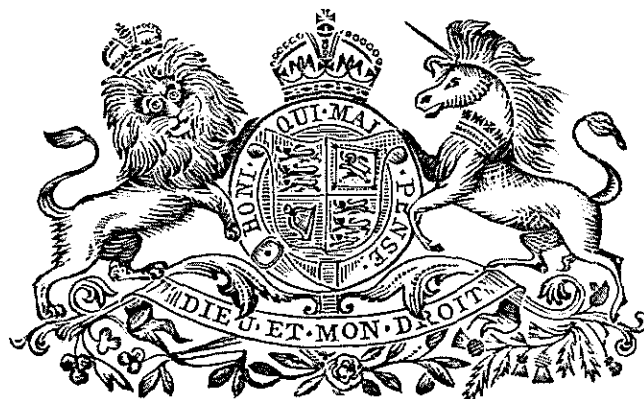


WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

XLIV.

No. 48 of 1909.

AN ACT to confirm a Provisional Order authorising the construction of certain Tramways in the Municipal District of Leonora and in the North Coolgardie Road District, and to repeal the Leonora Tramway Act, 1902.

[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 *Leonora Tramways Act*, 1909. Short title.
2. The Provisional Order made by the Minister for Works on the first day of November, One thousand nine hundred and nine, and set out in the first schedule to this Act, is hereby confirmed. Provided that the right of transfer contained in Clause twenty-three of the Provisional Order shall not be exercised except with the approval of Parliament. Confirmation of Provisional Order.
3. Subject to the provisions of the Tramways Act, 1885, the Municipality of Leonora (hereinafter called the said Municipal- Powers for promoter to construct, maintain, and work tramways.

ity) and its assigns may make, form, lay down, construct, maintain, and work the tramways set forth in the said Provisional Order.

Power to construct
an additional
tramway.

4. The said Municipality and its assigns may make, form, lay down, construct, maintain, and work a tramway in, upon, along, and over the route described in the second schedule hereto, in addition to the tramway described in the said Provisional Order, in accordance with and subject in all respects to the provisions of the said Provisional Order; and subject also in respect of Gold Mining Lease 5341 to the terms and conditions of a consent in writing by the Sons of Gwalia, Limited, dated the twenty-seventh day of February, one thousand nine hundred and eight, deposited at the Department of Public Works.

Power to construct
and use tramways
crossing railways.

5. 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 point; and whenever any such line of railway shall have been so constructed, the Commissioner of Railways may require the said Municipality and its assigns, at its and their own cost, to erect a suitable bridge over the said railway for the tramway traffic.

Schedules
incorporated.

6. The Schedules to this Act shall form parts of this Act.

Repeal.

7. The Leonora Tramway Act, 1902, is hereby repealed.

THE FIRST SCHEDULE.

PROVISIONAL ORDER.

WHEREAS the Mayor and Councillors of the Municipality of Leonora (hereinafter referred to as "The Promoter"), a local authority within the meaning of the expression "The Promoter," as defined by Section 3 of "The Tramways Act, 1885," have made application to me for a Provisional Order to amend and vary the Provisional Order made by the Commissioner of Railways for Western Australia on the Eighteenth day of November, One thousand nine hundred and two, and set forth in the Schedule to and confirmed by Leonora Tramway Act, 1902 (2 Edward VII., No. 28): 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 the *Leonora Miner*, being a local newspaper, and has deposited at the Department of Public Works, and with the Town Clerk of Leonora, the documents described in Schedule C annexed to the said Tramways Act, 1885, and in accordance with the provisions of such Act: And whereas the North Coolgardie Road Board, in so far as this Provisional Order relates to the roads and public highways in the North Coolgardie Road Board District, has consented to this Provisional Order being obtained: And whereas I have considered the said application, and it appears to me expedient and proper that the object of the said application should be granted: Now therefore I, the undersigned, the Minister for Works for Western Australia, do hereby, in pursuance and 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 Provisional Order made by the Commissioner of Railways for Western Australia on the Eighteenth day of November, 1902, and set forth in the schedule to and confirmed by the Leonora Tramway Act, 1902 (2 Edward VII., No. 28), is hereby annulled as from the commencement of the Act confirming the Provisional Order.

2. 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 Municipality of Leonora and the North Coolgardie Road Board District as are set out in the Schedule hereto, to alter and vary the routes of any such tramways, and to extend the same along any other streets or roads within the boundaries of the said Municipality: Provided such alteration or extension shall not be exercisable except with the consent of the Governor in Executive Council. Provided always, that notwithstanding anything herein contained it shall be lawful for the Minister for Works, at any time within six months of the date hereof, by notice in writing to the Promoter delivered at the office of the Leonora Municipal Council, Tower Street, Leonora, to prohibit the construction of any part or parts of the said tramway which are in the opinion of the Minister for Works likely to interfere with the Western Australian Government Railway system.

3. The Promoter shall, within six months after the confirmation by Act of Parliament of this Provisional Order or within such extended time as the Minister for Works may approve, substantially commence the works in connection with such tramway, and shall complete the whole of the works within six months of such commencement.

4. Plans, specifications, and details of the track and pole line construction and of crossings, sidings, overhead construction, and the mode of carrying out the work must be approved in writing by the Minister for Works.

5. For the purpose of working the said tramway the Promoter may, subject to the aforesaid approval of the Minister for Works, place, construct, erect, lay down, make, maintain, and use, on, in, under or over the surface of the streets or roads described in the said Schedule aforesaid, posts, electric mains, wires, apparatus, subways, cables, tubes, and openings; provided that the Minister for Works shall be entitled to direct the alteration of position of any pole, post, wire, etc., if it appear to him that the same is specially inconvenient and could be made less inconvenient, and in the event of such direction being given by the said Minister for

Works the Promoter shall comply with it without delay, at its own expense, and also construct, provide, maintain, and use, on any lands belonging to or acquired by the Promoter for the purposes of the said tramway, stations for generating electric power, with all necessary or proper machinery, dynamos, engines, buildings, ear-barns, offices, works, and conveniences.

6. The said tramway shall be constructed in accordance with the drawings and plans submitted to and approved of by the Minister for Works and registered at the Department of Public Works at Perth, and numbered P.W.D., W.A., 14491 and 13837, and the whole of the work referred to in this Provisional Order shall be carried out and finished to the entire satisfaction of the Minister for Works.

7. The tramway shall be laid with steel rails, and the roadway of the tramline shall be properly gravel-ballasted by the Promoter for a width of six feet six inches for single line, and sixteen feet for double lines and sidings, and shall be kept in thorough repair to level of the top surface of the rail.

8. The Promoter shall, at its own expense, alter or divert all wires, metal pipes, tubing, and cables that would be subject to electrolysis, so that they shall not be within twenty-four inches of any portion of the tramway system carrying electric current; and the Promoter shall not by anything herein contained be exempted from any liability to compensation for damage or loss by any electrolysis for which it may be responsible.

9. No cable or wire shall be affixed or lie closer to the handrail of any balcony than three feet, and all other necessary precautions shall be taken to prevent persons coming into contact with the said cable or wire; all necessary longitudinal guard wires shall be erected to prevent any wire falling or making contact with the trolley wire.

10. The distance between any structure or fixed object and the nearest part of a tram car shall not be less than one foot six inches.

11. All cars used on the said tramway shall be moved by electric or other motive power.

12. All cars using the said tramway may travel at a speed not exceeding the rate of fifteen miles an hour, and may follow each other at a distance of not less than fifty yards, and may stop at any point of the said tramway (except crossings of streets) for the purpose of taking up or setting down passengers, and may stand at either terminus.

13. Each car to be used on the said tramways shall be fitted with a main switch or circuit breaker, in a convenient position at each end of car, so as to enable the motorman or conductor to quickly cut off the power in case of accident.

14. The said tramway shall be used for the conveyance of carriage of passengers only.

15. Every passenger travelling upon the said tramway may take with him ordinary personal luggage or goods belonging to him, not exceeding in weight 20lbs., without any charge being made for the carriage thereof, but such right shall not entitle the passenger to occupy any part of a seat or standing place for such luggage, or to obstruct the corridors or gangways of any car, or interfere with the comfort or convenience of any other passenger; all such luggage shall be carried at the sole risk of the passenger.

16. The Promoter may demand and take for every passenger conveyed upon the said tramway any tolls and charges not exceeding the sum of sixpence for any single fare on a single journey from or to either extremity of the said tramway: Provided always, that the Promoter shall provide special cars for workmen and school children at such reduced tolls and charges as shall be approved by the Minister for Works.

17. The restrictions herein contained as to tolls and charges which the Promoter may demand and take for the conveyance or carriage of passengers shall not extend to any special cars other than workmen's or school children's cars, and to the ordinary cars appointed by the Promoter from time to time for the conveyance of passengers.

18. The tolls and charges authorised to be taken, and which shall be demanded by the Promoter, shall be paid to such persons and at such places upon or near

the tramway, and in such manner and under such regulations as the Promoter shall appoint by notice to be exhibited in some conspicuous place on the inside of each of the passenger cars used by the Promoter upon the said tramway.

19. Cars shall (except in case of strikes and combinations of workmen affecting the Promoter) be run to a time-table, which shall be exhibited in some conspicuous place near either terminus of the said tramway.

20. The police and the local fire brigade shall have power to order the supply of electric current to be discontinued at any place, in order to protect the public and avoid danger and accident to firemen, etc., carrying out their duties; and the Promoter shall have no claim for compensation for loss of traffic or for damage.

21. The Promoter may from time to time, with the consent of the Minister for Works, make and enter into and carry into effect contracts, agreements, and arrangements with any person, corporation, or company for the use of the said tramway or portion thereof, and for prescribing and regulating the tolls and charges to be paid for such use, and the terms and conditions of such use and all matters incidental thereto.

22. The time-table and fares to be observed for running cars shall be adjusted from time to time by the Promoter to meet the local conditions and requirements of the public, not being less than 12 trams per diem each way.

23. It shall be lawful for the Promoter, with the approval of the Minister for Works, to transfer its rights and privileges under this Provisional Order to any person, corporation, or company: Provided that the agreement shall include the right of the Promoter to purchase the whole of the property and working plant in connection with the tramway from such person, corporation, or company, after a stipulated number of years has elapsed.

24. The term "The Promoter," whenever hereinbefore used, shall mean and include the Mayor and Councillors of the Municipality of Leonora, and its successors and assigns whenever the context so requires or admits.

The Schedule above referred to:

From a point in Tower Street at the South side of Forrest Street; thence along Tower Street through the Municipality of Leonora and Coolgardie Road Board District to the Eastern boundary of Leonora Town Lot 506, and also from a point in Manning Street in the said District at the Western boundary of Lot 491 (Reserve 9149); thence South along Manning Street across Cave Street to the Northern boundary of Gold Mining Lease No. 534T.

Given under my hand the first day of November, One thousand nine hundred and nine.

FRANK WILSON,
Minister for Works.

THE SECOND SCHEDULE.

From a point on the Eastern boundary of Leonora Town Lot 506; thence in a South-Westerly direction across Leonora Town Lots 506, 507, and 508, across a right-of-way and Leonora Town Lot 491 (Reserve 9149) to a point on the boundary of said Lot 491 with Manning Street; also from a point on the North boundary of Gold Mining Lease 534T. in a Southerly and South-Easterly direction across the said lease to the South-East boundary thereof, as respectively shown on plan deposited at the Department of Public Works, Perth, and numbered P.W.D., W.A., 13837.