

WESTERN AUSTRALIA.



ANNO QUARTO

EDWARDI SEPTIMI REGIS,

XXV.

No. 50 of 1904.

AN ACT to confirm a Provisional Order authorising the Construction of Tramways in the Municipality of Victoria Park.

[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 *Victoria Park Tramways Act*, Short title. 1904.
2. The Provisional Order made by the Minister for Works on the sixth day of December, one thousand nine hundred and four, and set forth in the Schedule of this Act, is hereby confirmed subject to the amendment set forth in section six hereof. Confirmation of Provisional Order.
3. Subject to the provisions of the Tramways Act, 1885, the promoter named in the said Provisional Order and its assigns (hereinafter called the promoter) may make, form, lay down, construct, maintain, and work the tramways set forth in the said Provisional Order. Powers for promoter to construct, maintain, and work tramways.

Power to construct
and use railways
crossing tramways.

4. 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 its own cost, to erect a suitable bridge over such railway for the tramway traffic.

Protection of tele-
phone service.

5. 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 its 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.

Colonial Treasurer
shall deduct rent in
arrear from subsidy
on rates.

6. In case the promoter referred to in the Provisional Order shall fail to pay the rent provided for in clause nineteen thereof, the Colonial Treasurer shall and is hereby authorised to pay to the Minister for Works the rent in arrear, and deduct the same from the subsidy on rates which the promoter may be entitled to receive from the Colonial Treasurer.

Schedule incorpo-
rated.

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

THE SCHEDULE.

PROVISIONAL ORDER.

WHEREAS the MAYOR AND COUNCILLORS OF THE MUNICIPALITY OF VICTORIA PARK, a body corporate under the provisions of the Municipal Institutions Act, 1900, a body within the meaning of the expression "The Promoter" as defined in the Tramways Act, 1885, Section 3, Subsection 1, has made application to me for a Provisional Order authorising the construction of tramways within the said Municipality, along the routes specified in the schedule hereunder written; AND WHEREAS the Mayor and Councillors, as such body corporate, have 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 of Public Works, and also at the Town Hall of the said Municipality; 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, the Minister for Works for Western Australia, do HEREBY, by virtue 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 said Municipality 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 the date hereof, by notice in writing to the Promoter, delivered at the Town Hall, Victoria Park aforesaid, to prohibit the construction of any part or parts of the said tramways which, in the opinion of the Minister for Works, may interfere with the railway system.

2. The Promoter shall, within nine months from the first day of February, 1905, or within such extended time as the Minister for Works may approve, substantially commence and thereafter, in a proper and workmanlike manner, continuously carry on, construct, complete, and furnish and equip the works, tramways, 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 one year from the said first day of February, 1905, or within such extended time as the Minister for Works may approve.

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

4. The manner of construction of and the material used in the construction of the said tramways and the voltage of electric current shall be similar, or as near as possible, to that used in the construction of tramways in the other suburbs of Perth.

5. 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.

6. The said tramway shall be used for the conveyance of passengers and passengers' luggage only.

7. The roads of the lines shall be properly macadamised for a width of 6ft. 6in. for single lines and 16ft. for double lines, if constructed, and shall be kept in thorough repair to the level of the rails.

8. The Promoter may demand and take for every passenger conveyed upon the said tramways any tolls and charges not exceeding, from Victoria Park to the City boundary aforesaid and from thence to the Town Hall, Perth, threepence, which is by agreement with the Perth Electric Tramways, Limited, a copy of which is lodged in my office, and such passenger shall have the right, as in the said agreement is contained, on notifying the conductor when paying his fare and on payment of an extra cost of one penny, to receive a transfer ticket at the junction of Hay and Barrack Streets authorising him, subject, however, to any regulation for the time being affecting or regulating traffic and conduct of the said tramways, to proceed on his journey by the next succeeding car to any part of the City of Perth on the tramway track, or at a further cost of one penny to any terminus now existing in any suburb; every passenger from any part of the Company's tram lines beyond the Perth Town Hall wishing to proceed to Victoria Park shall be entitled to do so by declaring his destination at the time of paying the prescribed fare of fourpence from any part of Perth beyond the Town Hall but within the City boundary, or fivepence from either of the suburbs of Subiaco, Leederville, or North Perth: PROVIDED that the Promoter shall, as and when required by the Minister for Works, 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 on such cars between the said hours in the morning shall, on payment of a fare not exceeding the cost of a single fare, be provided with return tickets, the return parts of which shall be available for use on similar cars between the said hours of 5 and 6.30 p.m.: PROVIDED also, that so long as school children are allowed to travel on the Perth lines and suburbs at reduced fares as now charged, the Promoter shall give the same privileges to school children travelling to and from Victoria Park; in every case such fare shall entitle the passenger to carry ordinary personal luggage, not exceeding 20lbs. in weight, without additional charge, at passenger's risk, and without occupying with such luggage any part of a seat.

9. 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 the workman's car, but shall apply only to the ordinary cars approved by the Promoter from time to time for the conveyance of passengers: Provided that the Minister for Works may at any time limit the number of special cars to be run upon the said tramways and the maximum fares to be charged for travelling in such special cars.

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. 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.

12. All cars used on 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 not less than 50 yards, and may stop at any point on the said tramways (except on the 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.

13. The said tramways shall be constructed with a single or double line, except the portion on the Causeway, and this shall be constructed with a single line; and before commencing to construct the said tramways the Promoter shall submit, for the inspection of the Minister for Works, plans and drawings of the proposed tramways, and shall obtain his approval thereof in writing.

14. All 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.

15. 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.

16. 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 he may be responsible.

17. Nothing in this Provisional Order shall prevent the Minister for Works from at any time strengthening, widening, raising, or altering in any manner whatsoever the Causeway, bridges, and embankments, and consequently the tramway rails and appurtenances, and in the event of any or all of these works being undertaken the Promoter shall have no claim for compensation for alleged delay of or impediment to traffic, or for any other reason whatsoever, but the Minister for Works must use all reasonable care to interfere as little as possible with the conduct of traffic.

18. The Promoter may from time to time make and enter into and carry into effect contracts, agreements, and arrangements with any person, corporation, or company, for or with reference to the use by such other person, 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 use, and all matters incidental thereto.

19. The Promoter shall pay to the Minister for Works an annual rent of one hundred and twenty pounds (£120), commencing from the time the Promoter begins the construction of the Tramways on Albany Road at the East of the Causeway, being interest on the cost of strengthening and widening the Causeway, such rent to be paid by equal half-yearly instalments, on the first day of April and on the first day of October in every year. If at any time default is made by the Promoter in payment of such instalments of rent, and such default continues for two weeks after such instalment becomes due, the Promoter shall be liable, without further notice, to a penalty of £5 for every week, or part of a week, such instalment remains unpaid.

20. The tramway and track on the Perth Causeway shall at all times be properly maintained by the Promoter to such an extent as required by the Tramways Act, 1885. This, however, does not include renewing wood decking on the bridge when the deterioration is caused by fair wear and tear.

21. The traffic upon the tramway on the Perth Causeway shall be subject to any by-laws for controlling the said Causeway which now exist or which may at any time hereafter be made by the Minister under the provisions of the Public Works Act, 1902, or any other Act.

22. The Promoter, its lessees and assigns, shall, at the request of the Minister, grant to any tramway company or local authority running powers over the tramway on the said Causeway, on such terms and conditions, including a proportion of the said rent, as may be agreed upon, or, in case of disagreement, as may be settled by arbitration, the arbitrators having due regard to the reasonable requirements of the Victoria Park Tram Service, provided that such requirements do not prejudice the reasonable requirements of other services.

23. The deposit to be paid by the Promoter to the Colonial Treasurer, under section eleven of the Tramways Act, 1885, shall be forfeited unless the works as shown on plans P.W.D., W.A., Nos. 11026, 11027, 11028/3, 11093/2, 11415/5, are duly commenced and completed in accordance with provisions of paragraph two of this Order.

24. Nothing herein contained shall prejudice or affect an Agreement made the tenth day of May, 1904, between the Mayor and Councillors of the Municipality of Victoria Park (hereinbefore referred to as the Promoter) and the Perth Electric Tramway, Limited (hereinbefore referred to as the Company), except so far as the same is contrary to or in conflict with the provisions of the Order or the Tramways Act, 1885.

25. The term "the Promoter," whenever hereinbefore used, shall mean and include the Mayor and Councillors of the Municipality of Victoria Park, its successors and assigns, whenever the context so requires or admits.

SCHEDULE ABOVE REFERRED TO.

1. From Perth City Boundary at the west end of Perth Causeway leading to Victoria Park, across the Causeway, along Albany Road, through the Municipality of Victoria Park to Mint Street.

Given under my hand the 6th day of December, 1904.

W. D. JOHNSON,
Minister for Works.