

TARRAWINGEE
TRAMWAY ACT
AMENDMENT.

An Act to amend the "Tarrawingee Tramway Act of 1890." [1st April, 1892.]

Preamble.

WHEREAS all rights, powers, privileges, benefits, and advantages conferred on James Smith Reid in the "Tarrawingee Tramway Act of 1890" (hereinafter called the said Act) mentioned, have been assigned to the "Tarrawingee Flux and Tramway Company (Limited)," (a Company duly incorporated, and hereinafter referred to as "the said Company"). And the said Company has constructed a tramway connecting the extension of the Silverton Tramway with the flux quarries mentioned in the said Act: And whereas it would be greatly to the interest and convenience of the inhabitants of Broken Hill and surrounding districts that the said Company and its assigns should be authorised to use the said tramway for the carriage of passengers and goods generally, as well as for the purposes mentioned in section five of the said Act: And whereas it is expedient that the said Act should be amended: 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:—

Carriage of
passengers, merchandise,
&c., &c.

1. Notwithstanding anything in the said Act contained, it shall be lawful for the said Company or its assigns, upon obtaining a certificate from the Engineer-in-Chief for Government Railways or an
Engineer

Tarrawingee Tramway Act Amendment.

Engineer acting on his behalf that passengers may be safely carried upon the said tramway, to use the said tramway for the carriage of any passengers, goods, merchandise, live stock, chattels, and things of any kind whatsoever, upon such terms and conditions as may be determined by any by-laws to be made as hereinafter mentioned. Section one of the said Act shall, as from the commencement of the said Act, be read and construed as if liberty to deviate from the route mentioned in the Schedule to the said Act within the limits of deviation mentioned in the said Schedule, and to take and use so much of any roads, streets, lands, and reserves within the said limits of deviation as might be required for the purposes of the tramway, had been expressly given by the said section. Power to deviate.

2. It shall be lawful for the said Company or its assigns from time to time to make such by-laws for regulating its affairs and the management of the tramway and any buildings and works connected therewith, and for fixing the tolls, rates, fares, and charges for the carriage and conveyance of passengers, goods, merchandise, chattels, live stock, and other things of every description thereon as it may think advisable, and for all purposes which are usually comprised in by-laws of any tramway or railway companies: Provided that such by-laws shall not be repugnant to anything contained in this Act, and shall have been approved of by the Governor with the advice of the Executive Council. Power to make by-laws.

3. The maximum tolls, rates, fares, and charges to be fixed by any by-laws made as aforesaid shall not exceed the following, that is to say:— Rates of fares and charges.

- (I) For passengers, a sum not exceeding threepence each per mile.
- (II) For goods, merchandise, chattels, and things other than live stock (in quantities not less than one ton) a sum not exceeding sixpence per ton per mile.
- (III) For live stock (in quantities not less than one truck load) a sum not exceeding sixpence per head per mile.

Provided that this scale of charges, except for passengers, shall only apply for distances above ten miles.

4. All such tolls, rates, fares, and charges shall be at all times charged equally to all persons, and after the same rate in respect to all passengers, goods, live stock, chattels, and other things as aforesaid of the like number or quantity on carriages of the same description, and conveyed or propelled by a like carriage or engine or other motive power passing only over the same portion of the tramway under the same circumstances, and no reduction or advance in any such tolls, rates, fares, and charges shall be made either directly or indirectly in favour of or against any particular person or corporation travelling upon or using the tramway. Tolls, rates, &c.

5. All by-laws made under this Act shall be published in the *Government Gazette*, and copies thereof shall be exhibited in some conspicuous place at the principal office of the said Company or its assigns, and at every station on the tramway, and production of a copy of the *Government Gazette* purporting to contain any by-law shall be *prima facie* proof of the making thereof. Publication of by-laws in *Government Gazette*.

6. Any by-law made under this Act may impose reasonable penalties for offences against the same not exceeding five pounds for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence one pound for every day during which the offence continues, and any such penalty may be recovered by summary proceedings before a Justice of the Peace. Penalty for offences against by-laws.

Pine Ridge Tramway.

Liability for injuries.

7. The said Company or its assigns shall be responsible for all injuries caused by the negligent or improper construction, maintenance, or working of the said tramway, and all claims in respect of such negligence and improper construction, maintenance, or working may be enforced against the said Company or its assigns: Provided that the damages which may be recovered against the said Company or its assigns in respect of any such claim shall, in addition to all other remedies for their recovery, be a first charge upon the tolls, rates, fares, and charges charged for the carriage of passengers on the said tramway and upon all property used in and upon and necessary for the working of the said tramway.
