



Western Australia.

ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XXII.

AN ACT to confirm a provisional order authorising the construction of Tramways in the City of Perth.

[Assented to, 4th December, 1889.]

BE it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Act may be cited as “The Perth Tramways Act, Short Title. 1889.”

2. THE term “local authority” when used in this Act or in “The Tramways Act, 1885,” shall mean the Council of any Municipality declared and proclaimed or constituted under the provisions of “The Municipal Institutions Act, 1871.” Definition of term “local authority.”

3. SUBJECT to the provisions of “The Tramways Act, 1885,” the promoters mentioned in the Schedule of this Act may make, form, lay down, construct, maintain, and work the tramways set forth in the Schedule of this Act. Construction of Tramways authorised.

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- 4.** THE promoters may also, with the consent of the Commissioner of Railways, extend the said Tramway from Aberdeen Street along Fitzgerald Street to Newcastle Street, thence along Newcastle Street to Swan Location A.x., and also from Point Lewis along Mount's Bay Road to the Suburban Lot "B," known as the Brewery, and also along Wellington Street from Barrack Street to William Street.
- 5.** IF on or before the first day of February, 1890, the promoters shall have paid the deposit required by the eleventh section of "The Tramways Act, 1885," they shall be deemed to have complied with the provisions of the said Act, and to have obtained from the Commissioner of Railways the provisional order set forth in the Schedule to this Act.
- 6.** SUBJECT to the provisions of the next preceding section, the said provisional order shall be and the same is hereby confirmed.
- 7.** FOR the purposes of this Act, but for no other purpose, the 29th section of "The Tramways Act, 1885," is hereby amended, by omitting all the words in the first, second, and third lines, and the words "period of six months" in the fourth line, thereof.
- 8.** THE Schedule shall form part of this Act.

Extension of Tramways.

Tramways Act, 1885, complied with.

Provisional order confirmed.

Amendment.

Schedule to form part of Act.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.

SCHEDULE.

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Provisional Order.

WHEREAS ADOLPH LEHMAN, of Perth, in the colony of Western Australia, gentleman, a person within the meaning of the expression "the Promoters" as defined by the 3rd Section of "The Tramways' Act, 1885," has made application to me for a Provisional Order authorising the construction of Tramways in the City of Perth. And whereas I have considered the said application, and it appears to me expedient and proper that the said application should be granted. Now therefore I, JOHN ARTHUR WRIGHT, of Perth, aforesaid, Commissioner of Railways for Western Australia, do hereby in pursuance of the powers in that behalf vested in me by virtue of the provisions of "The Tramways' Act, 1885," make a Provisional Order, and I do order as follows, that is to say:—

1. The promoters shall be and they are hereby empowered to make, form, lay down, construct, maintain and work Tramways in, upon, and along the following streets in the City of Perth, subject to the provisions of the Tramways' Act, 1885, and to the terms and conditions hereinafter contained, that is to say:

Along St. George's-terrace from Milligan-street to the Perth Causeway.

From Point Lewis, along Mount's Bay-road, up William-street and Hutt-street, then along James-street, Hardinge-street and Fitzgerald-street to Aberdeen-street.

From St. George's-terrace, up Barrack-street, then along Wellington-street to Hill-street, thence along Hill-street, Wittenoom-street, and Claisebrook-road to Brown-street.

From St. George's-terrace, along Bennett-street and the Cemetery-road to Waterloo-crescent.

2. The said Tramways may be used for the traffic of passengers, parcels and goods.

3. The promoters may, if they think fit, use electricity as a motive power in lieu of animal power.

4. Before commencing to construct the Tramways the promoters shall submit for the inspection of the Commissioner of Railways, plans, specifications, and drawings of the proposed Tramways, and shall obtain his approval thereof in writing, and the Commissioner of Railways may, from time to time, upon the application of the promoters, alter or vary the same, or authorise the promoters to alter or vary the same.

5. On or before the first day of February, 1890, the promoters shall pay as a deposit into the hands of the Colonial Treasurer the sum of £650, and in the event of the said deposit not being paid the powers given by this provisional order to the promoters for constructing the said tramways shall cease to be exercisable, unless the time be prolonged by the special direction of the Governor, upon the recommendation of the local authority. The said deposit shall be held by the Colonial Treasurer until the tramways included in the Act are in working order and open for traffic, when the same shall be returned to the promoters with accrued interest (if any).

6. The promoters may demand and take for every passenger conveyed upon the Tramways any tolls or charges not exceeding the sum of 2d. per mile, but so that for every passenger conveyed for a distance less than three miles the promoters may demand tolls and charges as for three miles, and for every fraction of a mile beyond three miles or beyond any greater integral number of miles the promoters may demand tolls and charges for a mile: Provided the

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promoters shall not demand or take any tolls or charges exceeding in all the sum of 6d. for the conveyance of any passenger from one point to another within the city boundary.

7. Every passenger travelling upon the Tramways may take with him his ordinary personal luggage without any charge being made for the carriage thereof, but so that the weight of such luggage shall not exceed 20 pounds.

8. The promoters shall not be bound, unless they think fit, to carry any animals or goods other than passengers' luggage not exceeding the weight mentioned in the last preceding section.

9. The promoters shall be authorised to demand and take such tolls and charges for the carriage of goods as shall be approved by the Commissioner of Railways.

10. A list of all the tolls and charges which the promoters shall be authorised to demand and take shall be exhibited in some conspicuous place in the inside of each of the cars used by the promoters upon the Tramways.

11. The tolls and charges authorised to be taken and which shall be demanded by the promoters shall be paid to such persons and at such places upon or near the Tramways, and in such manner and under such regulations as the promoters shall by notice to be annexed to the list of tolls appoint.

12. The restrictions herein contained as to tolls and charges which the promoters may demand and take for the conveyance of passengers and goods shall not extend to any special car, but shall apply only to the ordinary cars appointed by the promoters from time to time for the conveyance of passengers and goods.

13. The Tramways may, with the consent and approval in writing of the Commissioner of Railways, be constructed and maintained with double lines in such parts of the city as the Commissioner of Railways may authorise and direct.

14. Every Tramway shall be constructed and maintained in such a manner as not to cause any impediment or injury to the use by the public for the purpose of traffic of any street wherein the same shall be laid, and the public shall at all times be entitled to the free and uninterrupted use of every part of such street save when any conveyance of the promoters shall be passing over or be about to pass over any part thereof or be standing thereon, and then the public shall not be entitled to the use of the part of such street over which such conveyance shall be passing or be about to pass, or upon which such conveyance shall be standing: Provided that no such conveyance shall stand at any point in any street other than the terminus of the Tramways except for the purpose of taking up or setting down passengers, unless with the consent and authority of the local authority.

15. The promoters and any other person may from time to time make and enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use by such other persons of the Tramways and the tolls, rates, and charges to be paid for such use and the terms and conditions of such uses and all incidental matters.

16. For the first five years from the time of the completion of the Tramways, or when the same or any part thereof shall be opened for traffic, no rates or taxes shall be levied in respect of the said Tramways; but from and after the termination of the said five years, and for and during the next succeeding seven years, the promoters shall in each year pay to the local authority rates calculated on the sum of £100 as the annual rateable value of the Tramways for every mile in length of the streets of such local authority along which such Tramways shall be constructed, in the same manner as rates declared and levied upon rateable property by virtue of the "Municipal Institutions' Act, 1876," or of any Act amending the same, and such rates shall form portion of the general revenue of such local authority. For the next succeeding seven years the promoters shall pay rates as aforesaid, calculated on the sum of £150 as the annual rateable

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value of the said Tramways for every mile as aforesaid; and from and after the last mentioned term of seven years the promoters shall pay rates as aforesaid, calculated on a sum not exceeding £200 as the annual rateable value of the said Tramways for every mile as aforesaid: Provided that save as in this Clause provided, neither the Tramways nor any works connected therewith, nor the cars, horses, rolling stock, or other things used in working the Tramways shall be liable to the payment of any Municipal District or other local rates or taxes whatever.

17. At any time after the expiration of 25 years from the completion of the Tramways and before six months thereafter, and at any time after the expiration of every subsequent period of ten years and before six months after any such period, it shall be lawful for the local authority to purchase the said Tramways and the whole undertaking on giving to the promoters six calendar months' notice in writing of such intention, and on payment to the promoters of an amount to be ascertained as follows, that is to say:—Two arbitrators shall be appointed by the promoters and two arbitrators by the local authority, and all matters relating to such purchase shall be submitted to the decision of such arbitrators. The arbitrators so appointed as aforesaid shall, before proceeding with the arbitration, by writing under their hands appoint an umpire, and the said arbitrators and umpire shall, after hearing the respective parties, their counsel and witnesses, and making such investigation as they shall deem necessary, make their award, and the award of a majority of them shall be final and conclusive to all intents and purposes as to the purchase money to be paid to the promoters by the local authority for the said Tramways and undertaking: Provided that the said local authority shall not be compelled to abide by the event of the award if the said local authority shall give to the promoters within one month from the date of the award notice in writing to that effect, and thereupon the promoters shall be at liberty to carry on and work the said Tramways: And provided also that the said local authority shall pay the cost of the reference and award, and all costs and charges incidental thereto.

Given under my hand this 27th day of November, One thousand eight hundred and eighty-nine.

J. ARTHUR WRIGHT,
Commissioner of Railways.