



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XXX.

AN ACT to confirm a Provisional Order
Authorising the Construction of Tramways
in the City of Perth.

[Assented to, 23rd December, 1897.]

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 Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the City of Perth Tramways Act, 1897.

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.

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- Confirmation of Provisional Order. **3.** THE Provisional Order made by the Commissioner of Railways for Western Australia on the 16th day of December, 1897, and set forth in the Schedule to this Act, is hereby confirmed.
- Power 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 may make, form, lay down, construct, maintain, and work the Tramways set forth in the said Provisional Order.
- Schedule part of Act. **5.** THE Schedule shall form part of this Act.
- Repeal. **6.** THE Perth Tramways Act, 1889, is hereby repealed.
- Saving rights of Municipality of Perth under agreement of 17th April, 1897. **7.** NOTHING herein contained shall prejudice or affect a certain agreement dated the 17th day of April, 1897, and made between "the Mayor, Councillors, and Citizens of the City of Perth" 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.
- Amendment of Sec. 13 of 49 Vict., s. 23. **8.** THE thirteenth section of the Tramways Act, 1885, is hereby amended by omitting the words, in the third and fourth lines thereof, "in the first ensuing session of the Legislative Council."
- Power for local authority to connect with and acquire running powers over tramways. **9.** 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.

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THE SCHEDULE.

PROVISIONAL ORDER.

WHEREAS CHARLES PRESTON DICKINSON of St. George's Chambers Perth in the Colony of Western Australia Gentleman a person 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 City of Perth along the routes specified in the Schedule hereunder written AND WHEREAS the said CHARLES PRESTON DICKINSON 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 *West Australian* and *Morning Herald* Newspapers and has deposited the documents described in Schedule "C" annexed to the same Act with the Town Clerk of 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 FREDERICK HENRY PIESSE the Commissioner of Railways for Western Australia do hereby by virtue of the provisions of "The Tramways Act of 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 City of Perth as are mentioned in the said Schedule hereunder written to along the routes prescribed in such Schedule and such extensions of such Tramways as shall from time to time be approved of by the Local Authority 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 said C. P. Dickinson delivered at his address as aforesaid 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 one month 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 Tramways.

3. The Promoter shall within two years from the passing of the Act of Parliament confirming the said Provisional Order purchase all such freehold lands or 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 Promoter shall block the roads of all the lines within a radius of half a mile from the Town Hall of the City of Perth with well seasoned Jarrah wood blocks for a width of 6ft. 6in. for single lines and 16ft. for double lines and all lines outside the half mile radius shall be properly macadamised for a width of 6ft. 6in. for single lines and 16ft. for double lines All crossing points in all streets whether wood blocked or macadamised shall be blocked with Jarrah blocks.

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.

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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 PROVIDED always that the Promoter shall as and when required by the Local Authority provide specials 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 the return portion whereof shall be available for use on similar cars between the said hours of 5 and 6:30 p.m.

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.

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 for the purpose of taking up and setting down passengers and may stand at the terminus of any of the said Tramways.

14. 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.

15. The said Tramways may 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 for 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.

16. All plans and specifications in connection with the carrying out of the works 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.

17. On the signing of this Provisional Order the Promoter shall pay as a deposit into the hands of the Colonial Treasurer the sum of £2,500 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 the 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

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and open for traffic when the same shall be returned to the Promoter with accrued interest (if any).

18. 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.

19. The term "the Promoter" whenever hereinbefore used shall mean and include the Charles Preston Dickinson and his executors administrators and assigns wherever the context so requires or admits.

SCHEDULE REFERRED TO.

1. *Crawley*—Starting from the Causeway this line will proceed along Adelaide and St. George's Terraces to the further end of Malcolm Street and from William Street along Bazaar Street and Mount's Bay Road to the Big Tree Point Lewis The length of this line is 3 miles 11 chains.
2. *Subiaco*—This line will branch off No. 1 Bay Street proceeding along Bay Street thence along Hay Street to Thomas Street. The length of this line is 2 miles 53 chains.
3. *West Perth*—Leaving the corner of Plain Street North and Stokes Street this line will proceed along Stokes Street turn down North Bennett Street and along Wellington Street turn round into William Street then along James Street then into Charles Street and along Charles Street to Vincent Street The line along Wellington Street will also be continued from William Street along Wellington Street to Thomas Street and from the corner of Hay and Thomas Streets along Thomas and Trevarton Streets to Newcastle Street The length of this line is 4 miles 49 chains.
4. *Leederville*—Leaving the Esplanade this line will proceed along William Street and thence by way of Newcastle Street to the City boundary The length of this line is 1 mile 40 chains.
5. *Waneroo Road*— This line will run over the same track as No. 4 for part of the way but will continue along William Street to Brisbane Street and thence along Brisbane Street and Palmerston Street to the entrance of the Third Swamp Reserve also from Palmerston Street along Bulwer and Vincent Streets to Waneroo Road The length of this line is 1 mile 17 chains.
6. *Highgate Hill*— This line will leave Barrack Street Jetty and proceed along Barrack and Beaufort Streets as far as Walcott Street with a branch from Beaufort Street along Newcastle Street to William Street connecting with No. 4 route The length of this line is 1 mile 75 chains.
7. *East Perth*—This line will branch off No 6 at the corner of Beaufort Street and proceed along Newcastle Sampson and Kensington Streets to Trafalgar Street The length of this line is 79 chains.
8. *Old Guildford Road*—This branch line will leave No 7 line at the corner of Newcastle and Lord Streets and proceed along the Old Guildford Road to the point at which it crosses the Railway line The length of this branch is 1 mile.
9. *The Total Length* of Tramway System will be 17 miles 4 chains.

As witness my hand this 16th day of December, 1897.

F. H. PIESSE,

Commissioner of Railways.

Witness:

M. E. JULL,

Under Secretary for Public Works.