

WESTERN AUSTRALIA.



ANNO QUARTO

EDWARDI SEPTIMI REGIS,

XXI.

No. 46 of 1904.

AN ACT to confirm a Provisional Order authorising the Construction of Tramways in the Municipality of North Perth.

[Assented to 24th December, 1904.]

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. 1904.

2. The Provisional Order made by the Minister for Works on the eighth day of December, one thousand nine hundred and four, 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.

THE SCHEDULE.

IN THE MATTER of "THE TRAMWAYS ACT, 1885," and IN THE MATTER of an application by "THE PERTH ELECTRIC TRAMWAYS, LIMITED," for a Provisional Order authorising the construction of Tramways in the District of the Municipality of North Perth.

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 Promoter" as defined by "The Tramways Act, 1885," Section 3, Subsection 2, has made application to me for a Provisional Order authorising the construction of Tramways in the District of the Municipality of North Perth, along the routes in the Schedule hereunder written: AND WHEREAS the Promoter has published notice of its intention to make such application in the form prescribed in the Schedule B annexed to "The Tramways Act, 1885," by advertisement in the *Government Gazette* of the 14th day of October, 1904, and in the *West Australian* newspaper published in the said District on the 11th and 18th days of October, 1904, respectively, and has deposited the documents described in Schedule "C" annexed to the same Act at the Department of Public Works and with the Town Clerk of the Municipality of North 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, WILLIAM DARTNELL JOHNSON, the Minister for Works for Western Australia, DO HEREBY 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 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 said 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. Subject to the provisions of the agreement referred to in Clause 21 of this Provisional Order, the Promoter shall, within two years after the confirmation by Act of Parliament of this Provisional Order, complete and open for traffic that part of the Tramways hereby authorised and described in Section 1 of the Schedule hereto, and shall, within two years from the date so fixed for the completion of the said first section, complete and open for traffic the Tramways hereby authorised and described in Section 2 of the Schedule hereto.

3. That the Promoter shall, within two years from the date of the confirmation by Act of Parliament of this Provisional Order, purchase the freehold of, or lease with the right of purchase all such lands as shall be required for the purpose of or in connection with the working of the said tramway (such purchase in every case to be with the approval in writing of the Local Authority), and shall, previous to such purchase or lease, notify the Local Authority in writing the price proposed to be paid for such freehold or leasehold land: AND all buildings and works (if any) required or used in connection with the Tramways in North Perth shall be erected on freehold lands or lands leased with the right of purchase.

4. The said Tramways shall be constructed on a 3ft. 6in. gauge, and shall be laid with steel rails.

5. That the roads of all the lines be properly macadamised by the Promoter for a width of 6ft. 6in. for single lines and 16ft. for double lines, and shall be kept in thorough repair to the level of the rails by the Local Authority until the Local Authority shall macadamise its roads on each side of the tram route up to

the kerbs of the footpaths, and thereafter shall be kept in such repair as aforesaid by the Promoter.

6. The manner of construction of and the materials used in the construction of the said Tramways, and the voltage of electric current, shall be similar or as near as possible to that used in construction and working of Tramways in the other suburbs of Perth.

7. No cable or live 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 cables, and all necessary longitudinal guard wires shall be erected.

8. The said Tramways may be constructed with single or double lines, as the case may be, in accordance with Plans P.W.D., W.A., 11137, 11138, 11139, and to the entire satisfaction of the Minister for Works.

9. All additional plans and specifications, where required in connection with the carrying out of the work, shall be submitted to the Minister for Works for approval. All work shall be carried out and finished to the entire satisfaction of the Minister for Works.

10. In the event of fire or any other serious accident, the Local or Metropolitan Fire Brigade or Police shall have power to order the supply of current to be discontinued at any place, in order to avoid danger or accident to Firemen, etc., carrying out their duties; and the Promoter shall have no claim for compensation for loss of traffic or for damage.

11. 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 will 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.

12. All cars used on the said Tramway shall be moved by electrical or other power approved of by the Local Authority. The Promoter may, subject to the provisions of "The Tramways Act, 1885," erect and maintain in such place or places as shall be approved by the Local Authority all such poles and posts with wires attached thereto in the said streets and roads mentioned in the said Schedule hereunder written, along the routes therein mentioned, as may be necessary or required for supplying electricity to the cars to be run on the said Tramways on the overhead trolley system.

13. The said Tramway shall be used for the conveyance or carriage of passengers and passengers' luggage only.

14. Every passenger travelling on the Tramways may take with him or her ordinary personal luggage belonging to him or her not exceeding in weight 20lbs., without any charge being made for the carriage thereof.

15. Cars for the carriage of passengers and passengers' luggage shall be run on the said Tramways at intervals of not more than 30 minutes between the hours of 6 a.m. and 11.30 p.m.

16. The Promoter may demand and take, for every passenger conveyed upon the said Tramways, the tolls and charges following, that is to say:—

(a.) That except in the case of special cars the maximum fare to be charged by the Promoter shall not exceed Threepence for any single fare on a single journey from and to any point of the line in North Perth to and from the Perth Town Hall, or for any portion of such distance, and that all workmen travelling on special cars for workmen before 8 o'clock a.m. shall be entitled to return tickets at a fare not exceeding Threepence, the return half of such tickets to be available for workmen's cars running between 5 and 6.30 p.m. Provided that the Minister for Works may at any time limit the number of special cars to be run upon the said Tramways, and the maximum fares to be charged for travelling in such special cars.

- (b.) Every passenger from North Perth shall, upon notifying the conductor of his intended destination when paying his fare, have the right, at an extra cost of One penny, to receive a transfer ticket at the junction of Hay and Barrack Streets authorising him (subject, however, to any regulations for the time being in force affecting or regulating the traffic and conduct of the said Tramways) to proceed on his journey by the next succeeding car to any portion of the City of Perth on the Tramway track, or at a further cost of One penny to any Tramway terminus now existing in the suburbs of Perth.

The restrictions herein contained as to tolls and charges which the Promoter may demand and take for the conveyance of passengers shall not extend to any special cars (other than workmen's cars), but shall apply only to the ordinary cars appointed by the Promoter from time to time for the conveyance of passengers.

17. 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 Tramways, and in such manner and under such regulations as the Promoter shall, by notice to be annexed to the list of tolls, appoint.

18. A list of all tolls and charges which the Promoter 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 Promoter on the Tramways.

19. All cars run upon the said Tramway may travel at a speed not exceeding the rate of 10 miles an hour, and may follow after each other at distances of not less than 50 yards, and may stop at any point on the said Tramways, except on crossings of streets, for the purpose of taking up and setting down passengers, and may stand at the terminus of any of the said Tramways.

20. On the signing of this Provisional Order, the Promoter shall pay as a deposit into the hands of the Colonial Treasurer the sum of £270. The said deposit shall be held by the Colonial Treasurer until the beforementioned Tramway is in working order and open for traffic, when the same shall be returned to the Promoter with accrued interest (if any). Provided always, that such deposit shall be forfeited unless the works as shown on plans P.W.D., W.A., Nos. 11137, 11138, 11139 are duly commenced and completed in accordance with paragraph 2 of this Order.

21. Nothing herein contained shall prejudice or affect a certain agreement dated the 19th day of September, 1904, 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 is contrary to or in conflict with the provisions of this Order or "The Tramways Act, 1885."

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

THE SCHEDULE HEREINBEFORE REFERRED TO.

Section 1.—From the boundary of the City of Perth in Fitzgerald Street to Forrest Street.

Section 2.—From the intersection of Fitzgerald Street and Forrest Street; thence along Forrest Street to Walcott Street, and thence along Walcott Street to the boundary of the City of Perth in Beaufort Street.

As witness my hand this eighth day of December, 1904.

W. D. JOHNSON,
Minister for Works.