

WESTERN AUSTRALIA.



ANNO QUARTO

EDWARDI SEPTIMI REGIS,

XVIII.

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**No. 43 of 1904.**

AN ACT to confirm a Further Provisional Order to amend, extend, and vary certain Provisional Orders authorising the Construction of Tramways in the City of 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 *City of Perth Tramways Amendment Act, 1904.* Short title.

2. The further 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. The Schedule hereto shall form part of this Act.

Schedule incorporated.

## THE SCHEDULE.

PERTH ELECTRIC TRAMWAYS, LIMITED.

### FURTHER PROVISIONAL ORDER.

WHEREAS "PERTH ELECTRIC TRAMWAYS, LIMITED," a Company within the meaning of the expression "The Promoter" as defined by the third section of "The Tramways Act, 1885," has made application to me for a further Provisional Order to revoke, amend, extend, and vary the Provisional Orders made on the 16th day of December, 1897, and 2nd day of November, 1899, set out in the Schedules to and confirmed by "City of Perth Tramways Act, 1897" (61 Vict., No. 30), and "City of Perth Tramways Amendment Act, 1899" (63 Vict., No. 42), respectively: 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, of Perth, in the State of Western Australia, Minister for Works for the said State, do HEREBY, in pursuance of the provisions of "The Tramways Act, 1885," make a Further Provisional Order, and I DO ORDER as follows:—

1. That the said Provisional Orders of the 16th day of December, 1897, and 2nd day of November, 1899, so far as the same relate or apply to —

- (a.) That part of the East Perth Route mentioned in the First Schedule to the said "City of Perth Tramways Amendment Act, 1899," as extends from the junction of Wittenoom Street and Claisebrook Road Eastward along Wittenoom and Stokes Streets to Plain Street North, and
- (b.) That part of the Wellington Street Route mentioned in the Second Schedule to the said last mentioned Act as extends along Wellington Street from the junction of Wellington and Hill Streets to the junction of Wellington and Bennett Streets,

be and the same are hereby revoked and cancelled.

2. The Promoter shall be and it is hereby empowered to make, form, lay down, construct, maintain, and work the following extensions of Tramway, that is to say:—

- (a.) An extension of the said East Perth Route from the junction of Wittenoom Street and Claisebrook Road along Claisebrook Road and Kensington Street to Trafalgar Road.
- (b.) An extension of the Bulwer Street Route from the present terminus of that Route at the junction of Bulwer and Fitzgerald Streets along Fitzgerald Street in a Northerly direction to the Boundary of the City of Perth in Vincent Street.
- (c.) An extension of the Subiaco Route from the intersection of Hay and Bay Streets, thence in a Southerly direction along Bay Street to Adelaide Terrace, and thence along Adelaide Terrace in a South-Easterly direction to the boundary of the City of Perth at the Causeway.

3. The Promoter shall substantially commence the works in connection with the said several extensions within the times following (that is to say):—As to the

said extension (a), within one month after the confirmation by Act of Parliament of this Provisional Order, or within such extended time as the Minister for Works may approve; as to the said extension (b), within one month after the commencement of the construction by the Promoter of Tramways in the Municipality of North Perth, under the powers of a Provisional Order duly confirmed by Act of Parliament authorising such construction in the said Municipality of North Perth, or within such extended time as the Minister for Works may approve, and as to the said extension (c), within one month after the commencement of the construction by the Municipality of Victoria Park of Tramways in the District of such Municipality under the powers of a Provisional Order duly confirmed by Act of Parliament authorising such construction, or within such extended time as the Minister for Works may approve.

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

5. The Promoter shall, within three calendar months after the confirmation of this Provisional Order, completely construct and open for traffic the said extension (a), and shall, not later than the date fixed by the Provisional Order for the completion of the Tramways to be constructed by the Promoter in North Perth, completely construct and open for traffic the said extension (b), and shall, not later than the date fixed by Provisional Order for the Tramways to be constructed by the Municipality of Victoria Park, completely construct and open for traffic the said extension (c).

6. The Tramways hereby authorised to be constructed shall be used for the carriage of passengers and passengers' luggage only.

7. No cable or live wire shall be affixed or lie closer to the handrail of any balcony than 3ft., 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 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. In the event of fire or any other serious accident, the local 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.

10. 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, and all work shall be carried out and finished to the entire satisfaction of the Minister for Works.

11. On the signing of this Provisional Order, the Promoter shall pay as a deposit into the hands of the Colonial Treasurer the sum of £241 5s. The said deposit shall be held by the Colonial Treasurer until the before-mentioned extensions of tramway are 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. 11149/3, 11150/3, 11152/3, 11151/4, are duly commenced and completed in accordance with paragraphs three and five of this Order.

12. The time table to be observed for running cars upon the said extensions shall be decided between the Local Authority and the Promoter, and in case of difference such time table shall be fixed by the Minister for Works, whose decision shall be final.

13. The Provisions of the said Provisional Orders of the 16th day of December, 1897, and the 2nd day of November, 1899, and the Acts confirming the same, save so far as the same are modified by or are inconsistent with this Further Provisional Order, shall apply to the lines and extensions hereby authorised to be constructed in like manner as if such lines and extensions had been part of the lines of Tramways mentioned in and authorised by such Provisional Orders respectively.

14. Nothing herein contained shall prejudice or affect a certain agreement dated the 21st day of November, 1904, and made between the Mayor and Councillors of the City of 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.

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

As witness my hand this 8th day of December, 1904.

W. D. JOHNSON,  
Minister for Works.