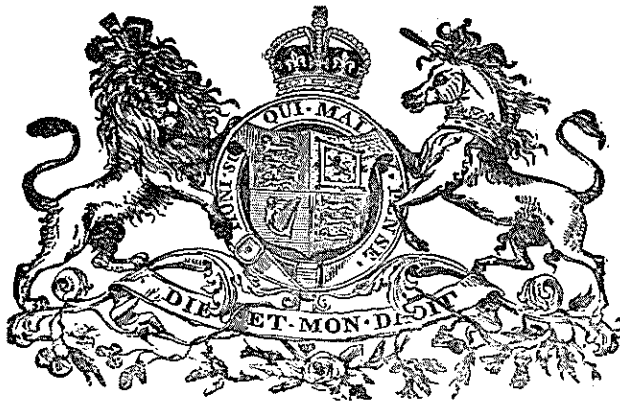


# WESTERN AUSTRALIA.



ANNO SEPTIMO

## EDWARDI SEPTIMI REGIS,

XXX.

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No. 30 of 1907.

AN ACT to confirm a Provisional Order  
authorising the Construction of certain  
Tramways in the Municipal District of  
Subiaco and the Claremont Road District.

[Assented to 20th December, 1907.]

**B**E 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 *Nedlands Park Tramways Act*, 1907. Short title.

2. The Provisional Order made by the Minister for Works on the eighteenth day of September, one thousand nine hundred and seven, and set forth in the schedule of this Act, is hereby confirmed, subject to the amendments as follows:—

Confirmation of  
Provisional Order.

- (a.) The words "special cars," in clause eight, are struck out, and the words "specially chartered cars, and then only between the hours of half-past eleven o'clock p.m. and six o'clock a.m." are inserted in lieu thereof.

- (b.) The words "run between the hours of half-past eleven o'clock p.m. and six o'clock a.m. on the following day" are inserted between "car" and "other," in clause nine.
- (c.) The word "specially" and the words "and could be made less inconvenient without great cost to the promoter," in clause twelve, are struck out.
- (d.) The following paragraph is added to clause fourteen:—

"The promoter shall deposit with the Colonial Treasurer the sum of One thousand pounds as a guarantee that the conditions set out in this paragraph will be complied with, and further should these conditions not be complied with, or the promoter cease to run nine non-special trams daily each way for a period of ten years from the date of completion of the work, the said sum of One thousand pounds shall be forfeited."

- (e.) The following words are added to clause seventeen:—

"If it should appear that any provisions of this order are in any respect inconsistent with the provisions of the Tramways Act, 1885 the provisions of this order shall prevail."

3. The said Road Board of the Claremont Road District shall have the power, and are hereby authorised to borrow, under the provisions of Part VII. of the Roads Act, 1902, any moneys that may be required by the Board for the construction of the road along the line of route of the said tramway, provided that the provisions of sections one hundred and sixty-one to one hundred and sixty-four inclusive of the said Act shall not apply to any loan raised under the authority of this Act.

Powers for promoter to construct, maintain, and work tramways.

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

Power to construct and use railways crossing tramways.

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 points; and whenever any such line of railway shall have been so constructed, the Commissioner of Railways may require the promoter, at his own cost, to erect a suitable bridge over such railway for the tramway traffic.

Schedule incorporated.

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

## THE SCHEDULE.

## PROVISIONAL ORDER.

WHEREAS EDWARD BRUCE, of Folkestone, in the County of Kent, England, Companion of the Bath, Colonel in His Majesty's Indian Army (hereinafter called the "Promoter") has made application to me for a Provisional Order authorising the construction of Tramways in the Municipality of Subiaco and the Claremont Road District, along the routes specified in the Schedule hereunder written. AND WHEREAS the Promoter has published notice of his 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* and in the *Guardian* newspaper published at Subiaco, and has deposited the documents described in Schedule "C" annexed to the same Act at the Department of Public Works, Perth, and with the Town Clerk of Subiaco, and with the Secretary of the Claremont Road Board; 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, 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 he 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 Subiaco and the Claremont Road Board District 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 six months from this date, by notice in writing to the Promoter, delivered at his 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.

2. The Promoter shall, within nine months after the confirmation of this Provisional Order, or within such extended time as the Minister for Works may approve, substantially commence the work in connection with the said Tramway, and complete same within 9 months of such commencement, or in default forfeit the deposit which is to be made by the Promoter to the Colonial Treasurer in terms of Section 11 of "The Tramways Act, 1885."

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

4. The roads of all the lines over which the Municipality and Road Board shall respectively have control shall be macadamised by the Municipality or Road Board, as the case may be, for a uniform width of 18 feet and a depth of 12 inches, and shall be constructed on a foundation of eight inches of limestone broken to a six-inch gauge and four inches of blue metal with the necessary ironstone gravel blinding, and the macadam shall be kept in thorough repair to the level of the rails by the Municipality or Road Board having control of such road until the Municipality or Road Board, as the case may be, shall macadamise its roads on each side of the tram route up to the kerbs of the footpaths, and thereafter the road shall be maintained as provided by "The Tramways Act, 1885," Section 21.

5. The local authorities shall construct the above roads, or so much thereof as shall be under their control, simultaneously with the construction of the tramway, and all road metal lifted or broken shall belong to the Promoter so far as he needs it for relaying and reconstructing, but in no case is the Promoter to remove such metal except for tramway purposes on the route above specified.

6. Notwithstanding anything contained in Clauses 4 and 5 of this Provisional Order, as between the Promoter and the Minister for Works, the Promoter is held liable for properly macadamising the road for a width of 6ft. 6in. for single tramlines and 16ft. for double tramlines if constructed, and for keeping such roadway in thorough repair to the level of the rails.

7. The said Tramways shall be used for the conveyance or carriage of passengers only, but the local authority shall have the right to use the tramway lines between the hours of 2 and 5 a.m. on such dates as may be mutually agreed on for the purpose of running scavenging or other trucks, or distributing road material, or for any other works, the local authorities to furnish their own motive power and conveyances in the way of trucks to be approved of by the promoter. In the event of any damage being done to the line by the local authorities, such damage shall be made good at the expense of such local authority as shall cause such damage.

8. The Promoter may demand and take, for every passenger conveyed upon the said Tramways, any tolls and charges not exceeding, except in the case of special cars, in amount the sum of threepence for any single fare on a single journey from or to the intersection of Rokeby Road-Thomas Street, and the terminus near the foreshore of Melville Water. All workmen travelling on trams before 8 a.m. shall be entitled to return tickets at a fare not exceeding threepence, the return half of such ticket to be available on day of issue for trams running between 5 and 6.30 p.m. on ordinary days, and between 12 noon and 1.30 p.m. on Saturdays, and shall also be available on day of issue for workmen travelling by workmen's tickets to the Rokeby Road terminus of the Perth Electric Tramways on cars of that Company between the hours of 5 and 6.30 p.m. on ordinary days, and between noon and 1.30 p.m. on Saturdays on the next connecting car of the Promoter. PROVIDED also, that so long as school children are allowed to travel on the Perth Tramway lines and suburbs at reduced fares as now charged, the Promoter shall carry school children on his line on similar terms to and from the terminus at Nedlands Park. In every such case such fares shall entitle the passenger to carry ordinary personal luggage not exceeding 20lbs. weight without additional charge.

9. 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 car 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.

10. 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 appoint by notice to be exhibited in some conspicuous place in the inside of each of the passenger cars used by the Promoter upon the said tramways.

11. Every passenger travelling upon the tramways may take with him ordinary personal luggage belonging to him, not exceeding in weight 20lbs., without any charge being made for the carriage thereof.

12. All cars used on the said tramways shall be moved by electric power, and the Promoter may erect and maintain all such poles and posts with wires attached thereto, in the said streets mentioned in the said Schedule hereunder written, along the routes therein mentioned, as may be necessary or required for supplying electricity to the said cars and for working the said tramways on the overhead trolley system: Provided that the Minister for Works shall be entitled to direct the alteration of position of any pole or post or wire, if it appears to him that the same is specially inconvenient and could be made less inconvenient without great cost to the Promoter; and in the event of such direction being given by the said Minister for Works, the Promoter shall comply with it without delay.

13. All cars using 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.

14. For the first three years after the completion of the line the Promoter shall continuously maintain a minimum daily service from terminus to terminus of not less than nine non-special trams each way, except on such days as trams cease to run between Subiaco and Perth, and after the aforesaid three years, as may from time to time be determined by the Promoter and the local authorities, or failing their agreeing, by the Minister for Works for the time being, provided that any service operated after such three years shall gross or earn not less than an annual average of fifteen pence per car mile; and the Time Tables shall be mutually arranged between the Promoter and the local authorities; and in case of difference shall be fixed by the Minister for Works, whose decision shall be final.

15. The said tramways shall be constructed in accordance with the drawings herewith (subject to provisos herein contained), with double or single lines, as the case may be; but the Minister for Works may, from time to time, upon the application of the Promoter, alter or vary the same, or authorise or require the Promoter to alter or vary the same.

16. All additional plans and specifications required in connection with the carrying out of the works shall be submitted to the Minister for Works and the Engineer of the Local Authority for approval, and all work shall be carried out and finished to the entire satisfaction of the Local Authority and their Engineer, and of the Minister for Works.

17. Nothing herein contained shall prejudice or affect an agreement dated the 7th day of August, 1907, made in connection with the tramway, between the Mayor and Councillors and Ratepayers of the Town of Subiaco of the first part, the Chairman, Members and Ratepayers of the Claremont Road Board of the second part, and Edward Bruce, of Folkestone, England, C.B., Colonel in His Majesty's Indian Army, of the third part, except so far as the same is contrary to or in conflict with the provisions of this Order or of "The Tramways Act, 1885."

18. The Promoter, his transferees or successors, 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 transferees or successors of the said tramways 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 user, and all matters incidental thereto.

19. The term "The Promoter" whenever hereinbefore used shall mean and include the said Edward Bruce, his executors, administrators, and assigns, whenever the context so requires or admits.

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SCHEDULE ABOVE REFERRED TO :

A tramway from the intersection of Rokeby Road and Thomas Street, Subiaco; thence running along Thomas Street to Ferdinand Street; thence along Ferdinand Street to University Avenue; thence along University Avenue to Hampden Road; thence along Hampden Road to the Perth-Fremantle Road, and thence along Broadway in Swan Locations 86, 268, and 123 to a point near the foreshore of Melville Water in Swan Location 123.

Given under my hand this eighteenth day of September, one thousand nine hundred and seven.

JAMES PRICE,  
Minister for Works.