

PENNANT HILLS
TRAMROAD.

An Act to enable the Commissioners for the City of Sydney to construct a Tramroad from the Quarry at Pennant Hills to the Parramatta River. [*2nd December, 1854.*]

Preamble.

WHEREAS the Commissioners for the city of Sydney obtain a supply of blue metal or stone from a certain public Quarry situate at Pennant Hills in the county of Cumberland in the Colony of New South Wales for the purpose of forming repairing and amending the public streets and places in the city of Sydney which is likely to prove beneficial to the inhabitants of the said city and the public advantage is at present especially concerned in promoting the increase
and

Pennant Hills Tramroad.

and facility in the supply of such metal or stone from the said Quarry if the same could be conveyed by a Tramroad or Tramway from such Quarry to the Parramatta River and it is necessary to pass over certain lands already granted by the Crown to several persons and whereas it is deemed expedient to authorize the said Commissioners to form such Tramroad or Tramway over the lands hereinafter described upon payment of reasonable compensation to the owners of such land for such quantity thereof as may be occupied thereby Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows—

1. It shall be lawful for the Commissioners for the city of Sydney to make and continue a Tramroad or Tramway from the Parramatta River aforesaid to the southern boundary of the said Quarry at Pennant Hills aforesaid in the line described in the Schedule herunto annexed marked A so that such road or way shall not occupy in any part thereof a greater space in breadth than twenty-five feet including the supports abutments and foundations thereof but reserving to the Commissioners the power to deviate from the description in the said Schedule to the extent of two chains on either side of the proposed Tramway.

Commissioners authorized to construct a Tramroad.

2. The rails of so much of the said Tramroad or Tramway as shall pass along or over any public roads shall not be raised above two inches above the level of the said road and the said Commissioners shall have no further right to the soil of the land beneath the surface than shall be requisite for the formation and repair of the said road by cutting embanking or otherwise.

As to level of rails passing along or over any public roads and as to right to the soil.

3. The ground and soil of so much of the site of the said Tramroad or Tramway as passes over the lands of such persons as may be taken or used by the said Commissioners or their successors in pursuance of the provisions of this Act together with such right of ingress upon the adjacent land as shall be necessary for the making and repair thereof shall be vested by virtue of this Act and without the necessity of any deed of conveyance of the land in the said Commissioners and their successors for the purpose of a Tramroad or Tramway for their use and the use of their lessees and tenants and their servants officers workmen and contractors subject to the provisoes hereinbefore contained And provided further that at the junction or crossing of the said Tramroad or Tramway with or over any highway the said Commissioners shall erect and maintain proper and efficient gates for the safety of the passengers and traffic on the said highway.

Lands taken to be vested without deed.

4. The said Commissioners or their successors shall pay to the said parties whose land shall be so taken or used by the said Commissioners as aforesaid the sum of twenty pounds per acre and in the like proportion for any less quantity for such land of the said parties as the said Tramroad or Tramway inclusive of the supports abutments and foundations thereof shall occupy but in case the said parties shall deem the said price or compensation insufficient it shall be lawful for them within the space of six months from the passing of this Act to apply to His Excellency the Governor to appoint and he shall thereupon appoint accordingly Commissioners to inquire into and assess the same in like manner as is enacted and directed in the case of a road through private property proclaimed by the Government under and by virtue of an Act of the Governor and Legislative Council passed in the fourth year of the reign of His late Majesty King William the Fourth intituled “*An Act for making altering and improving the Roads throughout the Colony of New South Wales and for opening and improving the Streets in the Towns thereof*” And for the purpose of such assessment the said Commissioners or any two of them shall have and possess all the powers vested in them or any two

Commissioners to pay for land taken.

If compensation insufficient Commissioners to be appointed to assess value.

of

Pennant Hills Tramroad.

of them by the said Act and the like duties powers and regulations shall attach and apply to the parties jurors witnesses and others occupied and concerned in relation thereto and in case the price assessed on such inquiry be in excess of the sum awarded by this Act such excess shall in addition to the price awarded by this Act be paid by the said Commissioners or their successors accordingly together with the costs of inquiry but if the price awarded upon the said inquiry shall not exceed the sum awarded by this Act the costs of the inquiry shall be paid by the parties demanding the same the amount of which costs shall be assessed and the person or persons by and to whom the same shall be paid shall be ascertained by the order of the said Commissioners and shall be recoverable by action of debt if not paid on demand pursuant to such order.

Commissioners to
fence land.

5. The said Commissioners or their successors shall if required thereto by any of the parties whose lands may be so taken as aforesaid or their heirs or assigns make and complete and from time to time keep in repair a good and substantial fence upon each side of so much of the said Tramroad or Tramway as shall pass on the land of the said parties dividing the same from the land adjacent and if any damage shall be committed to or upon such adjacent land in the making or repairing or using of the said Tramroad or Tramway by the said Commissioners or their officers agents servants workmen or contractors they shall forthwith make good the same and if the said Commissioners or their successors shall make default in erecting or keeping repaired the said fence the said parties or their heirs or assigns shall be at liberty to erect or repair the same as the case may be and recover the expense necessarily incurred therein by action of debt and if the said Commissioners or their successors shall fail to make good or compensate any such damage as aforesaid committed by them or their officers agents servants workmen or contractors in the making repairing or using of the said Tramroad or Tramway the same may be recovered from them or their successors as special damages by action of debt.

SCHEDULE A.

DESCRIPTION of Line for a Tramroad from Pennant Hills Quarry to the Parramatta River.

1. The datum is a peg at high water mark upon the north bank of the Parramatta River and opposite a small wharf at Red Bank.
 2. The line leaves the datum with a north-west course through the Sobiaco Estate 22 chains 35 links then in a north-east course 32 chains 45 links to the centre of a creek forming the boundary line between the Sobiaco Estate and Mr. Elder's land.
 3. Then on Mr. Elder's land in a north-east course 12 chains 20 links a north-west course 20 chains 24 links to the centre of a creek dividing the lands of Mr. Elder and Mrs. Bowerman.
 4. Then in a north-west course upon Mrs. Bowerman's land 15 chains 30 links then in a north-east course 25 chains 25 links to south fence of Parramatta Road.
 5. Then in a north-east course across the Parramatta Road 1 chain 50 links.
 6. Then through Mrs. Durden's land in a north-east course 6 chains 65 links to the western boundary of Mr. Fearon's Road.
 7. Then across Mr. Fearon's private road 35 links in a north-east course.
 8. Then in a north-east course 6 chains 10 links upon Mrs. Durden's land.
 9. Then in a northerly course 8 chains 80 links to Mrs. Durden's northern boundary fence.
 10. Then in a northerly course through Government land 19 chains 70 links to a peg in the Quarry.
-