



Western Australia.

ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

No. XLIV.

AN ACT to confirm a Provisional Order
authorising the Construction of Tramways
in the Town of Fremantle.

[Assented to, 5th December, 1900.]

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

1. THIS Act may be cited as the Town of Fremantle Tramways
Act, 1900. Short title.

2. THE Provisional Order made by the Commissioner of
Railways for Western Australia on the 11th day of October, 1900,
and set forth in the Schedule of this Act, is hereby confirmed. Confirmation of Pro-
visional Order.

3. SUBJECT to the provisions of the Tramways Act, 1885, the
Promoters named in the said Provisional Order and its assigns may
make, form, lay down, construct, maintain, and work the Tramways
set forth in the said Provisional Order. Power for Promoters
to construct, main-
tain, and work tram-
ways.

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Power for Commissioner of Railways to make lines crossing tramways.

4. IT shall at all times hereafter be lawful for the Commissioner of Railways, and for any person acting with his authority, to construct, 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 Promoters, at their own cost, to erect a suitable bridge over such railway for the tramway traffic.

Schedule part of Act.

5. THE Schedule shall form part of this Act.

Protection of telephone service from injury by tramways.

6. 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 his 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.

In the name and on behalf of the Queen I hereby assent
to this Act.

ALEX. C. ONSLOW, Administrator.

THE SCHEDULE.

PROVISIONAL ORDER.

WHEREAS the ELECTRIC SUPPLY COMPANY OF WESTERN AUSTRALIA, LIMITED, a Company within the meaning of the expression "the Promoters," as defined by the Tramways Act, 1885, Section 3, Sub-section 2, has made application to me for a Provisional Order authorising the construction of Tramways in the Municipality of Fremantle along the routes specified in Schedule "A" hereunder written: AND WHEREAS the said Electric Supply Company of Western Australia, Limited, has given public 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* and in the *Morning Herald* newspaper, and has deposited the documents described in Schedule "C," annexed to the same Act, at the Department for Public Works and with the Town Clerk of Fremantle: 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, Barrington Clarke Wood, the Commissioner for Railways 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 Municipality of Fremantle as are mentioned in the said Schedule "A" hereunder written: Provided nevertheless that, notwithstanding anything herein contained, it shall be lawful for the Commissioner of Railways at any time within six months, 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 Commissioner of Railways, may interfere with the railway system.

2. The period of time for which this Provisional Order shall be in force shall be forty-two years from the date on which the same shall be confirmed by an Act of Parliament as provided by Section 13 of the Tramways Act, 1885.

3. The Promoter shall, within one year from the confirmation of this Provisional Order, or within such extended time as the Commissioner of Railways and the Local Authority may approve, substantially commence, and thereafter, in a proper and workmanlike manner, continuously carry on, construct, complete, and furnish and equip the works, tramways, motors, cars, lines, machinery, and plant of all kinds in connection therewith, so that the same shall be completed and ready for use, and running and open for public traffic within two years from the confirmation of this Provisional Order, or within such extended time as the Commissioner of Railways and the Local Authority may approve.

4. Nothing herein contained shall prejudice or affect a certain agreement, dated the 28th day of December, 1899, and made between the Mayor, Councillors, and Burgesses of the Town of Fremantle of the one part and the Promoter 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.

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5. If at any time hereafter any Local Authority shall require to connect with and to acquire running powers over the Tramways authorised by this Act, the terms and conditions upon which it shall be lawful so to do shall be referred to arbitration under the provisions of the Arbitration Act, 1895, and shall be determined by the award, and it shall be lawful for any Local Authority interested to be represented at and to take part in the arbitration.

6. The said Tramways shall be constructed on the 3ft. 6in. gauge.

7. The said Tramways shall be laid with steel rails.

8. A grooved rail shall be used throughout.

9. The poles in High Street and, if required by the Council, elsewhere, shall be of iron.

10. The side pole and span wire system shall be adopted throughout.

11. All necessary longitudinal guard wires shall be erected.

12. The trolley wire shall be of copper section, voltage 500 to 600 direct current, maximum drop 10 per cent.

13. The power station shall be placed on portions of sub-lots 2, 3, and 4 of Fremantle Town Lots 274 and 275, part of 276 and 293, between Beach Street and Cantonment Road, Fremantle.

14. The span and guard wires to be of galvanised steel, diameter 5-16th of an inch, and all attachments to poles and insulators to be the best procurable.

15. The electric bonds for rails to be copper section, decimal 4.

16. No cable or live wire to be affixed or lie closer to the handrail of any balcony than 4ft., and all other necessary precautions shall be taken to prevent persons coming into contact with the cables.

17. As regards the electric control of cars, each car shall be provided with main switch and circuit breaker, one at each end, so that the current can be cut off by either the motorman or the conductor in case of accidents.

18. Each car shall be provided with a rope fender at each end.

19. The said Tramways shall be used for the conveyance or carriage of passengers only.

20. The Promoter shall not be chargeable by the Local Authority with any rent, rates, or payment in respect of the use of the roads or streets within the said Municipality, or any of them or any portion thereof for the purposes of the undertaking, but this provision shall not apply to the lands and buildings of the Promoters.

21. On the signing of this Provisional Order, the Promoter shall pay, as a deposit, into the hands of the Colonial Treasurer the sum of Eight hundred and seventy-five pounds; and, in the event of the said deposit not being paid, the powers given by this Provisional Order to the Promoter for constructing the said Tramways shall cease to be exercisable, unless the time be prolonged by direction of the Governor in Council. The said deposit shall be held by the Colonial Treasurer until the Tramways included in the said schedule hereunder written are in working order and shall have been open for traffic for a period of three months, when the said deposit shall be returned to the Promoter with accrued interest, if any.

22. The roads of all the lines shall be properly macadamised for a width of 6ft. 6in. for single lines, and from 17ft. 10in. to 19ft. 4in. for double lines, and shall be kept in thorough repair to the level of the rails.

23. The Promoter may demand and take for every passenger conveyed upon the said Tramways, before the time for the due completion of the whole of the works and Tramways, as hereinbefore provided, has expired, such fare or fares as

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shall be approved of by the Commissioner of Railways; and, after the due completion of the said works and Tramways, any tolls and charges not exceeding in amount the charge specified in Schedule "B" hereto. The payment of the above-mentioned fares shall, in every case, entitle each passenger to carry personal luggage by hand, not exceeding two feet in length, eighteen inches in depth, and one foot in breadth, and not exceeding 20lbs. weight, without additional charge, at passenger's risk, and without occupying with such luggage any part of a seat.

24. The restrictions herein contained as to tolls and charges which the Promoter may demand and take for the conveyance and 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.

25. 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.

26. 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.

27. All cars using the said Tramways 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 for the purpose of taking up and setting down passengers, and may stand at the terminus of any of the said Tramways.

28. The time-table to be observed for running cars upon each of the said routes shall be decided between the Local Authority and the Promoter, and in case of difference such time-table shall be fixed by the Commissioner of Railways, whose decision shall be final.

29. The said Tramways shall be constructed with single or double lines, and before commencing to construct the said Tramways the Promoter shall submit, for the inspection of the Commissioner of Railways, plans, specifications, and drawings of the proposed Tramways, and shall obtain his approval thereof in writing, and the Commissioner of Railways 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.

30. All plans and specifications in connection with the carrying out of the work shall be submitted to the Commissioner of Railways or 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 Commissioner of Railways.

31. The Promoter and any person, Corporation, and Company 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 other persons, Corporation, or Company 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.

32. The term "the Promoter," whenever hereinbefore used, shall mean and include The Electric Supply Company of Western Australia, Limited, its successors and assigns, wherever the context so requires or admits.

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33. In the event of a double line being laid in High Street hereafter, the Promoter shall, at his own cost, remove the single line from the centre of the street to the position which it should occupy as one of the two lines, and replace the wood-blocking.

SCHEDULE "A" REFERRED TO.

1. High Street, from Cliff Street terminus to the intersection with Stirling Street; thence along Stirling to the intersection with Ord Street.
2. Adelaide Street, from the intersection with High Street, via Cantonment Road and Canning Road to East Street.
3. Ord Street, at the intersection of High Street, along Hampton Road to Martha Street, Beaconsfield.
4. Market Street terminus, near Bay Street, via South Terrace, Mandurah Road, to Douro Road.
5. Hampton Street, from intersection with South Terrace, to its intersection with Hampton Road.

SCHEDULE "B" REFERRED TO.

High Street, from Cliff Street terminus, via Adelaide Street and Cantonment Road, to East Street, and <i>vice versa</i>	3d.
High Street, from Cliff Street terminus, via Ord Street and Hampton Road, to Martha Street	3d.
Martha Street, thence down Hampton Road, Hampton Street, South Terrace, Market Street, to High Street, and <i>vice versa</i>	3d.
Alma Street, via Hampton Road, Hampton Street, South Terrace, to Cliff Street terminus	3d.
Cliff Street terminus, via South Terrace, Hampton Street, Hampton Road, to Alma Street	3d.
Alma Street, via Ord Street, to Cliff Street terminus	3d.
Market Street terminus, via South Terrace, Mandurah Road, to Douro Road	3d.
Douro Road, via Mandurah Road, South Terrace, to Cliff Street terminus ...	3d.
For any distance between the above specified points	3d.

Free transfers shall in all cases be given from Cliff Street to Market Street and *vice versa*.

As witness my hand this 11th day of October, 1900.

B. C. WOOD,

Commissioner of Railways.

Witness—

M. E. JULL,

Under Secretary for Public Works.