

WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

XXXI.

No. 35 of 1909.

AN ACT to confirm a further Provisional Order to amend and vary a certain Provisional Order authorising the Construction of Tramways in the Municipality of North Perth.

[Assented to 21st December, 1909.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *North Perth Tramways Act*, Short title, 1909.

2. The Provisional Order made by the Minister for Works on the twentieth day of October, one thousand nine hundred and nine, and set forth in the schedule of this Act, is hereby confirmed. Confirmation of Provisional Order.

3. Subject to the provisions of the Tramways Act, 1885, the promoter named in the said Provisional Order and its assigns (hereinafter called the promoter) may make, form, lay down, construct, maintain, and work the tramways set forth in the said Provisional Order. Powers for promoter to construct, maintain, and work tramways.

Power to construct
and use railways
crossing tramways.

4. It shall at all times hereafter be lawful for the Minister for Works to construct, and for the Commissioner of Railways to maintain and use lines of railway crossing the said tramways at any points; and whenever any such line of railway shall have been so constructed, the Commissioner of Railways may require the promoter, at its own cost, to erect a suitable bridge over such railway for the tramway traffic.

Protection of tele-
phone service.

5. Whenever any telephone service is erected prior to the construction of the tramways, and is prejudicially affected by the construction or working of the tramways, the Postmaster General may, at the cost of the promoter and its assigns, do all such things as may be necessary to protect the telephone service from being so affected, either by placing the same on a metallic circuit system or otherwise.

Schedule incorpo-
rated.

6. The Schedule hereto shall form part of this Act.

SCHEDULE.

PROVISIONAL ORDER.

WHEREAS the Perth Electric Tramways, Limited, whose Registered Office in Western Australia is in Barrack Street, Perth, a Company within the meaning of the expression "The Promoters," as defined by Section 3 of "The Tramways Act, 1885," and hereafter referred to as "The Promoter," has made application to me for a further Provisional Order to amend, extend, and vary in manner hereinafter mentioned the Provisional Order made by the Minister for Works for Western Australia on the eighth day of December, one thousand nine hundred and four, and set forth in the Schedule to and confirmed by Act 4 Edward VII., No. 46: And whereas the Promoter has published notice of its intention to make such application by advertisement in the form prescribed in the Schedule B annexed to the said Tramways Act, 1885, both in the "Government Gazette" and in the "West Australian" Newspaper, being a local newspaper, and has deposited at the Department of Public Works, and with the Town Clerk of the Municipality of North Perth, the documents described in Schedule C, annexed to the said Tramways Act, 1885, and according to the provisions of the said Act: And whereas the Municipality of North Perth, being the local authority of the district, has consented to this further Provisional Order being obtained: 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, Frank Wilson, the Minister for Works for Western Australia, do hereby, in pursuance and by virtue of the provisions of "The Tramways Act, 1885," make a further Provisional Order, and I do order as follows, that is to say:—

1. The Promoter shall be and is hereby empowered to make, form, lay down, construct, maintain, and work tramways in, upon, and along such of the streets and roads in the district of the Municipality of North Perth as are mentioned in the Schedule hereunder written: Provided nevertheless that notwithstanding anything herein contained, it shall be lawful for the Minister for Works at any time within three months from this date, by notice in writing to the Promoter, delivered at its registered office for the time being, to prohibit the construction of any part or parts of the said tramway which in the opinion of the Minister for Works may interfere with the railway system of the State.

2. The Promoter shall complete and open for traffic the said tramway within three months next after the date of the confirmation by Act of Parliament of this further Provisional Order.

3. So much of the said Provisional Order of the eighth day of December, one thousand nine hundred and four, as relates to the tramway, being Section 2 mentioned in the Schedule to such Provisional Order, is hereby revoked and cancelled, and such Provisional Order shall henceforth be read and construed and take effect as if such Section 2 were deleted from such Schedule.

4. The moneys deposited with the Colonial Treasurer under the said Provisional Order of the eighth day of December, one thousand nine hundred and four, as provided by Clause 20 thereof, shall be held by the Colonial Treasurer until the completion of the tramway authorised to be constructed by this Further Provisional Order, and on such completion shall be returned to the promoter with accrued interest (if any), provided always that such deposit shall be forfeited unless the tramway hereby authorised to be constructed is duly completed in accordance with Paragraph 2 of this Order.

5. The provisions of the said Provisional Order of the eighth day of December, one thousand nine hundred and four, save so far as the same are modified by and are therefore inconsistent with the present Order, shall apply to the tramway hereby authorised to be constructed in like manner as if such tramway were part of the tramway mentioned in and constructed under such Provisional

Order. But nothing in such Provisional Order of eighth December, one thousand nine hundred and four, shall be deemed to give the promoter power to construct double lines in connection with the present order when such construction would mean the encroachment into an adjoining district.

6. Nothing herein contained shall prejudice or affect the Agreement dated the nineteenth day of September, one thousand nine hundred and four, and the fourth day of January, one thousand nine hundred and nine respectively, both made between the Mayor and Councillors of the Municipality of North Perth of the one part and the Perth Electric Tramways, Limited, by its attorney, H. J. Somerset, of the other part, except so far as the same are contrary to, or in conflict with the provisions of this Order, or the Tramways Act, 1885.

7. The term "The Promoter" whenever herein used shall mean and include The Perth Electric Tramways, Limited, and its assigns whenever the context so requires or admits.

THE SCHEDULE HEREIN REFERRED TO.

Section 1.—From the boundary of the City of Perth at the intersection of Beaufort and Walcott Streets, along Walcott Street in a north-westerly direction to the intersection of York Street (formerly called or known as "Government Road").

Section 2.—From the intersection of Forrest and Fitzgerald Streets, along Fitzgerald Street in a northerly direction to the intersection of Angove Street, thence along Angove Street in a north-westerly direction to the intersection of Albert Street.

As witness my hand this twentieth day of October, one thousand nine hundred and nine.

FRANK WILSON,
Minister for Works.