect to which the owners and occupiers of the lands referred to shall have agreed to receive, and shall have been paid compensation instead of having them made.

Levels of line outside Borough of Parramatta.

Construction of works.

7. The said Company or its 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.

Repair of damage to sewers, &c.

8. 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 twopence per head per mile, or fraction thereof. For goods not exceeding the same rates per mile as are charged on the Government Railways for equal distances. Provided always that such tolls or charges may, from time to time, be increased with the approval of the Railway Commissioners.

Tramway to be open to public.

9. It shall be lawful for the said Company and its assigns (subject as aforesaid) to use and employ locomotive engines or other moving power, and carriages, trucks, cars, and waggons to be drawn or propelled thereby, and to make such stoppages and detentions at either terminus of the said Tramway, or along the line thereof, and for such times

Locomotives to be employed.

times as shall be considered necessary for the convenient and effectual working, using, and management of the said Tramway, 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.

Tolls to be paid as directed.

10. The Tolls and Charges shall be paid to such persons and at such places upon or near to the Tramway, and in such manner and under such regulations as the said Company or its assigns shall appoint.

Liability of carriers.

11. Nothing in this Act contained shall extend to, charge, or make liable the said Company or its assigns further or in any other case than where, according to the laws of this Colony, stage coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the said Company or its assigns of any protection or privilege which common carriers or stage coach proprietors may be entitled to ; but, on the contrary, the said Company and its assigns shall, at all times, be entitled to the benefit of every such protection and privilege.

By-laws for use of Tramway.

12. It shall be lawful for the said Company or its assigns from time to time, subject to the provisions and restrictions in this Act contained, to make by-laws for the following purposes, that is to say :—

For regulating the times of the arrival and departure of the cars, trucks, trams, carriages, and trains, and the number of persons to be carried therein.

For regulating the loading or unloading of carriages and cars.

For preventing the smoking of tobacco and the commission of any nuisance in or upon such carriages, cars, or trucks, or any of the Tramway waiting rooms or premises.

And generally for issuing tickets and regulating the travelling upon and working the said Tramway, and for the maintenance of good order, and for regulating the conduct of the Company's officers and servants, and for providing for the due management of the said Tramway and the protection thereof, and the carriages, cars, trucks, motors, and engines, and waiting rooms, offices and premises from trespass and injury. 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 posted in some conspicuous place in or upon the Company's cars running upon the said Tramway.

Evidence of by-laws.

13. 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.

Power to assign.

14. It is hereby declared that it is lawful for the said Company and its assigns at any time to assign and transfer all the rights, powers, privileges, benefits, and advantages conferred upon it or them by this Act, to any other person, and upon any such transfer or assignment being made, the person in whose favor such transfer or assignment is made, shall then stand in the place of the said Company, and shall have all the rights, powers, benefits, privileges, and advantages conferred upon the said Company or its assigns by this Act.

Power for the Government to purchase Tramway.

15. It shall be lawful for the Governor, with the advice of the Executive Council, upon giving three months' notice in writing to the said Company, or its assigns, to require the said Company, or its assigns, to sell, and thereupon the said Company, or its assigns, shall sell to the Government the said Tramway upon the terms of payment of the then value (inclusive of compensation for compulsory sale not exceeding ten per centum) of the said Tramway, and all lands, buildings, works, materials, and plant of the said Company, or its assigns, suitable to and used by it or them for the purposes of the said Tramway, and all rights and privileges conferred by this Act, such value in case of difference

difference to be ascertained by arbitration in the manner provided by the forty-second and other sections subsequent thereto of the "Public Works Act of 1888" for settling cases of disputed compensation, and subject to the terms and conditions therein contained. And when any
5 such sale shall have been made to the said Government, the said Tramway, lands, buildings, works, materials, plant, rights, and premises, shall forthwith vest in the Railway Commissioners in the said Act mentioned, who shall have all the rights, powers, and authorities of the said Company and its assigns in respect of the said Tramway so
10 sold. If the Tramway hereby authorised shall cease to be worked as a Tramway for the conveyance of passengers or goods by the said Company or its assigns for twelve calendar months, the said Tramway shall, on proclamation to that effect by the Governor, with the advice of the Executive Council, vest in and become the absolute property of
15 the Crown without making any allowance or compensation, or paying any consideration in respect thereof to the Company or its assigns.

16. All penalties imposed under this Act, or under any by-laws ^{Penalties, how recoverable.} made in pursuance thereof, shall be recoverable in a summary way before any Stipendiary or Police Magistrate, or any two Justices of the
20 Peace, under the provisions of the Act for the time being regulating summary proceedings before Justices, and payment of such penalties may be enforced in the manner provided by such Act.

17. This Act may be cited for all purposes as "Central ^{Short title.} Cumberland Tramway Act of 1894."

SCHEDULE.

Commencing at a point near the Oddfellows' Hall, Castle Hill, thence along the North Road to the Cross Roads at Baulkham Hills, thence along the Windsor Road to a point nearly opposite the Gaol at Parramatta, thence to the right by way of a Street to O'Connell Street, Parramatta, thence along that Street and George Street to a point on the present Tramway in George Street, Parramatta, near the intersection of that Street with O'Connell Street aforesaid, and commencing at a point on the said present Tramway in George Street aforesaid, at or near the intersection of that Street with Smith Street, thence along Smith and Taylor Streets to a Good Siding opposite Taylor Street, at the Parramatta Railway Station.

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Parramatta Railway Station, from and to the points and by the direc-
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a junction with a Goods Siding at the Parramatta Railway Station,
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opening up a fertile and valuable district, and of giving greater facilities to the inhabitants for getting goods and produce to and from Sydney or elsewhere, and to the said inhabitants and the general public for travelling to and from the said district. And whereas the increased facilities for communication and traffic which would result from the construction of the said Tramway would be for the public benefit and convenience. And it is desirable to authorise by Legislative enactment the construction and maintenance of the said Tramway, subject to the provisions in this Act 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 :—

Authority to construct Tramway.

1. It shall be lawful for the said Company, or its assigns, upon the terms and conditions, and subject to the provisions in this Act contained, to make, construct, maintain, and control for carrying passengers and their luggage and goods and merchandise, a Tramway from Castle Hill to the present Tramway in George Street, Parramatta ; and also a Tramway from the said Tramway in George Street to the Parramatta Railway Station, from and to the points and by the route and in the directions respectively mentioned and described in the Schedule to this Act, and to effect a junction or connection with a Goods Siding opposite Taylor Street, at the Parramatta Railway Station, in the same manner as if such siding was a Railway made under the provisions of the Public Works Act of 1888, and subject to the terms, conditions, and restrictions enacted in that Act, with power to make such points and loops at the terminus at Castle Hill, and along the line of Tramway, as shall be considered necessary for the working of the said Tramway ; and to take and use so much of the streets, roads, and land referred to in the said Schedule as shall be required for the purposes of the said Tramway, but so that the same shall not occupy in any part thereof, except where there shall be a loop, a greater space in breadth than nine feet, including the support and foundations thereof. Provided that the said Tramway shall be completely constructed and brought into use within two years from the passing of this Act.

Tramway to remain property of the Company and its assigns.

2. The Tramway and the material thereof shall not cease to be the property of the said Company or its assigns by reason of the same being laid as in this Act mentioned.

Entry upon street, &c.

3. The said Company and its assigns, and all persons acting under its or their authority, shall have all necessary rights of ingress and egress to and over the surface of the said streets, roads, and lands referred to in the said Schedule as are required for the construction, repair, completion and use of the said Tramway. Provided that there shall be no interference with ordinary traffic beyond what is reasonable and necessary for such purposes. And provided further that nothing herein contained shall impair or be held to impair the lawful authority of the Borough of Parramatta, 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 under ground.

Gauge.

4. The gauge of the said Tramway shall be the same gauge as that of the Government Railways.

Levels of line within Borough of Parramatta.

5. The said Tramway shall throughout so much of its course as lies within the Borough of Parramatta, be laid at about the general level of the streets traversed by it, and so that the rails shall not project above the surface thereof ; and the said Company and its assigns shall maintain in perfect order and repair the said Tramway, and where the said Tramway traverses public thoroughfares within the said

said Borough of Parramatta, shall maintain perfect and keep in order and repair 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 the said rails.

5 6. Throughout such part of the said Tramway as traverses the North Road and Windsor Road mentioned in the said Schedule, and
 10 lies outside the Borough of Parramatta, the said Company, or its assigns, shall not be bound to lay the said Tramway at the general level of the said roads, or either of them, or so that the rails shall not
 15 project above the level of the said roads, or either of them. Provided that the said Company and its assigns shall depart from such level as little as may be, and shall make and at all times maintain for the
 20 accommodation and safety of the public, and the owners and occupiers of lands fronting the said roads, or either of them, such and so many convenient level crossings, bridges, arches, culverts and passages across,
 25 over, under, or by the side of the said Tramway, as shall be necessary for the purpose of making good any interruption or hindrance caused by the said Tramway to the use of any lands fronting the said North Road or Windsor Road, or any roads which shall
 30 for the time being cross or run into the said North Road or Windsor Road. Also such posts, rails, hedges, mounds, or other fences and works wherever the said Tramway shall not be laid at the level of the said North Road and Windsor Road, or either of them, as shall be reasonably necessary for protecting persons,
 35 animals, and vehicles of all kinds passing along the said roads, or either of them, from accident in consequence of such difference in the levels of the said Tramway and the said roads, or either of them. But so that this provision shall not bind the said Company or its assigns to make and maintain any such posts, rails, hedges, mounds,
 40 fences, or works as aforesaid at any place beyond the distance for which such difference in levels shall extend; also all necessary arches, tunnels, culverts, drains, or other passages, either over, under, or by the sides of the said Tramway, of such dimensions as shall be sufficient at all times to convey the water as clearly from the said Roads as before the
 45 making of the said Tramway, or as nearly as may be; and such works shall be made from time to time as the Tramway works proceed. Provided always that the said Company or its assigns shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the said Tramway,
 50 nor to make any accommodation works with respect to which the owners and occupiers of the lands referred to shall have agreed to receive, and shall have been paid compensation instead of having them made.

Levels of line outside Borough of Parramatta.

Construction of works.

7. The said Company or its assigns shall immediately repair any
 45 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.

Repair of damage to sewers, &c.

8. 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
 50 not exceeding twopence per head per mile, or fraction thereof. For goods not exceeding the same rates per mile as are charged on the Government Railways for equal distances. Provided always that such tolls or charges may, from time to time, be increased with the approval of the Railway Commissioners.

Tramway to be open to public.

55 9. It shall be lawful for the said Company and its assigns (subject as aforesaid) to use and employ locomotive engines or other moving power, and carriages, trucks, cars, and waggons to be drawn or propelled thereby, and to make such stoppages and detentions at either terminus of the said Tramway, or along the line thereof, and for such times

Locomotives to be employed.

times as shall be considered necessary for the convenient and effectual working, using, and management of the said Tramway, 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.

Tolls to be paid as directed.

10. The Tolls and Charges shall be paid to such persons and at such places upon or near to the Tramway, and in such manner and under such regulations as the said Company or its assigns shall appoint.

Liability of carriers.

11. Nothing in this Act contained shall extend to, charge, or make liable the said Company or its assigns further or in any other case than where, according to the laws of this Colony, stage coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the said Company or its assigns of any protection or privilege which common carriers or stage coach proprietors may be entitled to ; but, on the contrary, the said Company and its assigns shall, at all times, be entitled to the benefit of every such protection and privilege.

By-laws for use of Tramway.

12. It shall be lawful for the said Company or its assigns from time to time, subject to the provisions and restrictions in this Act contained, to make by-laws for the following purposes, that is to say :—

For regulating the times of the arrival and departure of the cars, trucks, trams, carriages, and trains, and the number of persons to be carried therein.

For regulating the loading or unloading of carriages and cars.

For preventing the smoking of tobacco and the commission of any nuisance in or upon such carriages, cars, or trucks, or any of the Tramway waiting rooms or premises.

And generally for issuing tickets and regulating the travelling upon and working the said Tramway, and for the maintenance of good order, and for regulating the conduct of the Company's officers and servants, and for providing for the due management of the said Tramway and the protection thereof, and the carriages, cars, trucks, motors, and engines, and waiting rooms, offices and premises from trespass and injury. 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 posted in some conspicuous place in or upon the Company's cars running upon the said Tramway.

Evidence of by-laws.

13. 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.

Power to assign.

14. It is hereby declared that it is lawful for the said Company and its assigns at any time to assign and transfer all the rights, powers, privileges, benefits, and advantages conferred upon it or them by this Act, to any other person, and upon any such transfer or assignment being made, the person in whose favor such transfer or assignment is made, shall then stand in the place of the said Company, and shall have all the rights, powers, benefits, privileges, and advantages conferred upon the said Company or its assigns by this Act.

Power for the Government to purchase Tramway.

15. It shall be lawful for the Governor, with the advice of the Executive Council, upon giving three months' notice in writing to the said Company, or its assigns, to require the said Company, or its assigns, to sell, and thereupon the said Company, or its assigns, shall sell to the Government the said Tramway upon the terms of payment of the then value (inclusive of compensation for compulsory sale not exceeding ten per centum) of the said Tramway, and all lands, buildings, works, materials, and plant of the said Company, or its assigns, suitable to and used by it or them for the purposes of the said Tramway, and all rights and privileges conferred by this Act, such value in case of difference

- difference to be ascertained by arbitration in the manner provided by the forty-second and other sections subsequent thereto of the "Public Works Act of 1888" for settling cases of disputed compensation, and subject to the terms and conditions therein contained. And when any
- 5 such sale shall have been made to the said Government, the said Tramway, lands, buildings, works, materials, plant, rights, and premises, shall forthwith vest in the Railway Commissioners in the said Act mentioned, who shall have all the rights, powers, and authorities of the said Company and its assigns in respect of the said Tramway so
- 10 sold. If the Tramway hereby authorised shall cease to be worked as a Tramway for the conveyance of passengers or goods by the said Company or its assigns for twelve calendar months, the said Tramway shall, on proclamation to that effect by the Governor, with the advice of the Executive Council, vest in and become the absolute property of
- 15 the Crown without making any allowance or compensation, or paying any consideration in respect thereof to the Company or its assigns.
16. All penalties imposed under this Act, or under any by-laws Penalties, how recoverable. made in pursuance thereof, shall be recoverable in a summary way before any Stipendiary or Police Magistrate, or any two Justices of the
- 20 Peace, under the provisions of the Act for the time being regulating summary proceedings before Justices, and payment of such penalties may be enforced in the manner provided by such Act.
17. This Act may be cited for all purposes as "Central Short title. Cumberland Tramway Act of 1894."

SCHEDULE.

Commencing at a point near the Oddfellows' Hall, Castle Hill, thence along the North Road to the Cross Roads at Baulkham Hills, thence along the Windsor Road to a point nearly opposite the Gaol at Parramatta, thence to the right by way of a Street to O'Connell Street, Parramatta, thence along that Street and George Street to a point on the present Tramway in George Street, Parramatta, near the intersection of that Street with O'Connell Street aforesaid, and commencing at a point on the said present Tramway in George Street aforesaid, at or near the intersection of that Street with Smith Street, thence along Smith and Taylor Streets to a Good Siding opposite Taylor Street, at the Parramatta Railway Station.

