



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. XXVII.

AN ACT to confirm a Provisional Order
authorising the construction of Tramways
in the Municipality of Subiaco.

[Assented to, 16th December, 1899.]

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 Subiaco Tramways Act, 1899.

Short title.

2. THE term "Local Authority," when used in this Act or in
the Tramways Act, 1885, shall mean the council of any municipality
declared and proclaimed or constituted under the provisions of the
Municipal Institutions Act, 1895, or other board, council, trustees,
or persons in whom a road as defined by the Tramways Act, 1885,
is vested, or who have the power to maintain or repair such road.

Interpretation.

3. THE Provisional Order made by the Commissioner of
Railways for Western Australia on the second day of November,
1899, and set forth in the Schedule to this Act, is hereby confirmed.

Confirmation of
Provisional Order

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Power to construct
Tramways.

4. SUBJECT to the provisions of the Tramways Act, 1885, the Promoter 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.

Schedule incor-
porated.

5. THE Schedule shall form part of this Act.

Saving rights of
Municipality of
Subiaco.

6. NOTHING herein contained shall prejudice or affect a certain agreement dated the 15th day of August, 1899, and made between the Mayor, Councillors, and Ratepayers of the Town of Subiaco 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 Act or the Tramways Act, 1885.

Power for Local
Authority to connect
with and acquire
running powers over
Tramways.

7. 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.

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

GERARD SMITH, Governor.

THE SCHEDULE.

PROVISIONAL ORDER.

WHEREAS THE TRAMWAYS SYNDICATE, LIMITED, whose registered office is in Barrack Street, Perth, 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 Subiaco, along the routes specified 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* and in the *West Australian* and *Morning Herald* Newspapers, 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 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, FREDERICK HENRY PIESSE, the Commissioner of 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 it 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 as are mentioned in the said Schedule hereunder written: Provided, nevertheless, that notwithstanding anything herein contained, it shall be lawful for the Commissioner of Railways, at any time within six 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 Commissioner of Railways, 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 Commissioner of Railways may approve, substantially commence the works in connection with the said Tramway, and complete the Hay Street West to Hamersley Road section thereof within three months of such commencement, and the Hamersley Road to the Park Gates section within 12 months of the completion of the Hay Street West and Hamersley Road section.

3. The Promoter shall, within two years from the passing of the Act of Parliament confirming this Provisional Order, purchase all such freehold lands and leasehold lands with the right of purchase as shall be required for stations for the purpose of working the said Tramways, and shall forthwith, after such purchase, notify the Local Authority the price paid for such freehold or leasehold lands, and all buildings and works required or used in connection with the said Tramways shall be erected on freehold lands or leasehold lands with the right of purchase.

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

5. 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.

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6. The said Tramways shall be laid with steel rails.
7. The said Tramways shall be used for the conveyance or carriage of passengers only.
8. The Promoter may demand and take, for every passenger conveyed upon the said Tramways, any tolls and charges not exceeding in amount the sum of three-pence for any single fare on a single journey from or to the Perth Town Hall: PROVIDED always, that the Promoter shall as and when required by the Local Authority, provide special cars for workmen between the hours of 6 and 8 a.m. and 5 and 6.30 p.m.; and all persons travelling upon such cars between the said hours in the morning shall, on payment of a fare not exceeding three-pence, be provided with return tickets from or to the Perth Town Hall; the return portion whereof shall be available for use on similar cars between the said hours of 5 and 6.30.
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 Commissioner of Railways 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 Company, and in the event of such direction being given by the said Commissioner of Railways the Company shall comply with it without delay.
13. 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, 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. Cars shall be run as follows:—From 6 to 9 a.m., at intervals of not more than 10 minutes; from 9 a.m. to 12 noon, at intervals of not more than 20 minutes; from 12 noon to 2 p.m., at intervals of not more than 10 minutes; from 2 to 4.30 p.m., at intervals of not more than 20 minutes; from 4.30 to 8 p.m., at intervals of not more than 10 minutes; and for the remainder of the day, at intervals of not more than 20 minutes.
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 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.

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16. All additional plans and specifications required in connection with the carrying out of the works shall be submitted to the Commissioner of Railways 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 Commissioner of Railways.

17. The Promoter, its 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.

18. The term "the Promoter," whenever hereinbefore used, shall mean and include the Tramway Syndicate, Limited, and its assigns wherever the context so requires or admits.

SCHEDULE ABOVE REFERRED TO.

From Hay Street West along Broome Road to Rokeby Road, and thence along Rokeby Road to Hamersley Road, and from Hamersley Road along Rokeby Road to the Perth Park Gates.

Given under my hand this 2nd day of November, One thousand eight hundred and ninety-nine.

F. H. PIESSE,
Commissioner of Railways.